

1 SENATE BILL NO. 108
2 INTRODUCED BY B. USHER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROOF OF MOTOR VEHICLE
5 INSURANCE; ELIMINATING THE REQUIREMENT FOR CARRYING PROOF OF INSURANCE; **AND**
6 AMENDING SECTIONS 61-6-105, 61-6-123, 61-6-142, 61-6-157, 61-6-302, 61-6-304, AND 61-6-309, MCA;
7 **AND ADDING AN IMMEDIATE EFFECTIVE DATE.**"

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9 WHEREAS, peace officers can access the motor vehicle insurance verification system to verify
10 compliance with motor vehicle liability policy requirements, making it unnecessary for drivers to carry proof of
11 insurance as currently required in section 61-6-302, MCA.

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

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15 **Section 1.** Section 61-6-105, MCA, is amended to read:

16 **"61-6-105. Department to administer law and make rules.** (1) The department shall administer and
17 enforce the provisions of this part and may make rules necessary for the administration of the system.

18 (2) The rules must:

19 (a) establish standards and procedures for accessing the system by authorized personnel of the
20 department, the courts, law enforcement personnel, and any other entities authorized by the department that
21 are consistent with specifications and standards of the insurance industry committee on motor vehicle
22 administration and other applicable industry standards;

23 (b) determine a schedule for the implementation of the system, subject to the testing requirements
24 in 61-6-157;

25 (c) provide for the suspension of a vehicle's registration when:

26 (i) a person fails to respond to a written inquiry from the department or its designee concerning
27 the insurance status of a vehicle;

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor, and Economic Affairs

68th Legislature

Drafter: Erin Sullivan, 406-444-3594

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Section 7. Section 61-6-309, MCA, is amended to read:

"61-6-309. Law enforcement use of verification system. (1) ~~Notwithstanding the requirements of 61-6-302, a~~ A peace officer or authorized employee of a law enforcement agency may, during the course of a traffic stop or accident investigation, access the verification system provided under 61-6-157 to verify whether a motor vehicle is covered by a valid motor vehicle liability policy that meets the requirements of 61-6-103 and 61-6-301.

(2) (a) Except as provided in subsection (2)(b), the response received from the system supersedes an insurance card or electronic document showing proof of compliance with 61-6-301 produced or displayed by a vehicle owner or operator, and notwithstanding the display of an insurance card or electronic document by the owner or operator, the peace officer may issue a complaint and notice to appear to the owner or operator for a violation of 61-6-301 ~~or 61-6-302.~~

(b) Subsection (2)(a) does not apply if the vehicle is:

- (i) covered under a commercial automobile insurance coverage policy;
- (ii) part of a self-insured fleet as provided in 61-6-143; or
- (iii) included in an insurance binder, as allowed by 33-15-411, that has not been entered into the system at the time the system is accessed under subsection (1) of this section.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law, a peace officer may not use the verification system to stop a driver for operating a motor vehicle in violation of 61-6-301."

NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval.

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