

SEATBELTS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Seatbelts are, as defined in [section 61-13-102](#), MCA, a system using a lap belt, a shoulder belt, or other belt or combination of belts installed in a motor vehicle to restrain occupants, which system conforms to federal motor vehicle safety standards. As noted by the Council of State Governments collected data, primary seat belt enforcement laws, in which a person can be ticketed solely for not wearing a seat belt, have resulted in an increase in national seat belt usage rates and a corresponding decrease in the number of automobile fatalities. Montana currently has a secondary seatbelt law that covers motor vehicle occupants age 6 and over in all seats, with a maximum fine of \$20 for the first offense.

Legislative Services Division Materials: Current Montana law, under [section 61-13-103](#), states that 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 [section 61-9-420](#) applies, is properly restrained in a child safety restraint (*See* further provisions and exceptions listed under [section 61-13-103](#)). The penalty for a driver who violates Montana's seatbelt law is a fine of \$20 (*see* [section 61-13-104](#) for further information).

Other Materials:

[Traffic Safety Review: Seat Belts and Child Passenger Safety](#) - NSCL

[Occupant Protection: Safety \(Seat\) Belts and Child Passengers](#) – NSCL

[Safety Belt Use Rates from 2001 to 2013 Comparison](#) – NSCL

Introduced Legislation

2019

[House Bill No. 767](#) – (H) Died in Process -- 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.

[Senate Bill No. 350](#) – (S) Died in Standing Committee -- AN ACT ENCOURAGING SCHOOL DISTRICTS TO PURCHASE AND OPERATE SCHOOL BUSES WITH LAP-SHOULDER BELTS; LIMITING LIABILITY UNDER CERTAIN CIRCUMSTANCES; CLARIFYING BID LETTING REQUIREMENTS IN RELATION TO LAP-SHOULDER BELTS AND SCHOOL TRANSPORTATION CONTRACTS; DECREASING CERTAIN REGISTRATION FEES FOR SCHOOL BUSES EQUIPPED WITH LAP-SHOULDER BELTS; AMENDING SECTIONS 20-10-125 AND 61-3-529, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

2017

[House Bill No. 580](#) – (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATING TO THE USE OF SEATBELTS AND CHILD SAFETY RESTRAINTS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; ESTABLISHING FOR PERSONS UNDER 18 YEARS OF AGE ONLY A PRIMARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; REVISING AND ESTABLISHING PENALTIES FOR RESTRAINT VIOLATIONS ONLY FOR INDIVIDUALS UNDER 18 YEARS OF AGE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 61-5-106, 61-5-133, 61-8-723, 61-13-101, 61-13-102, 61-13-103, 61-13-104, AND 61-13-105, MCA; REPEALING SECTIONS 61-9-419, 61-9-420, 61-9-421, 61-9-422, AND 61-9-423, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 9](#) – (S) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO THE USE OF SEATBELTS AND CHILD SAFETY RESTRAINTS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; AMENDING SECTIONS 61-5-106, 61-5-133, 61-13-101, 61-13-102, 61-13-103, 61-13-104, AND 61-13-105, MCA; AND REPEALING SECTIONS 61-9-419, 61-9-420, 61-9-421, 61-9-422, AND 61-9-423, MCA.

[Senate Bill No. 259](#) – (S) Died in Standing Committee -- AN ACT REPEALING THE INADMISSIBILITY OF EVIDENCE OF SEATBELT USE AND AUTHORIZING THE COURT OF COMPETENT JURISDICTION TO DETERMINE THE ADMISSIBILITY OF EVIDENCE OF SEATBELT USE; AND REPEALING SECTION 61-13-106, MCA.

[Senate Bill No. 290](#) – (S) Died in Standing Committee -- AN ACT REQUIRING A NEW SCHOOL BUS THAT IS PURCHASED ON OR AFTER JANUARY 1, 2019, TO HAVE SEATBELTS; AND AMENDING SECTION 61-9-421, MCA.

2015

[Senate Bill No. 165](#) – (S) Missed Deadline for Revenue Bill Transmittal – AN ACT INCREASING THE PENALTY FOR FAILURE TO COMPLY WITH MONTANA'S SEATBELT AND CHILD SAFETY RESTRAINT LAWS; AND AMENDING SECTION 61-13-104, MCA.

[Senate Bill No. 231](#) – (S) Missed Deadline for General Bill Transmittal -- AN ACT PROVIDING THAT EVIDENCE OF SEAT BELT USE IS ADMISSIBLE AS EVIDENCE IN CIVIL ACTIONS FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE EXCEPT WHEN THE WRONGFUL DEATH, PERSONAL INJURY OR PROPERTY DAMAGE OCCURRED AS A RESULT OF A DRIVER IMPAIRED BY AN INTOXICATING SUBSTANCE; AND AMENDING SECTION 61-13-106, MCA.

[Senate Bill No. 291](#) – (S) Missed Deadline for Revenue Bill Transmittal -- AN ACT REVISING LAWS RELATING TO THE USE OF SEATBELTS AND CHILD SAFETY RESTRAINTS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; ESTABLISHING FOR PERSONS UNDER 18 YEARS OF AGE ONLY A PRIMARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; REVISING AND ESTABLISHING PENALTIES FOR RESTRAINT VIOLATIONS ONLY FOR INDIVIDUALS UNDER 18 YEARS OF AGE; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 61-5-106, 61-5-133, 61-8-723, 61-13-101, 61-13-102, 61-13-103, 61-13-104, AND 61-13-105, MCA; REPEALING SECTIONS 61-9-419, 61-9-420, 61-9-421, 61-9-422, AND 61-9-423, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2013

[Senate Bill No. 186](#) – (S) Died in Standing Committee -- AN ACT REVISING LAWS RELATING TO THE USE OF SEATBELTS AND CHILD SAFETY RESTRAINTS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; AMENDING SECTIONS 61-5-106, 61-5-133, 61-13-101, 61-13-102, 61-13-103, 61-13-104, AND 61-13-105, MCA; REPEALING SECTIONS 61-9-419, 61-9-420, 61-9-421, 61-9-422, AND 61-9-423, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2011

[Senate Bill No. 82](#) – (S) Died in Standing Committee – AN ACT REVISING LAWS RELATING TO THE USE OF SEATBELTS AND CHILD SAFETY RESTRAINTS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; AMENDING SECTIONS 61-5-106, 61-5-133, 61-13-101, 61-13-102, 61-13-103, AND 61-13-105, MCA; REPEALING SECTIONS 61-9-419, 61-9-420, 61-9-421, 61-9-422, AND 61-9-423, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 235](#) – (S) Died in Standing Committee -- AN ACT PROVIDING THAT EVIDENCE OF SEAT BELT USE OR FAILURE TO USE A SEAT BELT IS ADMISSIBLE AS EVIDENCE IN CIVIL ACTIONS FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE RESULTING FROM THE USE OR OPERATION OF A MOTOR VEHICLE; AND AMENDING SECTION 61-13-106, MCA.

[Senate Bill No. 319](#) – Chapter Number Assigned -- AN ACT REVISING CHILD SAFETY RESTRAINT STANDARDS; WAIVING THE FINE FOR VIOLATION OF THE CHILD RESTRAINT REQUIREMENT UNDER CERTAIN CONDITIONS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR CERTAIN RESTRAINT VIOLATIONS; AMENDING SECTIONS 61-9-420, 61-9-423, AND 61-13-103, MCA; AND PROVIDING AN EFFECTIVE DATE.

2009

[House Bill No. 456](#) – (H) Died in Standing Committee -- AN ACT REQUIRING NEW SCHOOL BUSES THAT ARE PURCHASED ON OR AFTER JANUARY 1, 2011, TO HAVE SEATBELTS; AMENDING SECTION 61-9-421, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[House Bill No. 510](#) – (H) Died in Standing Committee -- AN ACT GENERALLY REVISING THE CHILD SAFETY RESTRAINT SYSTEM STANDARDS; REQUIRING A CHILD IN A MOTOR VEHICLE TO BE PROPERLY RESTRAINED; AUTHORIZING LAW ENFORCEMENT OFFICIALS TO STOP A VEHICLE OPERATED BY A DRIVER UNDER 18 YEARS OF AGE OR CONTAINING OCCUPANTS UNDER 18 YEARS OF AGE FOR FAILURE TO WEAR SEATBELTS OR TO BE RESTRAINED IN A CHILD SAFETY RESTRAINT SYSTEM AS APPLICABLE; AND AMENDING SECTIONS 61-5-106, 61-9-419, 61-9-420, AND 61-13-103, MCA.

[Senate Bill No. 237](#) – (S) Died in Process -- AN ACT REVISING LAWS RELATING TO THE USE OF SEATBELTS AND CHILD SAFETY RESTRAINTS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR RESTRAINT VIOLATIONS; AMENDING SECTIONS 61-5-106, 61-5-133, 61-13-101, 61-13-102, 61-13-103, AND

61-13-105, MCA; REPEALING SECTIONS 61-9-419, 61-9-420, 61-9-421, 61-9-422, AND 61-9-423, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 468](#) – (H) Died in Standing Committee -- AN ACT PROVIDING THAT EVIDENCE OF SEAT BELT USE OR FAILURE TO USE A SEAT BELT IS ADMISSIBLE AS EVIDENCE IN CIVIL ACTIONS FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE RESULTING FROM THE USE OR OPERATION OF A MOTOR VEHICLE; AND AMENDING SECTION 61-13-106, MCA.

Prepared By:

Laura Sherley, Research Staff

Office of Research and Policy Analysis

Nov. 26, 2019