

SENATE BILL NO. 330  
INTRODUCED BY J. O'NEIL

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE AMOUNT BY WHICH A DRIVER MAY EXCEED THE SPEED LIMIT WITHOUT HAVING THE SPEEDING VIOLATION CHARGED AGAINST THE DRIVER'S RECORD OR RESULT IN AN INCREASE IN INSURANCE PREMIUMS; AND AMENDING SECTION 61-8-725, MCA."

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

**Section 1.** Section 61-8-725, MCA, is amended to read:

**"61-8-725. Penalty for violation of speed limits -- no record for certain violations.** (1) A person violating the speed limit imposed pursuant to 61-8-303 shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
\$ 20	1 - 10 (daytime)
20	1 - 10 (nighttime)
40	11 - 20
70	21 - 30
100	31+

(2) A violation of a speed limit imposed pursuant to 61-8-303 is not a criminal offense within the meaning of 3-1-317, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and, except as provided in subsection (4), may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

- (a) ~~40~~ 15 miles an hour during the daytime; or
- (b) 5 miles an hour during the nighttime.

(3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303.

(4) The recordkeeping restrictions provided in subsection (2) with respect to a person's driving record do not apply to a speed limit violation or conviction that was committed by:

- (a) a Montana resident in another state whose violation or conviction was reported to the department by a court or the licensing authority in the state in which the violation occurred; or

(b) a person who holds a commercial driver's license regardless of whether or not the violation occurred while the person was operating a commercial motor vehicle."

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