

SENATE BILL NO. 231

INTRODUCED BY N. SWANDAL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT EVIDENCE OF SEAT BELT USE IS ADMISSIBLE AS EVIDENCE IN CIVIL ACTIONS FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE EXCEPT WHEN THE WRONGFUL DEATH, PERSONAL INJURY OR PROPERTY DAMAGE OCCURRED AS A RESULT OF A DRIVER IMPAIRED BY AN INTOXICATING SUBSTANCE; AND AMENDING SECTION 61-13-106, MCA."

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

Section 1. Section 61-13-106, MCA, is amended to read:

"61-13-106. Evidence not admissible. (1) Except as provided in subsection (2), Evidence evidence of compliance or failure to comply with 61-13-103 ~~is not~~ may be admissible in any civil action for wrongful death, personal injury, or property damage resulting from the use or operation of a motor vehicle, ~~and failure to comply with 61-13-103 does not constitute negligence.~~

(2) Evidence of compliance or failure to comply with 61-13-103 is not admissible if the wrongful death, personal injury, or property damage occurred as the result of a driver impaired by an intoxicating substance as defined in 45-2-101."

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