

SENATE BILL NO. 184

INTRODUCED BY J. COHENOUR, S. LAVIN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS REGARDING PROOF OF MOTOR
5 VEHICLE LIABILITY INSURANCE; ALLOWING A MOTOR VEHICLE OPERATOR TO DISPLAY AN
6 ELECTRONIC DOCUMENT SHOWING PROOF OF MOTOR VEHICLE LIABILITY INSURANCE; PROVIDING
7 THAT A RESPONSE FROM THE ONLINE MOTOR VEHICLE LIABILITY INSURANCE VERIFICATION SYSTEM
8 SUPERSEDES AN ELECTRONIC DOCUMENT SHOWING PROOF OF MOTOR VEHICLE LIABILITY
9 INSURANCE; AND AMENDING SECTIONS 61-6-302 AND 61-6-309, MCA."

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

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13 **Section 1.** Section 61-6-302, MCA, is amended to read:

14 **"61-6-302. Proof of compliance.** (1) The registration receipt required by 61-3-322 must contain a
15 statement that unless the vehicle is eligible for an exemption under 61-6-303, it is unlawful to operate the vehicle
16 without a valid motor vehicle liability insurance policy, a certificate of self-insurance, or a posted indemnity bond,
17 as required by 61-6-301.

18 (2) (a) Each owner or operator of a motor vehicle shall carry in the motor vehicle as proof of compliance
19 with 61-6-301 either:

20 (i) an insurance card approved by the department but issued by the insurance carrier to the motor vehicle
21 owner as proof of compliance with 61-6-301; or

22 (ii) an electronic device on which an electronic document issued by the insurance carrier showing proof
23 of compliance with 61-6-301 may be displayed.

24 (b) If the card or electronic document is issued under a commercial automobile insurance policy or a
25 self-insured fleet, the card or electronic document must indicate the status as "commercially insured" or "fleet".

26 (c) A motor vehicle owner or operator shall exhibit the insurance card or display the electronic document
27 upon on demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol officer, or
28 a field deputy or inspector of the department.

29 (d) A person commits an offense under this subsection if the person fails to carry in the motor vehicle
30 the insurance card in a motor vehicle or an electronic device on which the electronic document may be displayed

1 or fails to exhibit the insurance card or display the electronic document ~~upon~~ on demand of a person specified
2 in this subsection.

3 (3) In lieu of charging an operator who is not the owner of a vehicle with violating subsection (2), the
4 officer may issue a complaint and notice to appear charging the owner with a violation of 61-6-301 and serve the
5 complaint and notice to appear on the owner of the vehicle:

6 (a) personally; or

7 (b) by certified mail, return receipt requested, at the address for the owner listed on the registration
8 receipt for the vehicle or, following query through available law enforcement systems, at the address maintained
9 for the vehicle's owner by the jurisdiction in which the vehicle is titled and registered, or both.

10 (4) An owner or operator charged with violating subsection (2) may not be convicted if:

11 (a) the arresting officer or another person authorized to access information from the online motor vehicle
12 liability insurance verification system under 61-6-309 submits to the system, when implemented, a request that
13 provides proof of insurance valid at the time of arrest; or

14 (b) if when the system under 61-6-157 is not available, the person produces in court or the office of the
15 arresting officer proof of insurance valid at the time of arrest."

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17 **Section 2.** Section 61-6-309, MCA, is amended to read:

18 **"61-6-309. Law enforcement use of verification system.** (1) Notwithstanding the requirements of
19 61-6-302, a peace officer or authorized employee of a law enforcement agency may, during the course of a traffic
20 stop or accident investigation, access the verification system provided under 61-6-157 to verify whether a motor
21 vehicle is covered by a valid motor vehicle liability policy that meets the requirements of 61-6-103 and 61-6-301.

22 (2) (a) Except as provided in subsection (2)(b), the response received from the system supersedes an
23 insurance card or electronic document showing proof of compliance with 61-6-301 produced or displayed by a
24 vehicle owner or operator, and notwithstanding the display of an insurance card or electronic document by the
25 owner or operator, the peace officer may issue a complaint and notice to appear to the owner or operator for a
26 violation of 61-6-301 or 61-6-302.

27 (b) Subsection (2)(a) does not apply if the vehicle is:

28 (i) covered under a commercial automobile insurance coverage policy;

29 (ii) part of a self-insured fleet as provided in 61-6-143; or

30 (iii) included in an insurance binder, as allowed by 33-15-411, that has not been entered into the system

1 at the time the system is accessed under subsection (1) of this section.

2 (3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that
3 the driver's vehicle is unsafe or not equipped as required by law, a peace officer may not use the verification
4 system to stop a driver for operating a motor vehicle in violation of 61-6-301."

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