

VOLUME NO. 41

OPINION NO. 54

HIGHWAYS - Accident reports;
JURISDICTION - Accident reports;
PEACE OFFICERS - Accident reports;
POLICE - Accident reports;
SHERIFFS - Accident reports;
TRAFFIC - Accident reports;
MONTANA CODE ANNOTATED - Title 61, chapter 7, part 1;
sections 61-7-102, 61-8-101.

HELD: The provisions of the Uniform Accident Reporting Act, Tit. 61, ch. 7, pt. 1, MCA, apply upon highways and elsewhere throughout the state, and the application of the Act is unaffected by section 61-8-101, MCA.

18 March 1986

Robert M. McCarthy
Butte-Silver Bow County Attorney
Butte-Silver Bow County Courthouse
Butte MT 59701

Dear Mr. McCarthy:

I am writing in response to your request for an opinion regarding:

Whether the provisions of the Uniform Accident Reporting Act, §§ 61-7-101 to 118, MCA, apply "upon highways and elsewhere throughout the state" as provided in section 61-7-102, MCA, or only upon "ways of this state open to the public" as provided in section 61-8-101, MCA.

The Uniform Accident Reporting Act, Tit. 61, ch. 7, pt. 1, MCA, requires the reporting of accidents, establishes a duty to give information and render aid, and provides a penalty for failure to do so. Section 61-7-102, MCA, states: "The provisions of this part [the Uniform Accident Reporting Act] shall apply upon highways and elsewhere throughout the state." (Emphasis added.)

Section 61-8-101, MCA, concerns the application of Title 61, chapter 8, the statutes on traffic regulation, and provides in part:

(1) As used in this chapter, "ways of this state open to the public" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public travel that is in common use by the public. [Emphasis added.]

By its very definition, the use of the term "ways of this state open to the public" is limited to Title 61, chapter 8, MCA.

Where the language of a statute is plain, unambiguous, direct and certain, the statute speaks for itself and there is nothing left to construe. Dunphy v. Anaconda Co., 151 Mont. 76, 438 P.2d 660 (1968). Section 61-7-102, MCA, expressly applies to the Uniform Accident Reporting Act, Tit. 61, ch. 7, pt. 1, MCA. Section

61-8-101, MCA, expressly applies only to Title 61, chapter 8, MCA.

Thus, a driver who commits an offense set forth in the Uniform Accident Reporting Act, Tit. 61, ch. 7, pt. 1, MCA, may be cited for the offense as long as it occurs upon a highway or "elsewhere throughout the state," and the application of the Uniform Accident Reporting Act is unaffected by section 61-8-101, MCA.

THEREFORE, IT IS MY OPINION:

The provisions of the Uniform Accident Reporting Act, Tit. 61, ch. 7, pt. 1, MCA, apply upon highways and elsewhere throughout the state, and the application of the Act is unaffected by section 61-8-101, MCA.

Very truly yours,

MIKE GREELY
Attorney General