

1 SENATE BILL NO. 332

2 INTRODUCED BY D. BROWN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FINES FOR TRAFFIC VIOLATIONS;
5 PROVIDING THAT IF A PEACE OFFICER STOPS A MOTORIST AND DISCOVERS THE MOTORIST HAS
6 UNPAID TRAFFIC FINES THE PEACE OFFICER MAY IMPOUND THE VEHICLE; AND AMENDING SECTION
7 61-8-711, MCA."

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

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11 **Section 1.** Section 61-8-711, MCA, is amended to read:
- 12 **"61-8-711. Violation of chapter -- penalty.** (1) It is a misdemeanor for a person to violate any of the
13 provisions of this chapter unless the violation is declared to be a felony.
- 14 (2) Each person convicted of a misdemeanor for a violation of any of the provisions of this chapter for
15 which another penalty is not provided shall for a first conviction be punished by a fine of not less than \$10 or more
16 than \$100. For a second conviction within 1 year after the first conviction, the person shall be punished by a fine
17 of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first
18 conviction, the person shall be punished by a fine of not less than \$50 or more than \$500.
- 19 (3) Except as provided in ~~subsection (4)~~ subsections (4) and (6), failure to pay a fine imposed under this
20 chapter is a civil contempt of the court. On failure of payment of a fine, the court may:
- 21 (a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the
22 provisions of Title 25, chapter 13; or
- 23 (b) if the court finds that the person is unable to pay, order the person to perform community service.
- 24 (4) If property is not found in an amount necessary to satisfy the unpaid portion of the fine and if the court
25 makes a written finding that community service is inappropriate, the person shall be imprisoned in the county jail
26 in the county in which the offense was committed, and the imprisonment shall be the number of days that the fine
27 is divisible by the dollar amount of the incarceration credit contained in 46-18-403.
- 28 (5) Upon conviction, the court costs or any part of the court costs may be assessed against the
29 defendant in the discretion of the court.
- 30 (6) If a person stopped by a peace officer, as defined in 45-2-101, for a traffic violation under this chapter

1 and the peace officer learns that the person has unpaid fines for violations of this chapter, the peace officer may
2 summarily impound the vehicle operated by the person to a place of safety for a period of time not exceeding 60
3 days and at a fee of no more than \$10 a day until the unpaid fines are paid."

4 - END -