

Enrolled Senate Bill 314

Sponsored by Senator PROZANSKI; Senator MORRISETTE (at the request of Tom Siewell) (Pre-session filed.)

CHAPTER

AN ACT

Relating to accident reports.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) Except as provided in subsection (4) of this section, any accident occurring on a highway or upon premises open to the public resulting in injury or death to any person is subject to the reporting requirements under the following sections:

- (a) The reporting requirements for drivers under section 4 of this 2009 Act.
- (b) The reporting requirements for occupants of vehicles in accidents under section 5 of this 2009 Act.

(2) Except as provided in subsection (4) of this section, an accident occurring on a highway or upon premises open to the public resulting in damage to the property of any person in excess of \$1,500 is subject to the following reporting requirements:

- (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the manner specified under section 4 of this 2009 Act.
- (b) If the property damage is to property other than a vehicle involved in the accident, each driver involved in the accident must report the accident in the manner specified under section 4 of this 2009 Act.
- (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed from the scene of the accident, each driver involved in the accident must report the accident in the manner specified under section 4 of this 2009 Act.

(3) The dollar amount specified in subsection (2) of this section may be increased every five years by the Department of Transportation based upon any increase in the Portland-Salem Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest \$100.

- (4) The following are exempt from the reporting requirements of this section:
 - (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.
 - (b) A law enforcement official acting in the course of official duty if the accident involved a law enforcement official performing a lawful intervention technique or involved a law enforcement official and a person acting during the commission of a criminal offense. As used in this paragraph:

(A) "Law enforcement official" means a person who is responsible for enforcing the criminal laws of this state or a political subdivision of this state and who is employed or volunteers:

(i) As a peace officer commissioned by a city, port, school district, mass transit district, county or service district authorized to provide law enforcement services under ORS 451.010;

(ii) With the Department of State Police or the Criminal Justice Division of the Department of Justice; or

(iii) As an investigator of a district attorney's office, if the investigator is certified as a peace officer in this state.

(B) "Lawful intervention technique" means a method by which one motor vehicle causes, or attempts to cause, another motor vehicle to stop.

(5) The reporting requirements under this section are in addition to, and not in lieu of, the reporting requirements under ORS 811.720.

SECTION 3. As used in sections 4 and 5 of this 2009 Act:

(1) "9-1-1 emergency reporting system" has the meaning given that term in ORS 401.710.

(2) "Law enforcement agency" means any agency that employs members of the Oregon State Police, a sheriff, a deputy sheriff, a city police officer or a law enforcement officer employed by a service district established under ORS 451.410 to 451.610 for the purpose of law enforcement services.

SECTION 4. (1) The driver of a vehicle commits the offense of driver failure to report an accident if the driver is driving any vehicle that is involved in an accident required to be reported under section 2 of this 2009 Act and the driver, if physically capable, does not give notice of the accident immediately to a police officer or a law enforcement agency by the quickest means available.

(2) Notwithstanding subsection (1) of this section, a driver does not commit the offense of driver failure to report an accident if:

(a) The accident required to be reported under section 2 of this 2009 Act results in a serious injury or death; and

(b) The driver gives notice of the accident immediately to a 9-1-1 emergency reporting system by the quickest means available.

(3) The offense described in this section, driver failure to report an accident, is a Class A traffic violation.

SECTION 5. (1) A person commits the offense of failure of a vehicle occupant to make an accident report if:

(a) The person is an occupant, other than the driver, of a vehicle at a time when the vehicle is involved in an accident required to be reported to a police officer or a law enforcement agency under section 2 of this 2009 Act;

(b) The driver of the vehicle is physically incapable of giving notice to a police officer or a law enforcement agency as required under section 4 of this 2009 Act; and

(c) The occupant does not give notice of the accident immediately to a police officer or a law enforcement agency by the quickest means available.

(2) Notwithstanding subsection (1) of this section, a person does not commit the offense of failure of a vehicle occupant to make an accident report if:

(a) The accident required to be reported under section 2 of this 2009 Act results in a serious injury or death; and

(b) The person gives notice of the accident immediately to a 9-1-1 emergency reporting system by the quickest means available.

(3) The offense described in this section, failure of a vehicle occupant to make an accident report, is a Class A traffic violation.

SECTION 6. Sections 2 to 5 of this 2009 Act apply to motor vehicle accidents that occur on or after the effective date of this 2009 Act.

Passed by Senate March 20, 2009

Repassed by Senate June 12, 2009

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Secretary of Senate

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President of Senate

Passed by House June 10, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State