

HOUSE BILL NO. 295

INTRODUCED BY ADDY

IN THE HOUSE

JANUARY 19, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 20, 1989	FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 83; NOES, 14.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 16, 1989	SECOND READING, CONCURRED IN.
MARCH 18, 1989	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989	RECEIVED FROM SENATE.
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MARCH 31, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 295
2 INTRODUCED BY Adel
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARYIFYING THAT A
5 PERSON INVOLVED IN A MOTOR VEHICLE ACCIDENT OR HIS LEGAL
6 REPRESENTATIVE MAY EXAMINE, WITHOUT OBTAINING A COURT ORDER,
7 ALL ACCIDENT REPORTS AND SUPPLEMENTAL INFORMATION CONCERNING
8 THE ACCIDENT THAT ARE PREPARED AND FILED BY THE DEPARTMENT
9 OF JUSTICE PURSUANT TO THE UNIFORM ACCIDENT REPORTING ACT;
10 AND AMENDING SECTION 61-7-114, MCA."

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

13 **Section 1.** Section 61-7-114, MCA, is amended to read:

14 "61-7-114. Accident reports confidential. (1) All
15 required accident reports and supplemental reports shall be
16 without prejudice to the individual so reporting and shall
17 be for the confidential use of the department or other state
18 agencies having use for the records for accident prevention
19 purposes, or for the administration of the laws of this
20 state relating to the deposit of security and proof of
21 financial responsibility by persons driving or the owners of
22 motor vehicles,--except--that--the. The department may
23 disclose the identity of a person involved in an accident
24 when such identity is not otherwise known or when such
25 person denies his presence at such the accident.

1 (2) All Except as provided in this section, all
2 accident reports and supplemental information filed as
3 required by this part shall be confidential and not open to
4 general public inspection, nor shall copying of lists of
5 such reports be permitted,--except,--however,--that--the. The
6 report and supplemental information filed by law enforcement
7 personnel, as required by this part, may be examined and
8 copied, without obtaining a court order, by any person named
9 in such the report or reports or by any driver, passenger,
10 or pedestrian involved in the accident or by his
11 representative designated in writing, or if such the person
12 ~~shall be~~ is deceased, by his executor or administrator or by
13 the attorney representing such his executor or
14 administrator.

15 (3) No such report ~~shall~~ may be used as evidence in
16 any trial, civil or criminal, arising out of an accident,
17 ~~except--that--the.~~ The department shall furnish upon demand
18 of any person who has or claims to have made such a report
19 or upon the demand of any court a certificate showing that a
20 specified accident report has or has not been made to the
21 department solely to prove a compliance or a failure to
22 comply with the requirement that such a report be made to
23 the department."

24 **NEW SECTION. Section 2.** Extension of authority. Any
25 existing authority to make rules on the subject of the

LC 1048/01

1 provisions of [this act] is extended to the provisions of
2 [this act].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 295

INTRODUCED BY ADDY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARYIFYING THAT A PERSON INVOLVED IN A MOTOR VEHICLE ACCIDENT OR HIS LEGAL REPRESENTATIVE MAY EXAMINE, WITHOUT OBTAINING A COURT ORDER, ALL ACCIDENT REPORTS AND SUPPLEMENTAL INFORMATION CONCERNING THE ACCIDENT THAT ARE PREPARED AND FILED BY THE DEPARTMENT OF JUSTICE PURSUANT TO THE UNIFORM ACCIDENT REPORTING ACT; AND AMENDING SECTION 61-7-114, MCA."

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

Section 1. Section 61-7-114, MCA, is amended to read:

"61-7-114. Accident reports confidential. (1) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, ~~except that the~~. The department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such the accident.

(2) ~~All Except as provided in this section, all~~ accident reports and supplemental information filed as required by this part shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted, ~~except, however, that the~~. The report and supplemental information filed by law enforcement personnel, as required by this part, may be examined and copied, without obtaining a court order, by any person named in such the report or reports or by any driver, passenger, or pedestrian involved in the accident or by his representative designated in writing, OR BY A PARTY TO A CIVIL ACTION ARISING FROM THE ACCIDENT, or if such the person ~~shall be~~ is deceased, by his executor or administrator or by the attorney representing such his executor or administrator.

(3) No ~~such~~ report ~~shall~~ may be used as evidence in any trial, civil or criminal, arising out of an accident, ~~except that the~~. The department shall furnish upon demand of any person who has or claims to have made ~~such~~ a report or upon the demand of any court a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that ~~such~~ a report be made to the department."

NEW SECTION. Section 2. Extension of authority. Any

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1 existing authority to make rules on the subject of the
2 provisions of [this act] is extended to the provisions of
3 [this act].

-End-

HOUSE BILL NO. 295

INTRODUCED BY ADDY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARYIFYING THAT A PERSON INVOLVED IN A MOTOR VEHICLE ACCIDENT OR HIS LEGAL REPRESENTATIVE MAY EXAMINE, WITHOUT OBTAINING A COURT ORDER, ALL ACCIDENT REPORTS AND SUPPLEMENTAL INFORMATION CONCERNING THE ACCIDENT THAT ARE PREPARED AND FILED BY THE DEPARTMENT OF JUSTICE PURSUANT TO THE UNIFORM ACCIDENT REPORTING ACT; AND AMENDING SECTION 61-7-114, MCA."

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

Section 1. Section 61-7-114, MCA, is amended to read:

"61-7-114. Accident reports confidential. (1) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, ~~except that the~~. The department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such the accident.

(2) ~~All~~ Except as provided in this section, all accident reports and supplemental information filed as required by this part shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted ~~except, however, that the~~. The report and supplemental information filed by law enforcement personnel, as required by this part, may be examined and copied, without obtaining a court order, by any person named in such the report or reports or by any driver, passenger, or pedestrian involved in the accident or by his representative designated in writing, OR BY A PARTY TO A CIVIL ACTION ARISING FROM THE ACCIDENT, or if such the person ~~shall be~~ is deceased, by his executor or administrator or by the attorney representing such his executor or administrator.

(3) No such report ~~shall~~ may be used as evidence in any trial, civil or criminal, arising out of an accident, ~~except that the~~. The department shall furnish upon demand of any person who has or claims to have made such a report or upon the demand of any court a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department."

NEW SECTION. **Section 2.** Extension of authority. Any

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1 existing authority to make rules on the subject of the
2 provisions of [this act] is extended to the provisions of
3 [this act].

-End-

SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 14, 1989

SENATE COMMITTEE ON JUDICIARY, HB 295
page 2 of 2

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 295 (third reading copy -- blue), respectfully report that HB 295 be amended and as so amended be concurred in:

Sponsor: Addy (Mazurek)

1. Title, line 10.
Strike: "SECTION"
Insert: "SECTIONS 61-7-109 AND"

2. Page 1.
Following: line 12
Insert: "Section 1. Section 61-7-109, MCA, is amended to read:
"61-7-109. Written reports of accidents -- additional information -- form of report. (1) The operator of any motor vehicle which is in any manner involved in an accident within this state in which any person is killed or injured or in which damage to the property of any one person in excess of \$400 is sustained shall, within 10 days after such accident, report the matter in writing to the department unless the accident was investigated and reported by a law enforcement officer as provided in subsection (3).
(2) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient and may require witnesses of accidents to render reports.
(3) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which any person is killed or injured or in which damage to the property of any person exceeds \$400, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident to the department.
(4) The form of the accident report required under this section shall contain information sufficient to enable the department to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in this part."

~~(5) A report required by subsection (1) or (2) may not be used as evidence in any trial, civil or criminal, arising out of an accident."~~

Renumber: subsequent sections

3. Page 2, lines 16 through 24.
Strike: subsection (3) in its entirety

AND AS AMENDED BE CONCURRED IN

Signed: 
Bruce D. Crippen, Chairman

SENATE

continued

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HB 295

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INTRODUCED BY ADDY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARYIFYING THAT A PERSON INVOLVED IN A MOTOR VEHICLE ACCIDENT OR HIS LEGAL REPRESENTATIVE MAY EXAMINE, WITHOUT OBTAINING A COURT ORDER, ALL ACCIDENT REPORTS AND SUPPLEMENTAL INFORMATION CONCERNING THE ACCIDENT THAT ARE PREPARED AND FILED BY THE DEPARTMENT OF JUSTICE PURSUANT TO THE UNIFORM ACCIDENT REPORTING ACT; AND AMENDING ~~SECTION~~ SECTIONS 61-7-109 AND 61-7-114, MCA."

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

SECTION 1. SECTION 61-7-109, MCA, IS AMENDED TO READ:

"61-7-109. Written reports of accidents -- additional information -- form of report. (1) The operator of any motor vehicle which is in any manner involved in an accident within this state in which any person is killed or injured or in which damage to the property of any one person in excess of \$400 is sustained shall, within 10 days after such accident, report the matter in writing to the department unless the accident was investigated and reported by a law enforcement officer as provided in subsection (3).

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

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

(3) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which any person is killed or injured or in which damage to the property of any person exceeds \$400, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident to the department.

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

(5) A report required by subsection (1) or (2) may not be used as evidence in any trial, civil or criminal, arising out of an accident."

Section 2. Section 61-7-114, MCA, is amended to read:

"61-7-114. Accident reports confidential. (1) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention



1 purposes, or for the administration of the laws of this
 2 state relating to the deposit of security and proof of
 3 financial responsibility by persons driving or the owners of
 4 motor vehicles, ~~except that the~~. The department may
 5 disclose the identity of a person involved in an accident
 6 when such identity is not otherwise known or when such
 7 person denies his presence at such the accident.

8 (2) ~~All~~ Except as provided in this section, all
 9 accident reports and supplemental information filed as
 10 required by this part shall be confidential and not open to
 11 general public inspection, nor shall copying of lists of
 12 such reports be permitted, ~~except, however, that the~~. The
 13 report and supplemental information filed by law enforcement
 14 personnel, as required by this part, may be examined and
 15 copied, without obtaining a court order, by any person named
 16 in such the report or reports or by any driver, passenger,
 17 or pedestrian involved in the accident or by his
 18 representative designated in writing, OR BY A PARTY TO A
 19 CIVIL ACTION ARISING FROM THE ACCIDENT, or if such the
 20 person ~~shall be~~ is deceased, by his executor or
 21 administrator or by the attorney representing such his
 22 executor or administrator.

23 ~~{3}--No such report shall may be used as evidence in~~
 24 ~~any trial, civil or criminal, arising out of an accident,~~
 25 ~~except that the~~ The department shall furnish upon demand

1 ~~of any person who has or claims to have made such a report~~
 2 ~~or upon the demand of any court a certificate showing that a~~
 3 ~~specified accident report has or has not been made to the~~
 4 ~~department solely to prove a compliance or a failure to~~
 5 ~~comply with the requirement that such a report be made to~~
 6 ~~the department."~~

7 NEW SECTION. Section 3. Extension of authority. Any
 8 existing authority to make rules on the subject of the
 9 provisions of [this act] is extended to the provisions of
 10 [this act].

-End-