

HOUSE BILL NO. 109

INTRODUCED BY F. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PRIMARY ENFORCEMENT OF SEATBELT LAWS; REQUIRING ADULT PASSENGERS TO BE RESPONSIBLE FOR THEMSELVES; 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."

1

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

3 **"61-13-103. Seatbelt use required -- exceptions.** (1) (a) A driver may not operate a motor vehicle
4 upon a highway of the state of Montana unless each occupant of a designated seating position who is under 18
5 years of age is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained
6 in a child safety restraint.

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

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

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

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

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

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

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

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

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

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

24

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

26 **"61-13-104. Penalty -- no record permitted.** (1) A ~~driver~~ person who violates 61-13-103 shall be
27 fined \$20, but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711. A
28 violation of 61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license

1 under 61-11-203(2)(m). Bond for this offense is \$20, and a jail sentence may not be imposed.

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

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

6 - END -