

1 SENATE BILL NO. 68

2 INTRODUCED BY L. JENT

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING A DRIVER'S DUTY TO REMAIN AT THE SCENE OF
 6 AN ACCIDENT OR COLLISION INVOLVING DEATH, PERSONAL INJURY, OR DAMAGE TO A VEHICLE;
 7 CLARIFYING THE DRIVER'S DUTY TO PROVIDE CERTAIN INFORMATION AND RENDER AID; CLARIFYING
 8 THE PENALTIES FOR CERTAIN VIOLATIONS INVOLVING THE INJURY, SERIOUS BODILY INJURY, OR
 9 DEATH OF A PERSON OR THE STRIKING OF THE BODY OF A DECEASED PERSON; AMENDING
 10 SECTIONS 61-5-405, 61-7-101, 61-7-103, 61-7-105, 61-7-108, AND 61-7-118, MCA; AND REPEALING
 11 SECTION 61-7-104, MCA."

12

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

14

15 **Section 1.** Section 61-5-405, MCA, is amended to read:

16 **"61-5-405. Offenses furnishing ground for suspension or revocation of license -- return to**
 17 **licensing jurisdiction of abstracts of court records and reports of conviction.** (1) Items enumerated in Article
 18 IV(1), subsections (a), (b), (c), and (d), of 61-5-401 refer specifically to 45-5-103, 45-5-104, 61-8-401, the
 19 definition of felony as provided in 45-2-101, and ~~61-7-103~~ 61-7-105, respectively.

20 (2) In addition to convictions mentioned in subsection (1), the department, for the purpose of suspension,
 21 revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct
 22 reported as it would if the conduct had occurred in this state for:

23 (a) convictions of perjury or the making of a false affidavit relating to the ownership or operation of a
 24 motor vehicle (61-5-303);

25 (b) three convictions of reckless driving committed within a period of 12 months (61-8-301); or

26 (c) convictions of careless driving resulting in death or reckless driving resulting in death.

27 (3) Court abstracts or reports of conviction received by the department that name an individual licensed
 28 in another jurisdiction must be forwarded to the jurisdiction of licensure. The department may not take action
 29 against the driver's license or driving privilege of the individual as may be required elsewhere in this title."

30

1 **Section 2.** Section 61-7-101, MCA, is amended to read:

2 **"61-7-101. Short title -- definition.** (1) This part will be cited as the "Uniform Accident Reporting Act".

3 (2) As used in this part, "accident" means any event in which a vehicle collides with any object, person,
4 deceased person, or animal or any event in which a person is injured or killed or property damage is caused as
5 a result of at least one vehicle's movement."

6

7 **Section 3.** Section 61-7-103, MCA, is amended to read:

8 **"61-7-103. Accidents involving death or personal injuries another person or deceased person.**

9 (4) The driver of any vehicle who knows or reasonably should have known that the driver has been involved in
10 an accident resulting in injury to or death of any person with another person or a deceased person shall
11 immediately stop the vehicle at the scene of the accident or as close to the accident as possible but shall then
12 return to and in every event remain at the scene of the accident until the driver has fulfilled the requirements of
13 61-7-105. Each stop at the scene of the accident must be made without obstructing traffic more than is necessary.

14 (2) (a) ~~Except as provided in subsection (2)(b), a driver failing to stop or to comply with the requirements~~
15 ~~of subsection (1) shall upon conviction be punished by imprisonment for a term of not less than 30 days or more~~
16 ~~than 1 year, by a fine of not less than \$100 or more than \$5,000, or by both fine and imprisonment.~~

17 ~~(b) If the accident resulted in serious bodily injury or death of any person, a driver failing to stop or to~~
18 ~~comply with the requirements of subsection (1) shall upon conviction be punished by imprisonment in the state~~
19 ~~prison for a term of not less than 1 year or more than 10 years, by a fine in an amount not to exceed \$50,000,~~
20 ~~or by both fine and imprisonment.~~

21 ~~(3) The department shall revoke the license or permit to drive of any resident and any nonresident~~
22 ~~operating privilege of a person convicted of violating this section for the period prescribed in 61-5-205."~~

23

24 **Section 4.** Section 61-7-105, MCA, is amended to read:

25 **"61-7-105. Duty to give information and render aid.** (1) The driver of any vehicle ~~involved in an~~
26 ~~accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any~~
27 ~~person~~ required to stop pursuant to 61-7-103 shall:

28 (a) give the driver's name, address, and the registration number of the vehicle the driver is driving and
29 shall upon request and if available show a driver's license to the person struck or the driver or occupant of or
30 person attending any vehicle collided with. ~~The driver shall;~~

1 **(b)** render to any person injured in the accident reasonable assistance, including the transporting or the
 2 making of arrangements for the transporting of the person to a physician, surgeon, or hospital for medical or
 3 surgical treatment if it is apparent that the treatment is necessary or if transportation is requested by the injured
 4 person; and

5 **(c)** if any person in the accident is injured, deceased, or otherwise incapacitated or if notice is required
 6 pursuant to 61-7-108, remain at the scene of the accident until an on-duty peace officer with authority to
 7 investigate the accident gives the driver express permission to leave. This subsection (1)(c) does not apply when
 8 the driver reasonably believes it is necessary to leave the scene in order to seek emergency medical care for any
 9 person involved in the accident or to give notice to authorities pursuant to 61-7-108.

10 **(2)** A driver may not delegate to another the duties imposed under this section."
 11

12 **Section 5.** Section 61-7-108, MCA, is amended to read:

13 **"61-7-108. Immediate notice of accidents.** The driver of a vehicle who knows or reasonably should
 14 have known that the driver has been involved in an accident resulting in injury to or death of any person, striking
 15 the body of a deceased person, or property damage to an apparent extent of \$500 or more shall immediately by
 16 the quickest means of communication give notice of the accident to the local police department if the accident
 17 occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the highway
 18 patrol."
 19

20 **Section 6.** Section 61-7-118, MCA, is amended to read:

21 **"61-7-118. Penalty for violation.** (1) ~~A~~ Except as provided in subsection SUBSECTIONS (2) AND (3), a
 22 person violating any provision of ~~61-7-104~~ 61-7-103, 61-7-105 through 61-7-110, or 61-7-112 through 61-7-114
 23 is guilty of a misdemeanor. Upon a first conviction, the offender shall be punished by a fine of not less than \$200
 24 or more than \$300 or by imprisonment for not more than 20 days. For a second conviction within 1 year of the
 25 first conviction, the offender shall be punished by a fine of not less than \$300 or more than \$400, by imprisonment
 26 for not more than 30 days, or both. Upon a third or subsequent conviction within 1 year of the first conviction, an
 27 offender shall be punished by a fine of not less than \$400 or more than \$500, by imprisonment for not more than
 28 6 months, or both.

29 **(2)** A driver failing to comply with any provisions of 61-7-103; OR 61-7-105; or ~~61-7-108~~ in an accident
 30 resulting in injury to any person shall upon conviction be punished by imprisonment for a term of not less than

1 30 days or more than 1 year, by a fine of not less than \$100 or more than \$5,000, or by both fine and
2 imprisonment.

3 (3) A driver failing to comply with any provision of 61-7-103; OR 61-7-105; or 61-7-108 in an accident
4 resulting in serious bodily injury, as defined in 45-2-101, or death of any person or resulting in the driver striking
5 the body of a deceased person shall upon conviction be punished by imprisonment in the state prison for a term
6 of not less than 1 year or more than 10 years, by a fine in an amount not to exceed \$50,000, or by both fine and
7 imprisonment. Upon conviction, the department shall also revoke the driver's license, permit to drive, or any
8 nonresident operating privilege for the period prescribed in 61-5-205.

9 ~~(2)~~(4) Subject to the limitations of 46-18-231(3), an offender who fails to pay a fine shall be imprisoned
10 in the county jail in the county in which the offense was committed, and the punishment must be commuted at
11 the rate of 1 day's incarceration for each \$75 of the fine."

12
13 NEW SECTION. Section 7. Repealer. The following section of the Montana Code Annotated is
14 repealed:

15 61-7-104. Accident involving damage to vehicle.

16 - END -