

HB 4055 A -A4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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WHAT THE MEASURE DOES:

Modifies duties driver must perform when the driver is aware or should reasonably be aware of the probability that the driver was involved in a collision involving property damage, injury or death to a person, or injury or death to a 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 a 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 after leaving the scene that the driver may have been involved in a collision, to comply as nearly as possible with certain duties, including contacting 9-1-1 if the collision resulted in injury or death to a person.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A4 Modifies applicable mental state to driver knowing or having reason to believe the driver was involved in a collision involving property damage, injury or death to a person, or injury or death to a domestic animal. Defines reason to believe. 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, injury or death to another person, or injury or death to a domestic animal. Modifies requirements a driver must perform when driver learns of a collision after leaving the scene. Specifies information driver must provide to 9-1-1 when driver learns of a collision involving injury or death to another person after leaving the scene. Makes technical changes. Makes conforming amendment.

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 a person and failure to perform these duties is a Class C felony, or a Class B felony if a person suffers serious physical 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 a 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

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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-A 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-A 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.