

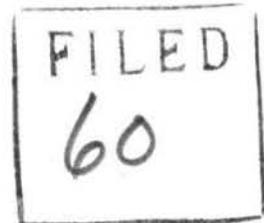
MOTOR VEHICLES:
MOTOR VEHICLE SAFETY RESPONSIBILITY:
reports involving death, personal injury or property damage in excess of one hundred dollars submitted at any time by persons connected with such accidents.

The Director of Revenue is required to accept and process motor vehicle accident reports involving death, personal injury or property damage in excess of one hundred dollars submitted at any time by persons connected with such accidents.

April 9, 1971

OPINION NO. 60

Mr. Richard R. Nancy, Jr.
General Counsel
Department of Revenue
Jefferson Building
Jefferson City, Missouri



Dear Mr. Nancy:

This official opinion is rendered pursuant to the request contained in your letter concerning the processing of accident reports by the Safety Responsibility Unit of the Department of Revenue.

The factual situation as outlined in your letter is as follows:

"In August, 1968, an automobile struck and injured a pedestrian walking along the side of the road in Ballwin, Missouri. The pedestrian was a girl of eight years of age.

"No report of accident was filed with the Safety Responsibility Unit of the Department of Revenue by either the driver of the motor vehicle, or the pedestrian or anyone for her, until more than two years later when, on September 10, 1970, a report of accident was filed on behalf of the injured girl. The driver of the automobile still has filed no report."

The questions presented are whether there is any duty for the Department of Revenue under the Motor Vehicle Safety Responsibility Law to process a report of an accident made after the lapse of two years and whether there is any applicable statute of limitations covering this situation.

The Motor Vehicle Safety Responsibility Law is set forth in Chapter 303, RSMo 1969. Section 303.030, in part pertinent to this

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opinion, reads as follows:

"1. If within twenty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of one hundred dollars, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment for damages resulting from such accident as may be recovered against each operator or owner.

"2. The director shall, within forty-five days after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor vehicle, in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided notice of such suspension shall be sent by the director to such operator and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security."

Section 303.040, RSMo 1969, provides:

"The operator of every motor vehicle which is in any manner involved in an accident within this state, upon the streets or highways thereof, in which any person is killed or injured or in which damage to property of any one person, including himself, in excess of one hundred dollars is sustained, shall within ten days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain such information as will enable the director to determine whether the requirements for the deposit of security under section 303.030 are

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inapplicable by reason of the existence of insurance or other exceptions specified in this chapter. . . . "

Section 303.290, RSMo 1969, in part, provides:

"1. The director of revenue shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the director under the provisions of this chapter."

Section 303.370, RSMo 1969, in part, states:

"1. Failure to report an accident as required in section 303.040 shall be punished by a fine not in excess of five hundred dollars, and in the event of injury or damage to the person or property of another in such accident, the director shall suspend the license of the person failing to make such report, . . . until such report has been filed and for such further period not to exceed thirty days as the director may fix."

As indicated above, the law places on the Director of Revenue the duty of administering the Safety Responsibility Law. This law does not contain any provision which limits the time within which accident reports may be filed. There are no other specific statutes relating to this situation and the general statute of limitations provisions contained in Chapter 516, RSMo 1969, apply to legal causes of action initiated in courts of law. Under these circumstances it is our view that a report of accident involving death, personal injury or damage in excess of one hundred dollars may be filed at any time whereupon it is incumbent upon the Director of Revenue to carry out his duties and functions as outlined in this statute.

It is our further opinion that Section 303.030, Section 303.290, as well as the other provisions of this statute, should be construed to authorize the filing of an accident report by any person who has suffered personal injury or damage as a result of a motor vehicle accident. The provisions of Section 303.040 are not to be so interpreted as to exclude the filing of an accident report by a pedestrian or non-operator who has suffered personal injury in an accident.

CONCLUSION

It is therefore the opinion of this office that the Director of Revenue is required to accept and process motor vehicle accident reports involving death, personal injury or property damage in excess of one hundred dollars submitted at any time by persons connected with such accidents.

Mr. Richard R. Nancy, Jr.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John E. Park.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General