

HOUSE BILL NO. 360

INTRODUCED BY D. SALOMON, READ, MORE, HANSEN, HILL, MENAHAN, TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE FOR A PASSENGER IN A MOTOR VEHICLE INVOLVED IN AN ACCIDENT RESULTING IN BODILY INJURY OR DEATH TO FAIL TO REPORT THE ACCIDENT IF THE DRIVER FAILS TO REPORT THE ACCIDENT; PROVIDING PENALTIES; AND AMENDING SECTIONS 61-5-405 AND 61-7-103, MCA."

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

Section 1. Section 61-5-405, MCA, is amended to read:

"61-5-405. Offenses furnishing ground for suspension or revocation of license -- return to licensing jurisdiction of abstracts of court records and reports of conviction. (1) Items enumerated in Article IV(1), subsections (a), (b), (c), and (d) of 61-5-401 refer specifically to 45-5-103, 45-5-104, 61-8-401, the definition of felony as provided in 45-2-101, and 61-7-103(2)(b), respectively.

(2) In addition to convictions mentioned in subsection (1), the department, for the purpose of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported as it would if the conduct had occurred in this state for:

(a) convictions of perjury or the making of a false affidavit relating to the ownership or operation of a motor vehicle (61-5-303);

(b) three convictions of reckless driving committed within a period of 12 months (61-8-301); or

(c) convictions of careless driving resulting in death or reckless driving resulting in death.

(3) Court abstracts or reports of conviction received by the department that name an individual licensed in another jurisdiction must be forwarded to the jurisdiction of licensure. The department may not take action against the driver's license or driving privilege of the individual as may be required elsewhere in this title."

Section 2. Section 61-7-103, MCA, is amended to read:

"61-7-103. Accidents involving death or personal injuries -- driver and passenger duties. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close to the accident as possible but shall then return to and in

1 every event remain at the scene of the accident until the driver has fulfilled the requirements of 61-7-105. Each
 2 stop at the scene of the accident must be made without obstructing traffic more than is necessary.

3 (2) (a) Except as provided in subsection (2)(b), a driver failing to stop or to comply with the requirements
 4 of subsection (1) shall upon conviction be punished by imprisonment for a term of not less than 30 days or more
 5 than 1 year, by a fine of not less than \$100 or more than \$5,000, or by both fine and imprisonment.

6 (b) If the accident resulted in serious bodily injury or death of any person, a driver failing to stop or to
 7 comply with the requirements of subsection (1) shall upon conviction be punished by imprisonment in the state
 8 prison for a term of not less than 1 year or more than 10 years, by a fine in an amount not to exceed \$50,000,
 9 or by both fine and imprisonment.

10 (3) A passenger 16 YEARS OF AGE OR OLDER in a vehicle involved in an accident resulting in injury or death
 11 to any person shall, if the driver of the vehicle fails to report the accident in the manner required by 61-7-108 for
 12 a reason other than as provided in 61-7-110, immediately report the accident as provided in 61-7-108. A
 13 passenger failing to report an accident as required by this section shall:

14 (a) in the case of an accident resulting in bodily injury, be punished as provided in subsection (2)(a);
 15 or

16 (b) in the case of an accident resulting in serious bodily injury or death, be punished by a term of
 17 imprisonment of not more than 5 years, a fine of not more than \$50,000, or both.

18 ~~(3)(4)~~ The department shall revoke the license or permit to drive of any resident and any nonresident
 19 operating privilege of a ~~person~~ driver convicted of violating this section for the period prescribed in 61-5-205."
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21 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured,
 22 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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