

House Bill 2403

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires drivers to exchange insurance information after motor vehicle accident.

A BILL FOR AN ACT

1
2 Relating to the offense of failure to perform the duties of a driver; creating new provisions; and
3 amending ORS 811.700 and 811.705.

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

5 **SECTION 1.** ORS 811.700 is amended to read:

6 811.700. (1) A person commits the offense of failure to perform the duties of a driver when
7 property is damaged if the person is the driver of any vehicle and the person does not perform duties
8 required under any of the following:

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

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

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

17 (C) Give to the other driver or passenger the name and address of the driver and the registra-
18 tion number of the vehicle that the driver is driving, [*and*] the name and address of any other oc-
19 cupants of the vehicle **and, if the vehicle is a motor vehicle, the name of the insurance carrier**
20 **and the insurance policy number of the insurance policy insuring the motor vehicle.**

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

14 **SECTION 2.** ORS 811.705 is amended to read:

15 811.705. (1) A person commits the offense of failure to perform the duties of a driver to injured
 16 persons if the person is the driver of any vehicle involved in an accident that results in injury or
 17 death to any person and does not do all of the following:

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

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

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

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

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

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

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

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

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

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