

## HB 4055 -1, -3 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Meeting Dates:** 2/6, 2/9

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#### WHAT THE MEASURE DOES:

Modifies duties driver must perform when the driver knows or has reason to believe that the driver's vehicle has been in a collision involving property damage, injury or death to any person, or injury or death to any domestic animal. Requires that a driver reasonably investigate what the driver's vehicle has struck when the driver has been involved in a collision that results in property damage or injury or death to another person. Adds requirement for driver to provide the vehicle owner's name and address, and the phone number of the insurance carrier of the motor vehicle, to the other driver or passenger when the collision results in property damage or injury or death to any person. Adds requirement to provide a police officer investigating the collision with the driver's driver license number when the collision results in property damage or injury or death to any person. Requires a driver to stop at the scene of a collision or as close as possible when the collision has damaged fixtures or property legally upon or adjacent to a highway. Requires a driver who discovers that the driver may have been involved in a collision after leaving the scene to comply as nearly as possible with certain duties, including contacting 9-1-1 if the collision resulted in injury or death to any person.

#### ISSUES DISCUSSED:

- Requirements of existing law
- Explanation of *State v. Garcia-Cisneros*
- Discussion of criminal mental states
- Constitutional concerns

#### EFFECT OF AMENDMENT:

-1 Modifies mental state to when the driver is aware or fails to be aware of a substantial risk that the driver was involved in a collision. Removes requirement to provide police officer investigating the collision with the driver's driver license number when the collision results in property damage or injury or death to any person.

-3 Modifies mental state to when the driver is aware or should reasonably be aware of the probability that the driver was involved in a collision. Removes requirement to provide police officer investigating the collision with the driver's driver license number when the collision results in property damage or injury or death to any person. Makes technical changes.

#### BACKGROUND:

Three statutes require a driver involved in an accident to perform certain duties before leaving the scene of the accident, such as providing contact information and insurance information to the other driver or passengers. One statute governs these duties when the accident involves property damage and failure to perform these duties is a Class A misdemeanor. A second statute governs these duties when the accident involves injury or death to any person and failure to perform these duties is a Class C felony, or a Class B felony if a person suffers serious physical

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injury or dies as a result of the accident. The third statute specifies these duties when a vehicle strikes and injures a domestic animal and failure to perform these duties is a Class B traffic violation.

Recently, the Oregon Court of Appeals interpreted the statute specifying these duties when the accident involves injury or death to any person. In *State v. Garcia-Cisneros*, the court held that this statute only applies when the driver of the vehicle involved in an accident knows, or has reason to know, that the driver was in an accident involving injury or death. A driver is not obligated under the statute to return to the scene of the accident if the driver does not learn of the accident until after the driver has left the scene. Since the defendant in *Garcia-Cisneros* was not aware that she had struck and injured two people until after she had left the scene of the accident, she was not in violation of this statute.

House Bill 4055 addresses the *Garcia-Cisneros* case by imposing duties on drivers who learn that they may have been involved in a collision involving injury or death to another person, injury or death to a domestic animal, or damage to a vehicle, fixtures, or property, after leaving the scene of the collision. HB 4055 also adds additional duties to drivers involved in these collisions, such as investigating what the vehicle struck and providing the phone number of the insurance carrier of the vehicle.