

HOUSE BILL NO. 300

INTRODUCED BY D. SALOMON

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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 INJURY OR DEATH TO FAIL TO REPORT THE ACCIDENT IF THE DRIVER FAILS TO REPORT THE ACCIDENT; PROVIDING PENALTIES; AND AMENDING SECTIONS 61-7-105, 61-7-118, AND 61-11-203, MCA."

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

Section 1. Section 61-7-105, MCA, is amended to read:

"61-7-105. Duty to give information and render aid -- driver and passenger duties. (1) The driver of any vehicle required to stop pursuant to 61-7-103 shall:

(a) give the driver's name; and address; and the registration number of the vehicle the driver is driving and shall upon request and if available show a driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with;

(b) render to any person injured in the accident reasonable assistance, including the transporting or the making of arrangements for the transporting of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that the treatment is necessary or if transportation is requested by the injured person; and

(c) if any person in the accident is injured, deceased, or otherwise incapacitated or if notice is required pursuant to 61-7-108, remain at the scene of the accident until an on-duty peace officer with authority to investigate the accident gives the driver express permission to leave. This subsection (1)(c) does not apply when the driver reasonably believes it is necessary to leave the scene in order to seek emergency medical care for any person involved in the accident or to give notice to authorities pursuant to 61-7-108.

(2) A driver may not delegate to another the duties imposed under this section.

(3) A person who is 16 years of age or older and is a passenger in a vehicle involved in an accident resulting in injury or death to any person shall, if the driver of the vehicle fails to report the accident in the manner required by 61-7-108 for a reason other than as provided in 61-7-110, immediately report the accident as provided in 61-7-108. A passenger failing to report an accident as required by this section shall be punished as provided

1 in 61-7-118."

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

4 **"61-7-118. Penalty for violation.** (1) Except as provided in subsections (2) and (3), a person violating
5 any provision of 61-7-103, 61-7-105 through 61-7-110, or 61-7-112 through 61-7-114 is guilty of a misdemeanor.
6 Upon a first conviction, the offender shall be punished by a fine of not less than \$200 or more than \$300 or by
7 imprisonment for not more than 20 days. For a second conviction within 1 year of the first conviction, the offender
8 shall be punished by a fine of not less than \$300 or more than \$400, by imprisonment for not more than 30 days,
9 or both. Upon a third or subsequent conviction within 1 year of the first conviction, an offender shall be punished
10 by a fine of not less than \$400 or more than \$500, by imprisonment for not more than 6 months, or both.

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

15 (3) A driver failing to comply with any provision of 61-7-103 or a driver or passenger failing to comply with
16 any provisions of 61-7-105 in an accident resulting in serious bodily injury, as defined in 45-2-101, or death of
17 any person or resulting in the driver striking the body of a deceased person shall upon conviction be punished
18 by imprisonment in the state prison for a term of not less than 1 year or more than 10 years, by a fine in an
19 amount not to exceed \$50,000, or by both fine and imprisonment. Upon conviction, the department shall also
20 revoke the driver's license, permit to drive, or any nonresident operating privilege for the period prescribed in
21 61-5-205.

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

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26 **Section 3.** Section 61-11-203, MCA, is amended to read:

27 **"61-11-203. Definitions -- habitual traffic offenders -- point schedule.** (1) As used in this part, the
28 following definitions apply:

29 (a) "Conviction" has the meaning provided in 61-5-213.

30 (b) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more

1 conviction points according to the schedule specified in subsection (2).

2 (c) "License" means any type of license or permit to operate a motor vehicle.

3 (d) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a
4 person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway.

5 (e) "Traffic regulation" includes any provision governing motor vehicle operation, equipment, safety, or
6 driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking.

7 (2) Subject to subsection (3), the point schedule used to determine whether an individual is a habitual
8 traffic offender is as follows:

9 (a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

10 (b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or
11 negligent vehicular assault, 12 points;

12 (c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the
13 commission of which a motor vehicle is used, 12 points;

14 (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation
15 of a motor vehicle by a person with alcohol concentration of 0.08 or more, 10 points;

16 (e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

17 (f) failure of the driver or passenger of a motor vehicle involved in an accident resulting in death or injury
18 to any person to stop at the scene of the accident and give the required information and assistance, as described
19 in 61-7-105, 8 points;

20 (g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the
21 scene of the accident and give the required information or failure to otherwise report an accident in violation of
22 the law, 4 points;

23 (h) reckless driving, 5 points;

24 (i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

25 (j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

26 (k) operating a motor vehicle without a license to do so, 2 points. However, this subsection (2)(k) does
27 not apply to operating a motor vehicle within a period of 180 days from the date the license expired.

28 (l) speeding, except as provided in 61-8-725(2), 3 points;

29 (m) all other moving violations, 2 points.

30 (3) There may not be multiple application of cumulative points when two or more charges are filed

1 involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number
2 of points for the specific conviction carrying the highest points is chargeable against that defendant."

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4 NEW SECTION. **Section 4. Saving clause.** [This act] does not affect rights and duties that matured,
5 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

6 - END -