

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA- MCA 61-13-101

Senate Bill Number 141

Legislative Action:

Introduced by: Senator Seldon Warner

House Committee: _____

Authored by: Senator Seldon Warner

House: _____

Senate Committee: _____

Delegation: Miles City

Senate: _____

Governor: _____

Referred to Committee: Senate Natural Resources & Transportation Committee

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND MCA 61-13-101 – FAILURE TO
2 WEAR A SEAT BELT WILL BE A PRIMARY OFFENSE"

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4 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

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6 **Section 1: Short title.** "Montana Seatbelt Use Act".

7 **Section 2: Definitions.** As used in this part, the following definitions apply:

8 (1) "Department" means the department of justice.

9 (2) "Highway" means the entire width between the boundary lines of each publicly
10 maintained way when any part thereof is open to public use for vehicular travel.

11 (3) "Motor vehicle" means a vehicle propelled by its own power and designed primarily to
12 transport persons or property upon the highways of the state.

13 (4) "Occupants" means the driver and passengers in a motor vehicle.

14 (5) "Seatbelt" means a system using a lap belt, a shoulder belt, or other belt or combination of
15 belts installed in a motor vehicle to restrain occupants, which system conforms to federal motor
16 vehicle safety standards.

17 **Section 3: Seatbelt use required -- exceptions.** (1) A driver may not operate a motor vehicle
18 upon a highway of the state of Montana unless each occupant of a designated seating position is
19 wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in
20 a child safety restraint.

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

22 (a) an occupant of a motor vehicle who possesses a written statement from a licensed
23 physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-
24 102, that the occupant is unable to wear a seatbelt for medical reasons;

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

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

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

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

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

31 ~~(4) The department or its agent may not require a driver who may be in violation of this~~
32 ~~section to stop except upon reasonable cause to believe that the driver has violated another traffic~~
33 ~~regulation or that the driver's vehicle is unsafe or not equipped as required by law.~~

34 **Section 4:** This bill shall go into effect immediately upon passage.

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