

1 SENATE BILL NO. 6

2 INTRODUCED BY E. BUTTREY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A VEHICLE OPERATOR WHO DOES NOT PROVIDE
5 PROOF OF MOTOR VEHICLE LIABILITY INSURANCE OR AN INDEMNITY BOND TO SURRENDER THE
6 LICENSE PLATES UNDER CERTAIN CONDITIONS; PROVIDING FOR THE RETURN OF THE LICENSE
7 PLATES; AND AMENDING SECTION 61-6-302, MCA."

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

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11 **Section 1.** Section 61-6-302, MCA, is amended to read:

12 **"61-6-302. Proof of compliance.** (1) The registration receipt required by 61-3-322 must contain a
13 statement that unless the vehicle is eligible for an exemption under 61-6-303, it is unlawful to operate the vehicle
14 without a valid motor vehicle liability insurance policy, a certificate of self-insurance, or a posted indemnity bond,
15 as required by 61-6-301.

16 (2) Each owner or operator of a motor vehicle shall carry in the motor vehicle an insurance card
17 approved by the department but issued by the insurance carrier to the motor vehicle owner as proof of
18 compliance with 61-6-301. A motor vehicle operator who posts an indemnity bond shall carry proof that a bond
19 has been posted with the department. If ~~the~~ an insurance card is issued under a commercial automobile
20 insurance policy or a self-insured fleet, the card must indicate the status as "commercially insured" or "fleet". A
21 motor vehicle owner or operator shall exhibit the insurance card or proof of the bond upon demand of a justice
22 of the peace, a city or municipal judge, a peace officer, a highway patrol officer, or a field deputy or inspector of
23 the department. A person commits an offense under this subsection if the person fails to carry the insurance card
24 or proof of the bond in a motor vehicle or fails to exhibit the insurance card or proof of the bond upon demand
25 of a person specified in this subsection.

26 (3) In lieu of charging an operator who is not the owner of a vehicle with violating subsection (2), the
27 officer may issue a complaint and notice to appear charging the owner with a violation of 61-6-301 and serve the
28 complaint and notice to appear on the owner of the vehicle:

29 (a) personally; or

30 (b) by certified mail, return receipt requested, at the address for the owner listed on the registration

1 receipt for the vehicle or, following query through available law enforcement systems, at the address maintained
2 for the vehicle's owner by the jurisdiction in which the vehicle is titled and registered, or both.

3 (4) An owner or operator charged with violating subsection (2) may not be convicted if:

4 (a) the arresting officer or another person authorized to access information from the online motor vehicle
5 liability insurance verification system under 61-6-309 submits to the system, ~~when implemented,~~ a request that
6 provides proof of insurance valid at the time of arrest; or

7 (b) ~~if the system under 61-6-157 is not available,~~ the person produces in court or the office of the
8 arresting officer proof of insurance valid at the time of arrest.

9 (5) (a) An arresting officer shall require the operator of a motor vehicle to surrender the motor vehicle's
10 license plates and charge the operator with a violation of 61-6-301 if:

11 (i) the arresting officer finds that the operator of a motor vehicle is not carrying proof of insurance or proof
12 of an indemnity bond as required in subsection (2); and

13 (ii) the officer or another person authorized to access information from the online motor vehicle liability
14 insurance verification system under 61-6-309 submits to the system a request that provides proof of a violation
15 of 61-6-301.

16 (b) The operator of a motor vehicle may not be required to surrender the motor vehicle's license plates
17 and may not be charged with a violation of 61-6-301 if a request to the online motor vehicle liability insurance
18 verification system provides proof of insurance valid at the time of arrest.

19 (6) The license plates of an operator convicted of:

20 (a) a first offense under 61-6-301 or this section must be returned upon payment of all fines pursuant
21 to 61-6-304 and proof of compliance with 61-6-301 provided in court;

22 (b) a second or subsequent offense under 61-6-301 or this section must be returned pursuant to
23 61-6-304."

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