

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PRIMARY ENFORCEMENT OF SEATBELT
5 LAWS; REQUIRING ADULT PASSENGERS TO BE RESPONSIBLE FOR THEMSELVES; AND AMENDING
6 SECTIONS 46-5-502, 61-13-103, AND 61-13-104, MCA."

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

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

11 **"46-5-502. Authority to establish temporary roadblocks.** (1) A law enforcement agency of this
12 state is authorized to establish, within its jurisdiction, temporary roadblocks on the highways of this state to:

- 13 (a) apprehend persons known to be wanted for a violation of the laws of this state, of any other state,
14 or of the United States;
- 15 (b) except as provided in 7-33-2212, respond to an active emergency; or
- 16 (c) respond to or mitigate conditions in areas where a significant number of known causal factors of
17 motor vehicle accidents involving fatalities, injuries, or other serious legal violations are known to have
18 occurred.

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

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

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

- 24 (a) "Active emergency" means an incident that threatens public safety, health, or welfare and requires
25 immediate action.
- 26 (b) "Secondary offense" means a violation of an offense, ~~including a violation of 61-13-103,~~ for which
27 a law enforcement officer may only issue a ticket, citation, or summons after the driver has already been
28 stopped for a violation of another offense."

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

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

(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 or its agent may not require a 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~~

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

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

"61-13-104. Penalty -- no record permitted. (1) A driver-person who violates 61-13-103 shall be 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 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 -