

HOUSE BILL NO. 767

INTRODUCED BY B. HAMLETT

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A BILL FOR AN ACT ENTITLED: "AN ACT FOR PRIMARY ENFORCEMENT OF SEATBELT LAWS; MAKING ADULT PASSENGERS RESPONSIBLE FOR THEMSELVES; REDUCING FINES FOR 10 YEARS; AND AMENDING SECTIONS 46-5-502, 61-13-103, AND 61-13-104, MCA."

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

**Section 1.** Section 46-5-502, MCA, is amended to read:

**"46-5-502. Authority to establish temporary roadblocks.** (1) A law enforcement agency of this state is authorized to establish, within its jurisdiction, temporary roadblocks on the highways of this state to:

(a) apprehend persons known to be wanted for a violation of the laws of this state, of any other state, or of the United States;

(b) except as provided in 7-33-2212, respond to an active emergency; or

(c) respond to or mitigate conditions in areas where a significant number of known causal factors of motor vehicle accidents involving fatalities, injuries, or other serious legal violations are known to have occurred.

(2) During a temporary roadblock, verification of a valid driver's license, vehicle registration, and insurance may be required.

(3) In the course of conducting a roadblock under subsection (1)(c), a law enforcement officer may not issue a ticket, citation, or summons for a secondary offense.

(4) For purposes of this section, the following definitions apply:

(a) "Active emergency" means an incident that threatens public safety, health, or welfare and requires immediate action.

(b) "Secondary offense" means a violation of an offense, ~~including a violation of 61-13-103,~~ for which a law enforcement officer may only issue a ticket, citation, or summons after the driver has already been stopped for a violation of another offense."

**Section 2.** Section 61-13-103, MCA, is amended to read:

**"61-13-103. Seatbelt use required -- exceptions.** (1) (a) A driver may not operate a motor vehicle upon



1 a highway of the state of Montana unless each occupant of a designated seating position who is under 18 years  
 2 of age is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child  
 3 safety restraint.

4 (b) An adult may not ride in a designated seating position of a motor vehicle unless wearing a properly  
 5 adjusted and fastened seatbelt.

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

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

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

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

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

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

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

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

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

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

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23 **Section 3.** Section 61-13-104, MCA, is amended to read:

24 **"61-13-104. Penalty -- no record permitted.** (1) A driver person who violates 61-13-103 ~~shall be fined~~  
 25 ~~\$20, but the violation shall be fined:~~

26 (a) in the year 2020, \$1;

27 (b) in the year 2021, \$2;

28 (c) in the year 2022, \$3;

29 (d) in the year 2023, \$4;

30 (e) in the year 2024, \$5;

