

HOUSE BILL NO. 440

INTRODUCED BY J. KEANE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING OUT-OF-STATE VEHICLES USED FOR COMMERCIAL PURPOSES; INCREASING THE PENALTY FOR FAILING TO REGISTER OUT-OF-STATE VEHICLES USED FOR COMMERCIAL PURPOSES; ALLOCATING FINE AMOUNTS BETWEEN THE SHERIFFS' RETIREMENT FUND AND THE HIGHWAY PATROL OFFICERS' RETIREMENT FUND; AMENDING SECTIONS 19-6-401, 19-7-402, AND 61-3-704, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 19-6-401, MCA, is amended to read:

**"19-6-401. Payments into pension trust fund.** There is a pension trust fund for the payment of benefits under the retirement system. All appropriations made by the state, all contributions by members, in the amount specified, ~~and~~ all interest on and earnings from the investment of money in this pension trust fund, and fines collected and distributed under 61-3-704 and [section 4] must be deposited in the pension trust fund."

**Section 2.** Section 19-7-402, MCA, is amended to read:

**"19-7-402. Sources of money in fund.** The following money must be paid to the board, which shall credit the payments to the pension trust fund:

- (1) all contributions by the various counties as required by this chapter;
- (2) all contributions by members as required by this chapter;
- (3) all interest on and increase of the investments and money under this chapter; ~~and~~
- (4) any supplemental appropriation or revenue from a source or sources approved by the legislature or money received directly from the federal government for funding of law enforcement retirement systems; and
- (5) fines collected and distributed under 61-3-704 and [section 4]."

**Section 3.** Section 61-3-704, MCA, is amended to read:

**"61-3-704. Penalty.** (1) Any person operating a motor vehicle, trailer, semitrailer, or pole trailer in violation of the intent and purpose of 61-3-701 ~~or 61-3-702~~ is guilty of a misdemeanor and upon conviction shall

1 be punished by a fine of ~~not less than \$10 or more than \$50~~ \$300, confined in the county jail for not more than  
2 30 days, or both.

3 (2) Any person operating a vehicle in violation of the intent and purpose of 61-3-702 is guilty of a  
4 misdemeanor and upon conviction shall be punished by a fine of not less than \$10 or more than \$50, confined  
5 in the county jail for not more than 30 days, or both.

6 (3) This section does not apply to a student currently enrolled in any university, college, community  
7 college, or other institution of higher education in Montana."

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9 **NEW SECTION. Section 4. Disposition of fines.** All fines collected under 61-3-704 must be deposited  
10 with the state treasurer for distribution as follows:

- 11 (1) 50% to the sheriffs' retirement system pension fund as provided in 19-7-402; and
- 12 (2) 50% to the highway patrol officers' retirement system pension fund as provided in 19-6-401.

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14 **NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an  
15 integral part of Title 61, chapter 3, part 7, and the provisions of Title 61, chapter 3, part 7, apply to [section 4].

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17 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 2017.

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