

HOUSE BILL NO. 234
INTRODUCED BY COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LAW ENFORCEMENT OFFICIALS TO STOP A VEHICLE OPERATED BY A DRIVER UNDER 18 YEARS OF AGE OR CONTAINING OCCUPANTS UNDER 18 YEARS OF AGE FOR FAILURE TO WEAR SEATBELTS; AND AMENDING SECTION 61-13-103, MCA."

WHEREAS, making failure to wear a seatbelt a primary offense for individuals under 18 years of age will enhance the protection of minors as authorized under Article II, section 15, of the Montana Constitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) ~~No~~ A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that ~~he~~ the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle as defined in 61-1-105 or a motor-driven cycle as defined in 61-1-106;

(d) an occupant of a vehicle licensed as special mobile equipment as defined in 61-1-104;

(e) children subject to the provisions of 61-9-420; or

(f) an occupant who makes frequent stops with a motor vehicle in ~~his~~ the occupant's official job duties and who may be exempted by the department.

(3) The department may adopt rules to implement subsection (2)(f).

(4) ~~(a) The~~ Except as provided in subsection (4)(b), the department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that ~~he~~ an occupant of the vehicle has violated another traffic regulation or that ~~his~~ the driver's vehicle is unsafe or not equipped as required by law.

(b) The department or its agent may stop a vehicle being operated in violation of this section if the driver

or an occupant of the vehicle is under 18 years of age AND IS NOT WEARING A PROPERLY ADJUSTED AND FASTENED SEATBELT."

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