

SENATE BILL 304

Introduced by Christiaens, et al.

2/03	Introduced
2/03	Referred to Judiciary
2/03	First Reading
2/03	Fiscal Note Requested
3/10	Fiscal Note Received
2/10	Fiscal Note Printed
2/11	Hearing
2/19	Tabled in Committee

1 ~~Senate~~ BILL NO. **304**
 2 INTRODUCED BY *Chris Harris Ryan Jayne*
 3 *Kevin Halpin, Komech Humphreys, Waterman*
 4 *Hockley, Bahtene, Swanson, Bianchi, Kilsch*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 6 FORFEITURE AND DISPOSAL OF A MOTOR VEHICLE INVOLVED IN AN
 7 ACCIDENT IF NEITHER THE DRIVER NOR THE OWNER HAS INSURANCE
 8 COVERING THE VEHICLE AND IF THE DRIVER IS CONVICTED OF AN
 9 OFFENSE FOR ACTIONS INVOLVING THE ACCIDENT."
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 NEW SECTION. **Section 1.** Forfeiture and disposal of
 12 uninsured motor vehicle involved in accident. (1) A motor
 13 vehicle involved in an accident, whether or not another
 14 vehicle is involved in the accident, is forfeited and must
 15 be seized and disposed of if:
 16 (a) neither the owner nor the driver of the vehicle has
 17 insurance that covered the driver and the motor vehicle at
 18 the time of the accident;
 19 (b) the driver is convicted of a traffic offense under
 20 this title or a crime under Title 45 for actions involving
 21 the accident; and
 22 (c) the driver was the owner of the motor vehicle or
 23 was driving it with the owner's consent.
 24 (2) The motor vehicle must be seized by the county
 25 sheriff within 10 days after a conviction referred to in

1 subsection (1)(b) and disposed of as provided in Title 44,
 2 chapter 12, part 2. Except as provided in subsections (3)
 3 and (4), the provisions of Title 44, chapter 12, part 2,
 4 apply to the extent applicable.

5 (3) For purposes of 44-12-203 and 44-12-204, there is a
 6 rebuttable presumption of forfeiture. To rebut that
 7 presumption, an owner of the motor vehicle shall prove that
 8 the motor vehicle was not involved in an alleged accident,
 9 that the driver was not convicted of an offense under Title
 10 45 or this title for actions involving the accident, that
 11 either the owner or driver had insurance covering the driver
 12 and motor vehicle at the time of the accident, or that the
 13 driver was using the motor vehicle without the owner's
 14 consent.

15 (4) For purposes of 44-12-206, the net proceeds of the
 16 sale of a motor vehicle must be distributed first to the
 17 holders of security interests who have presented proper
 18 proof of their claims, up to the amount of their interests,
 19 and the remainder, if any, to the county attorney if the
 20 county attorney contracts with an insurance agent under
 21 subsection (5); the remainder, if any, to any person or
 22 persons, except the driver, who suffers personal injury or
 23 property damage as a result of the accident, as provided in
 24 subsection (5); and the remainder, if any, as provided in
 25 44-12-206(1)(b) through (4).

1 (5) A person is not entitled to proceeds of a sale
2 under subsection (4) for personal injury or property damage
3 unless the person proves to the satisfaction of the county
4 attorney that the person has damages and that they are not
5 covered or completely covered by insurance or a government
6 program. The county attorney may use standard insurance
7 industry practices to determine proof of loss or may use
8 part of the proceeds of the sale of the motor vehicle to
9 contract with a private insurance agent to have the
10 determination required by this section made by the insurance
11 agent in the same manner as the agent determines proof of
12 loss for claims made by the agent's clients.

13 NEW SECTION. **Section 2.** Codification instruction.
14 [Section 1] is intended to be codified as an integral part
15 of Title 61, chapter 6, part 3, and the provisions of Title
16 61 apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0304, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for the forfeiture and disposal of a motor vehicle involved in an accident if neither the driver nor the owner has insurance covering the vehicle and if the driver is convicted of an offense for actions involving the accident.

ASSUMPTIONS:

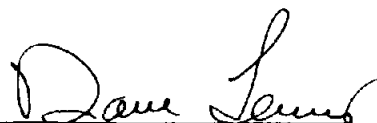
1. It is assumed that county sheriffs will handle all motor vehicle seizures and forfeitures, even for those accidents where the Highway Patrol responds. Therefore, there will be no fiscal impact on the Department of Justice.
2. It is estimated that up to 20% of all current motor vehicle accidents fit the definition contained in the proposed bill. However, unknowns make it impossible to accurately estimate the revenue impact, if any, on local governments. These include the difficulty in estimating the average market value of wrecked vehicles, and the net amount remaining for distributions after deductions for claims of holders of security interests, attorney expenses, and non-driver personal injury claims.

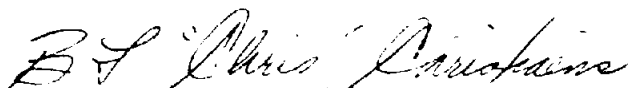
FISCAL IMPACT:

None to state agencies.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The fiscal impact, if any, is not subject to accurate estimate.

 2-9-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/10/93
B.F. "CHRIS" CHRISTIAENS, PRIMARY SPONSOR DATE
Fiscal Note for SB0304, as introduced **SB 304**