

HOUSE BILL NO. 49

INTRODUCED BY F. GARNER

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE VEHICLE OCCUPANT SAFETY PILOT PROGRAM; ALLOWING ANY DRIVER TO BE STOPPED FOR VIOLATING THE SEATBELT REQUIREMENT; INCREASING THE PENALTY FOR VIOLATING THE SEATBELT REQUIREMENT; CLARIFYING THAT THE SEATBELT EDUCATION PROGRAM IS ADMINISTERED BY THE DEPARTMENT OF TRANSPORTATION; AMENDING SECTIONS 61-13-103, 61-13-104, AND 61-13-105, MCA; AND PROVIDING A TERMINATION DATE."

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

Section 1. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, that the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle or a motor-driven cycle;

(d) an occupant of a vehicle licensed as special mobile equipment; or

(e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may be exempted by the department.

(3) The department may adopt rules to implement subsection (2)(e).

(4) The department or its agent may ~~not require a stop~~ stop any driver who may be in violation of this section ~~to stop except:~~

~~(a) upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law; or~~

1 ~~_____ (b) if a person in the vehicle who is under 6 years of age and weighs less than 60 pounds is not properly~~
 2 ~~restrained under 61-9-420 or this section."~~

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4 **Section 2.** Section 61-13-104, MCA, is amended to read:

5 **"61-13-104. Penalty -- no record permitted.** (1) A driver who violates 61-13-103 shall be fined ~~\$20~~ \$45,
 6 but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711. A violation of
 7 61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license under
 8 61-11-203(2)(m). Bond for this offense is ~~\$20~~ \$45, and a jail sentence may not be imposed.

9 (2) A violation of 61-13-103 may not be recorded or charged against the driver's record of a person
 10 violating 61-13-103.

11 (3) An insurance company may not hold a violation of 61-13-103 against the insured or increase the
 12 insured's premiums due to a violation of 61-13-103.

13 (4) (a) (i) For a first violation of 61-13-103, the department or its agent shall issue a warning informing
 14 the driver that operating a vehicle without each occupant wearing a properly adjusted and fastened seatbelt is
 15 prohibited.

16 (ii) For a second or subsequent violation of 61-13-103, the department or its agent may issue a citation
 17 to the driver.

18 (b) A fine for a violation of 61-13-103 must be waived if the driver:

19 (i) presents proof of completion of a course approved by the department of transportation that includes
 20 the benefits of use of a seatbelt; and

21 (ii) has not had a violation of 61-13-103 previously dismissed."

22

23 **Section 3.** Section 61-13-105, MCA, is amended to read:

24 **"61-13-105. Education program.** ~~The highway traffic safety division of the department of transportation~~
 25 shall continue its program for public information and education concerning the benefits of wearing seatbelts and
 26 include within such program the requirements of 61-13-103 and the penalty specified in 61-13-104."

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28 NEW SECTION. **Section 4. Termination.** [Sections 1 and 2(4)] terminate September 30, 2023.

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