

**HB 4055 B STAFF MEASURE SUMMARY****Carrier:** Sen. Prozanski**Senate Committee On Judiciary****Action Date:** 02/22/18**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Dembrow, Gelser, Linthicum, Prozanski, Thatcher, Wagner**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Whitney Perez, Counsel**WHAT THE MEASURE DOES:**

Modifies duties driver must perform when the driver knows or has reason to believe 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. 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. 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 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. Specifies information the driver must provide to 9-1-1. Makes technical changes. Makes conforming amendment.

**ISSUES DISCUSSED:**

- Explanation of *State v. Garcia-Cisneros*
- 5th Amendment concerns and *State v. Monroe*
- Explanation of what the bill will require of drivers involved in collisions

**EFFECT OF AMENDMENT:**

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

## **HB 4055 B STAFF MEASURE SUMMARY**

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 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-B 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-B 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.