

**HOUSE BILL No. 560**

**INTRODUCED BY ABRAMS, SPAETH, D. BROWN,  
PAVLOVICH, STOBIE, ZABROCKI, O'CONNELL, KEYSER**

**BY REQUEST OF THE DEPARTMENT OF JUSTICE**

**IN THE HOUSE**

January 29, 1983	Introduced and referred to Committee on Highways and Transportation.
February 9, 1983	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
February 11, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

**IN THE SENATE**

February 16, 1983	Introduced and referred to Committee on Highways and Transportation.
March 16, 1983	Committee recommend bill be concurred in. Report adopted.
March 18, 1983	Second reading, concurred in.
March 21, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 21, 1983

Returned to House.

March 22, 1983

Sent to enrolling.

Reported correctly enrolled.

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 2 INTRODUCED BY *Sharon Spawth*  
 3 *Heidi* BY REQUEST OF THE DEPARTMENT OF JUSTICE  
 4 *Boyle*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY  
 6 THE DUTIES OF MOTOR VEHICLE OPERATORS AND LAW ENFORCEMENT  
 7 OFFICERS CONCERNING THE FILING OF ACCIDENT REPORTS; TO  
 8 PROVIDE A PENALTY FOR FAILURE TO FILE A REPORT; AMENDING  
 9 SECTIONS 61-7-109 AND 61-7-111, MCA; AND PROVIDING AN  
 10 IMMEDIATE EFFECTIVE DATE."

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

13 Section 1. Section 61-7-109, MCA, is amended to read:

14 "61-7-109. Written reports of accidents -- additional  
 15 information -- form of report. (1) The operator of any motor  
 16 vehicle which is in any manner involved in an accident  
 17 within this state in which any person is killed or injured  
 18 or in which damage to the property of any one person in  
 19 excess of \$250 is sustained shall, within 10 days after such  
 20 accident, report the matter in writing to the division  
 21 unless the accident was investigated and reported by a law  
 22 enforcement officer as provided in subsection (3).

23 (2) The division may require any driver of a vehicle  
 24 involved in an accident of which report must be made as  
 25 provided in this section to file supplemental reports

1 whenever the original report is insufficient and may require  
 2 witnesses of accidents to render reports.

3 (3) Every law enforcement officer who in the regular  
 4 course of duty investigates a motor vehicle accident of  
 5 ~~which report must be made as required in this part in which~~  
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 8 and at the scene of the accident or thereafter by  
 9 interviewing participants or witnesses, shall within 10 days  
 10 after completing the investigation forward a written report  
 11 of the accident to the division.

12 (4) The form of the accident report required under  
 13 this section shall contain information sufficient to enable  
 14 the division to determine whether the requirements for the  
 15 deposit of security for safety responsibility are  
 16 inapplicable by reason of the existence of insurance or  
 17 other exemptions specified in this part."

18 Section 2. Section 61-7-111, MCA, is amended to read:

19 "61-7-111. Accident report forms. (1) The division  
 20 shall prepare and, upon request, supply to police  
 21 departments, coroners, medical examiners, sheriffs, garages,  
 22 and other suitable agencies or individuals forms for  
 23 accident reports required hereunder, appropriate with  
 24 respect to the persons required to make such reports and the  
 25 purposes to be served. The written reports to be made by

persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the causes, conditions then existing, and the persons and vehicles involved.

(2) Every accident report required to be made in writing shall be made on the appropriate form approved by the division and shall contain all of the information required therein unless not available.

(3) The division may suspend the license or permit to drive of any resident or the nonresident operating privilege of any person failing to report an accident as herein provided until such report has been filed. ~~Any person convicted of failing to report an accident by the quickest means of communication or failing to forward a written report as required herein is guilty of a misdemeanor and punishable by a fine of not more than \$25.~~

NEW SECTION. Section 3. Penalty for violation. (1) A person violating any provision of 61-7-104 through 61-7-110 or 61-7-112 through 61-7-114 is guilty of a misdemeanor. Upon a first conviction, the offender shall be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, the offender shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 20 days or by both such

fine and imprisonment. Upon a third or subsequent conviction within 1 year of the first conviction, an offender shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

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

NEW SECTION. Section 4. Codification instruction. Section 3 is intended to be codified as an integral part of Title 61, chapter 7, part 1, and the provisions of Title 61, chapter 7, apply to section 3.

NEW SECTION. Section 5. Effective date. This act is effective on passage and approval.

-End-

Approved by Committee  
on Highways & Transportation

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6 (2) Subject to the limitations of 46-18-231(3), an  
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12 Section 3 is intended to be codified as an integral part of  
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