

EXHIBIT 6
DATE 2-1-05
HB 35

Amendments to House Bill No. 35
1st Reading Copy

Requested by Representative Dee Brown

For the House State Administration Committee

Prepared by Sheri Heffelfinger
January 31, 2005 (1:36pm)

1. Title, page 1, line 9.

Following: ";"

Insert: "CHARGING A FEE FOR ACCIDENT REPORTS;"

2. Title, page 1, line 10.

Strike: "AND"

Insert: ", "

3. Title, page 1, line 11.

Following: "17-7-502,"

Insert: "AND 61-7-114,"

4. Page 5, line 28.

Strike: "3"

Insert: "4"

5. Page 6.

Following: line 14

Insert: "Section 3. Section 61-7-114, MCA, is amended to read:

"61-7-114. **Accident reports confidential -- fee --
disposition of fee.** (1) All required accident reports and
supplemental reports must be made without prejudice to the
~~individual reporting~~ and must be for the confidential use of the
department or other governmental agencies for accident
prevention, roadway design, motor carrier safety monitoring
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. The department may disclose the identity of a person
involved in an accident when the identity is not otherwise known
or when the person denies being present at the accident.

(2) Except as provided in this section, all accident
reports and supplemental information filed as required by this
part are confidential and not open to general public inspection.

(3) Except as provided in subsection ~~(2)(e)~~ (3)(e), copying of lists of reports is not permitted. The report and supplemental information, including witness statements, filed by law enforcement personnel, as required by this part, may be examined and copied, without obtaining a court order, by:

(a) a person named in the report or involved in the accident;

(b) the representative of the person referred to in subsection ~~(2)(a)~~ (3)(a), designated in writing, or the insurance carrier of that person;

(c) a party to a civil action arising from the accident;

(d) the executor, the administrator, or the attorney representing the executor or administrator if the person is deceased; or

(e) the general public, including commercial entities, for purposes of research into the history of vehicles, but the department may not disclose the name, address, or telephone number of, or other information allowing the identification of, any reporting person, accident victim, peace officer, or other person or any insurer named in a report or supplemental information, including witness statements.

(4) The department shall charge a \$20 fee for providing a copy of an accident report and any supplemental information to a requestor under subsection (3). The revenue collected by the department from this fee must be deposited in the account established in [section 4]."

{ Internal References to 61-7-114:

x61-7-116 x61-7-118 }

Renumber: subsequent sections

6. Page 6, line 16.

Following: "policy"

Strike: "fee"

Insert: "and accident report fees"

7. Page 6, line 23.

Following: "under"

Insert: "61-7-114 and"

Following: "(1)"

Insert: "of this section"

8. Page 7, lines 9 and 10.

Strike: "3" on both lines

Insert: "4" on both lines

9. Page 7, lines 11 and 12.
Strike: "4" on both lines
Insert: "5" on both lines

10. Page 7, line 16.
Strike: "4"
Insert: "5"

11. Page 7, line 18.
Strike: "3"
Insert: "4"

- END -