

Enrolled
House Bill 2403

Sponsored by Representative LIVELY; Representative BARNHART, Senator JOHNSON (Pre-session filed.)

CHAPTER

AN ACT

Relating to the offense of failure to perform the duties of a driver; creating new provisions; and amending ORS 811.700 and 811.705.

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

SECTION 1. ORS 811.700 is amended to read:

811.700. (1) A person commits the offense of failure to perform the duties of a driver when property is damaged if the person is the driver of any vehicle and the person does not perform duties required under any of the following:

(a) If the person is the driver of any vehicle involved in an accident that results only in damage to a vehicle that is driven or attended by any other person the person must perform all of the following duties:

(A) Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every stop required under this subparagraph shall be made without obstructing traffic more than is necessary.

(B) Remain at the scene of the accident until the driver has fulfilled all of the requirements under this paragraph.

(C) Give to the other driver or passenger the name and address of the driver and the registration number of the vehicle that the driver is driving, [and] the name and address of any other occupants of the vehicle **and, if the vehicle is a motor vehicle, the name of the insurance carrier and the insurance policy number of the insurance policy insuring the motor vehicle.**

(D) Upon request and if available, exhibit and give to the occupant of or person attending any vehicle damaged the number of any documents issued as evidence of driving privileges granted to the driver.

(b) If the person is the driver of any vehicle that collides with any vehicle that is unattended, the person shall immediately stop and:

(A) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle **and, if the vehicle is a motor vehicle, the name of the insurance carrier and the insurance policy number of the insurance policy insuring the motor vehicle;** or

(B) Leave in a conspicuous place in the vehicle struck a written notice giving:

(i) The name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof[.]; **and**

(ii) **If the vehicle is a motor vehicle, the name of the insurance carrier and the insurance policy number of the insurance policy insuring the motor vehicle.**

(c) If the person is the driver of any vehicle involved in an accident resulting only in damage to fixtures or property legally upon or adjacent to a highway, the person shall do all of the following:

(A) Take reasonable steps to notify the owner or person in charge of the property of such fact and of the driver's name and address and, **if the vehicle is a motor vehicle, the name of the insurance carrier and the insurance policy number of the insurance policy insuring the motor vehicle and** of the registration number of the vehicle the driver is driving.

(B) Upon request and if available, exhibit any document issued as official evidence of a grant of driving privileges to the driver.

(2) The offense described in this section, failure to perform the duties of a driver when property is damaged, is a Class A misdemeanor and is applicable on any premises open to the public.

SECTION 2. ORS 811.705 is amended to read:

811.705. (1) A person commits the offense of failure to perform the duties of a driver to injured persons if the person is the driver of any vehicle involved in an accident that results in injury or death to any person and does not do all of the following:

(a) Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every stop required under this paragraph shall be made without obstructing traffic more than is necessary.

(b) Remain at the scene of the accident until the driver has fulfilled all of the requirements under this subsection.

(c) Give to the other driver or surviving passenger or any person not a passenger who is injured as a result of the accident the name and address of the driver and the registration number of the vehicle that the driver is driving, [and] the name and address of any other occupants of the vehicle **and, if the vehicle is a motor vehicle, the name of the insurance carrier and the insurance policy number of the insurance policy insuring the motor vehicle.**

(d) Upon request and if available, exhibit and give to the persons injured or to the occupant of or person attending any vehicle damaged the number of any document issued as official evidence of a grant of driving privileges.

(e) Render to any person injured in the accident reasonable assistance, including the conveying or the making of arrangements for the conveying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.

(f) Remain at the scene of an accident until a police officer has arrived and has received the required information, if all persons required to be given information under paragraph (c) of this subsection are killed in the accident or are unconscious or otherwise incapable of receiving the information. The requirement of this paragraph to remain at the scene of an accident until a police officer arrives does not apply to a driver who needs immediate medical care, who needs to leave the scene in order to secure medical care for another person injured in the accident or who needs to leave the scene in order to report the accident to the authorities, so long as the driver who leaves takes reasonable steps to return to the scene or to contact the nearest police agency.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, the offense described in this section, failure to perform the duties of a driver to injured persons, is a Class C felony and is applicable on any premises open to the public.

(b) Failure to perform the duties of a driver to injured persons is a Class B felony if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result of the accident.

SECTION 3. The amendments to ORS 811.700 and 811.705 by sections 1 and 2 of this 2017 Act apply to conduct occurring on or after the effective date of this 2017 Act.

Passed by House March 6, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 8, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State