

SENATE BILL NO. 238

INTRODUCED BY M. MACDONALD

A BILL FOR AN ACT ENTITLED: "AN ACT DOUBLING THE FINES FOR VIOLATING THE MAXIMUM SPEED LIMIT BY MORE THAN 10 MILES PER HOUR; 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 shall be fined for violating the maximum speed limit in accordance with the following schedules:

(a) for a violation of 61-8-303(1)(a):

Amount of Fine	MPH in Excess of Speed Limit
\$40	1 - 10 (daytime)
40	1 - 10 (nighttime)
<del>70</del> <u>140</u>	11 - 20
<del>120</del> <u>240</u>	21 - 30
<del>200</del> <u>400</u>	31+

(b) for a violation of 61-8-303(1)(b), 61-8-309, or 61-8-312:

Amount of Fine	MPH in Excess of Speed Limit
\$20	1 - 10 (daytime)
20	1 - 10 (nighttime)
<del>70</del> <u>140</u>	11 - 20
<del>120</del> <u>240</u>	21 - 30
<del>200</del> <u>400</u>	31+

(2) (a) 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 (2)(b) or (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

1 exceeded by no more than:

2 (i) 10 miles an hour during the daytime; or

3 (ii) 5 miles an hour during the nighttime.

4 (b) If a driver is guilty of exceeding 90 miles an hour in violation of 61-8-303(1)(a), the violation may be  
5 recorded or charged against a driver's record and an insurance company may hold the violation against an  
6 insured driver's premium.

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

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

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

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

14 (5) This section does not apply to the violation of a special speed zone established under 61-8-309 or  
15 61-8-310."

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