

HOUSE BILL NO. 362  
INTRODUCED BY J. ROSS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A SEATBELT VIOLATION IS A PRIMARY OFFENSE AND PROVIDING THAT AN ADULT OCCUPANT OF A MOTOR VEHICLE MAY BE CITED AND CONVICTED OF A SEATBELT VIOLATION; AMENDING SECTIONS 61-13-103 AND 61-13-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

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) 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 has violated another traffic regulation or that his vehicle is unsafe or not equipped as required by law."~~

**Section 2.** Section 61-13-104, MCA, is amended to read:

**"61-13-104. Penalty -- no record permitted.** (1) A driver or an adult occupant who violates 61-13-103 shall be fined \$20, but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or

61-8-711. A violation of 61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license under 61-11-203(3)(m). Bond for this offense is \$20, and a jail sentence may not be imposed.

(2) A violation of 61-13-103 may not be recorded or charged against the driver's record of a person violating 61-13-103.

(3) An insurance company may not hold a violation of 61-13-103 against the insured or increase the insured's premiums due to a violation of 61-13-103."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2003.

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