

HOUSE BILL NO. 242

INTRODUCED BY K. WHITE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NOTIFICATION REQUIREMENTS WHEN A VEHICLE IS INVOLVED IN AN ACCIDENT; AMENDING SECTIONS 61-7-108 AND 61-7-118, MCA; AND REPEALING SECTION 61-7-107, MCA."

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

Section 1. Section 61-7-108, MCA, is amended to read:

"61-7-108. Immediate notice of accidents. (1) The driver of a vehicle who knows or reasonably should have known that the driver has been involved in an accident resulting in injury to or death of any person, striking the body of a deceased person, or ~~property damage to an apparent extent of \$1,000 or more~~ damage to fixtures or other property legally on or adjacent to a highway shall immediately by the quickest means of communication give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the highway patrol.

(2) A representative of the law enforcement agency notified under subsection (1) shall immediately by the quickest means of communication locate and notify the owner or person in charge of the property damaged of the accident, the name and address of the driver of the vehicle involved in the accident, the registration number of the vehicle involved in the accident, and any other information considered by the representative to be necessary in reporting the accident."

Section 2. Section 61-7-118, MCA, is amended to read:

"61-7-118. Penalty for violation. (1) Except as provided in subsections (2) and (3), a person violating any provision of 61-7-103, 61-7-105, 61-7-106, 61-7-108 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 \$200 or more than \$300 or by imprisonment for not more than 20 days. For a second conviction within 1 year of the first conviction, the offender shall be punished by a fine of not less than \$300 or more than \$400, by imprisonment for not more than 30 days, or both. 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 \$400 or more than \$500, by imprisonment for not more than



1 6 months, or both.

2 (2) A driver failing to comply with any provisions of 61-7-103 or 61-7-105 in an accident resulting in injury
3 to any person shall upon conviction be punished by imprisonment for a term of not less than 30 days or more than
4 1 year, by a fine of not less than \$100 or more than \$5,000, or by both fine and imprisonment.

5 (3) A driver failing to comply with any provision of 61-7-103 or 61-7-105 in an accident resulting in serious
6 bodily injury, as defined in 45-2-101, or death of any person or resulting in the driver striking the body of a
7 deceased person shall upon conviction be punished by imprisonment in the state prison for a term of not less than
8 1 year or more than 10 years, by a fine in an amount not to exceed \$50,000, or by both fine and imprisonment.
9 Upon conviction, the department shall also revoke the driver's license, permit to drive, or any nonresident
10 operating privilege for the period prescribed in 61-5-205.

11 (4) Subject to the limitations of 46-18-231(3), an offender who fails to pay a fine shall be imprisoned in
12 the county jail in the county in which the offense was committed, and the punishment must be commuted at the
13 rate of 1 day's incarceration for each \$75 of the fine."

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15 **NEW SECTION. Section 3. Repealer.** The following section of the Montana Code Annotated is
16 repealed:

17 61-7-107. Duty upon striking fixtures or other property upon highway.

18 - END -