

CHAPTER NO. 503.

HOUSE BILL NO. 713

INTRODUCED BY KESSLER, BAETH, TEAGUE, O'CONNELL

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Judiciary.
February 16, 1979	Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 13, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 15, 1979	Motion pass consideration.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 20, 1979	Returned from second house. Concurred in as amended.
March 21, 1979	On motion, consideration passed until the 71st Legislative Day.

March 30, 1979

Second reading, amendments
adopted.

March 31, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *713*
 2 INTRODUCED BY *Kerlin Baeth Tague O'Connell*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT ANY RECORD
 5 OF INVOLVEMENT IN A TRAFFIC ACCIDENT FROM BEING ENTERED ON
 6 OR RELEASED AS PART OF A PERSON'S DRIVING RECORD BY THE
 7 DIVISION OF MOTOR VEHICLES UNLESS THE PERSON WAS CONVICTED
 8 OF A TRAFFIC VIOLATION RELATING TO THE ACCIDENT; AMENDING
 9 SECTION 61-11-102, MCA."

10

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

12 Section 1. Section 61-11-102, MCA, is amended to read:

13 "61-11-102. Records to be kept by the division. (1)
 14 The division shall file every application for a driver's
 15 license received by it and shall maintain suitable indexes
 16 containing, in alphabetical order:

17 (a) all applications denied and on each thereof note
 18 the reasons for such denial;

19 (b) all applications granted; and

20 (c) the name of every licensee whose license has been
 21 suspended or revoked by the division and after each such
 22 name note the reasons for such action.

23 (2) The division shall also file all accident reports
 24 and abstracts of court records of convictions received by it
 25 under the laws of this state and in connection therewith

1 maintain convenient records or make suitable notations in
 2 order that an individual record of each licensee showing the
 3 convictions of such licensee and the certain traffic
 4 accidents in which he has been involved shall be readily
 5 ascertainable and available for the consideration of the
 6 division upon any application for renewal of license and at
 7 other suitable times. No record of involvement in a traffic
 8 accident may be entered on a licensee's record unless he was
 9 convicted, as defined in 61-11-203, for an act involved in
 10 the accident.

11 (3) The division is further authorized, upon receiving
 12 a record of the conviction in this state of a nonresident
 13 driver of a motor vehicle of any offense under the motor
 14 vehicle laws of this state, to forward a certified copy of
 15 such record to the motor vehicle administrator in the state
 16 wherein the person so convicted is a resident."

17 NEW SECTION. Section 2. Restriction on release of
 18 driving record. Any notation of a traffic accident on a
 19 person's driving record must be stricken before the record
 20 may be released, except for internal use by the division,
 21 unless the person has been convicted, as defined in
 22 61-11-203, for any act involved in the accident.

23 Section 3. Codification. (1) Section 2 is intended to
 24 be codified as an integral part of Title 61, chapter 11,
 25 part 1, and the provisions contained in Title 61, chapter

1 11, part 1, apply to section 2.
2 (2) If section 2 is not codified in Title 61, chapter
3 11, part 1, the code commissioner shall add to the MCA, if
4 necessary, statutory language to convey the intent of this
5 section.

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 713

INTRODUCED BY KESSLER, BAETH, TEAGUE, O'CONNELL

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT ANY RECORD OF INVOLVEMENT IN A TRAFFIC ACCIDENT FROM BEING ENTERED ON OR RELEASED AS PART OF A PERSON'S DRIVING RECORD BY THE DIVISION OF MOTOR VEHICLES UNLESS THE PERSON WAS CONVICTED OF A TRAFFIC VIOLATION RELATING TO THE ACCIDENT; AMENDING SECTION 61-11-102, MCA."

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

Section 1. Section 61-11-102, MCA, is amended to read:

"61-11-102. Records to be kept by the division. (1)

The division shall file every application for a driver's license received by it and shall maintain suitable indexes containing, in alphabetical order:

(a) all applications denied and on each thereof note the reasons for such denial;

(b) all applications granted; and

(c) the name of every licensee whose license has been suspended or revoked by the division and after each such name note the reasons for such action.

(2) The division shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith

maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the certain traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the division upon any application for renewal of license and at other suitable times. No record of involvement in a traffic accident may be entered on a licensee's record unless he was convicted, as defined in 61-11-203, for an act involved in the accident.

(3) The division is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident."

~~NEW SECTION--Section 2--Restriction on release of driving records--Any notation of a traffic accident on a person's driving record must be stricken before the record may be released, except for internet use by the division unless the person has been convicted, as defined in 61-11-203, for any act involved in the accident.~~

~~Section 3--Codification--(1) Section 2 is intended to be codified as an integral part of Title 61, chapter 11, part 1, and the provisions contained in Title 61, chapter~~

1 ~~part iv apply to section 2~~
2 ~~(2) if section 2 is not codified in title 6 iv chapter~~
3 ~~part iv the code commissioner shall add to the MEA if~~
4 ~~necessary statutory language to convey the intent of this~~
5 ~~sections~~

-End-

HOUSE BILL NO. 713

INTRODUCED BY KESSLER, BAETH, TEAGUE, O'CONNELL

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT ANY RECORD OF INVOLVEMENT IN A TRAFFIC ACCIDENT FROM BEING ENTERED ON OR RELEASED AS PART OF A PERSON'S DRIVING RECORD BY THE DIVISION OF MOTOR VEHICLES UNLESS THE PERSON WAS CONVICTED OF A TRAFFIC VIOLATION RELATING TO THE ACCIDENT; AMENDING SECTION 61-11-102, MCA."

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

Section 1. Section 61-11-102, MCA, is amended to read:

"61-11-102. Records to be kept by the division. (1)

The division shall file every application for a driver's license received by it and shall maintain suitable indexes containing, in alphabetical order:

(a) all applications denied and on each thereof note the reasons for such denial;

(b) all applications granted; and

(c) the name of every licensee whose license has been suspended or revoked by the division and after each such name note the reasons for such action.

(2) The division shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith

maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the certain traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the division upon any application for renewal of license and at other suitable times. ~~No record of involvement in a traffic accident may be entered on a licensee's record unless he was convicted, as defined in 61-11-203, for an act involved in the accident.~~

(3) The division is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident."

~~NEW SECTION. Section 2. Restriction on release of driving records. Any notation of a traffic accident on a person's driving record must be stricken before the record may be released, except for internet use by the division, unless the person has been convicted, as defined in 61-11-203, for any act involved in the accident.~~

~~Section 3. Modification. (1) Section 2 is intended to be codified as an integral part of Title 61, chapter 11, part 1, and the provisions contained in Title 61, chapter~~

1 ~~11v-part-1v-apply-to-section-2v~~
2 ~~{2}--If--section-2-is-not-codified-in-Title-61v-chapter~~
3 ~~11v-part-1v-the-code-commissioner-shall-add-to-the--MCA1--if~~
4 ~~necessary--statutory--language-to-convey-the-intent-of-this~~
5 ~~sections~~

-End-

1 HOUSE BILL NO. 713

2 INTRODUCED BY KESSLER, BAETH, TEAGUE, O'CONNELL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT ANY RECORD
5 OF INVOLVEMENT IN A TRAFFIC ACCIDENT FROM BEING ENTERED ON
6 ~~OR RELEASED AS PART OF~~ A PERSON'S DRIVING RECORD BY THE
7 DIVISION OF MOTOR VEHICLES UNLESS THE PERSON WAS CONVICTED
8 OF A TRAFFIC VIOLATION RELATING TO THE ACCIDENT; AND TO
9 RESTRICT RELEASE OF INFORMATION REGARDING INVOLVEMENT IN A
10 TRAFFIC ACCIDENT; AMENDING SECTION 61-11-102, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 61-11-102, MCA, is amended to read:

14 "61-11-102. Records to be kept by the division. (1)

15 The division shall file every application for a driver's
16 license received by it and shall maintain suitable indexes
17 containing, in alphabetical order:

18 (a) all applications denied and on each thereof note
19 the reasons for such denial;

20 (b) all applications granted; and

21 (c) the name of every licensee whose license has been
22 suspended or revoked by the division and after each such
23 name note the reasons for such action.

24 (2) The division shall also file all accident reports
25 and abstracts of court records of convictions received by it

1 under the laws of this state and in connection therewith
2 maintain convenient records or make suitable notations in
3 order that an individual record of each licensee showing the
4 convictions of such licensee and the certain traffic
5 accidents in which he has been involved shall be readily
6 ascertainable and available for the consideration of the
7 division upon any application for renewal of license and at
8 other suitable times. No record of involvement in a traffic
9 accident may be entered on a licensee's record unless he was
10 convicted, as defined in 61-11-203, for an act involved in
11 CAUSALLY RELATED TO the accident.

12 (3) The division is further authorized, upon receiving
13 a record of the conviction in this state of a nonresident
14 driver of a motor vehicle of any offense under the motor
15 vehicle laws of this state, to forward a certified copy of
16 such record to the motor vehicle administrator in the state
17 wherein the person so convicted is a resident."

18 ~~NEW SECTION--Section 2--Restriction--on--release--of~~
19 ~~driving-records--Any-notation-of-a--traffic--accident--on--a~~
20 ~~person's--driving--record--must--be--stricken--before--the--record~~
21 ~~may--be--released--except--for--internal--use--by--the--division--~~
22 ~~unless--the--person--has--been--convicted--as--defined--in~~
23 ~~61-11-203--for--any--act--involved--in--the--accident--~~

24 Section 3--Codification--(1)--Section 2--is--intended--to
25 be--codified--as--an--integral--part--of--Title--61--chapter--11

1 ~~part--iv--and--the--provisions--contained--in--Title--61v--chapter~~
2 ~~11v--part--iv--apply--to--section--2a~~

3 ~~{2}--if--section--2--is--not--codified--in--Title--61v--chapter~~
4 ~~11v--part--iv--the--code--commissioner--shall--add--to--the--MCA--if~~
5 ~~necessary--statutory--language--to--convey--the--intent--of--this~~
6 ~~section;~~

7 SECTION 2. THERE IS A NEW MCA SECTION THAT READS:
8 Restrictions on release of information. No information
9 relating to a traffic accident that did not involve a
10 conviction, as defined in 61-11-203, may be released by the
11 division unless the release is requested or approved by a
12 party involved in the accident or is required by court order
13 or a duly executed subpoena.

14 SECTION 3. CODIFICATION. SECTION 2 IS INTENDED TO BE
15 CODIFIED AS AN INTEGRAL PART OF TITLE 61, CHAPTER 11, PART
16 1a

-End-

March 13, 1979

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 713 be amended as follows:

1. Title, line 6.

Strike: "OR RELEASED AS PART OF"

2. Title, line 8.

Following: "ACCIDENT;"

Insert: "AND TO RESTRICT RELEASE OF INFORMATION REGARDING
INVOLVEMENT IN A TRAFFIC ACCIDENT;"

3. Page 2, line 9.

Following: "act"

Strike: "involved in"

Insert: "causally related to"

4. Page 3.

Following: line 5

Insert: "Section 2. THERE IS A NEW MCA SECTION THAT READS:

Restrictions on release of information. No information relating to a traffic accident that did not involve a conviction, as defined in 61-11-203, may be released by the division unless the release is requested or approved by a party involved in the accident or is required by court order or a duly executed subpoena."

Section 3. THERE IS A NEW MCA SECTION THAT READS:

Codification. Section 2 is intended to be codified as an integral part of Title 61, chapter 11, part 1."