

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4055

By COMMITTEE ON JUDICIARY

February 22

- 1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “137.751.”
- 2 Delete lines 5 through 28 and delete pages 2 and 3.
- 3 On page 4, delete lines 1 and 2 and insert:
- 4 “**SECTION 1.** ORS 811.700 is amended to read:
- 5 “811.700. (1) A [*person*] **driver of a vehicle who knows or has reason to believe that the**
- 6 **driver’s vehicle was involved in a collision** commits the offense of failure to perform the duties
- 7 of a driver when property is damaged if the [*person is the driver of any vehicle and the person*]
- 8 **driver’s vehicle is involved in a collision that results in damage to property and the driver**
- 9 does not perform duties required under any of the following:
- 10 “(a) **Immediately stop the driver’s vehicle at the scene of the collision or as close to the**
- 11 **scene of the collision as possible and reasonably investigate what the driver’s vehicle struck.**
- 12 **Every stop required under this paragraph should be made without obstructing traffic more**
- 13 **than is necessary.**
- 14 “[*(a)*] (b) If the [*person is the driver of any vehicle*] **the driver’s vehicle has been** involved in
- 15 [*an accident*] **a collision** that results only in damage to a vehicle that is driven or attended by any
- 16 other person, the [*person must*] **driver shall** perform all of the following duties:
- 17 “[*(A)*] *Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every*
- 18 *stop required under this subparagraph shall be made without obstructing traffic more than is neces-*
- 19 *sary.*]
- 20 “[*(B)*] (A) Remain at the scene of the [*accident*] **collision** until the driver has fulfilled all of the
- 21 requirements under this paragraph.
- 22 “[*(C)*] (B) Give to the other driver or passenger:
- 23 “(i) The **driver’s** name and address, **the name and address of the owner of the driver’s ve-**
- 24 **hicle and** [*of the driver and the registration number of the vehicle that the driver is driving,*] the name
- 25 and address of any other occupants of the [*vehicle and,*] **driver’s vehicle; and**
- 26 “(ii) If the **driver’s** vehicle is a motor vehicle, **the registration number of the motor vehicle,**
- 27 the name of the insurance carrier [*and*] **covering the motor vehicle,** the insurance policy number
- 28 of the insurance policy insuring the motor vehicle[.] **and the phone number of the insurance**
- 29 **carrier.**
- 30 “[*(D)*] (C) Upon request and if available, exhibit and give to the occupant of or person attending
- 31 any vehicle damaged the number of any [*documents*] **document** issued as evidence of driving privi-
- 32 leges granted to the driver.
- 33 “[*(b)*] (c) If the [*person is the driver of any vehicle that collides with*] **driver’s vehicle has been**
- 34 **involved in a collision resulting in damage to** any vehicle that is unattended, the [*person shall*
- 35 *immediately stop and*] **driver shall perform all the following duties:**

1 “(A) Locate [*and notify*] the operator or owner of the **unattended** vehicle **and notify the op-**  
2 **erator or owner** of:

3 “(i) The **driver’s** name and address [*of the driver*] and **the name and address of the** owner of  
4 the vehicle [*striking*] **that struck** the unattended vehicle [*and,*]; **and**

5 “(ii) If the **driver’s** vehicle is a motor vehicle, **the registration number of the motor vehicle,**  
6 the name of the insurance carrier [*and*] **covering the motor vehicle,** the insurance policy number  
7 of the insurance policy insuring the motor vehicle **and the phone number of the insurance car-**  
8 **rier;** or

9 “(B) Leave in a conspicuous place in the **unattended** vehicle [*struck*] a written notice giving:

10 “(i) The **driver’s** name and address [*of the driver*] and **the name and address** of the owner of  
11 the vehicle [*doing the striking*] **that struck the unattended vehicle** and a statement of the cir-  
12 cumstances [*thereof*] **of the collision;** and

13 “(ii) If the **driver’s** vehicle is a motor vehicle, **the registration number of the motor vehicle,**  
14 the name of the insurance carrier [*and*] **covering the motor vehicle,** the insurance policy number  
15 of the insurance policy insuring the motor vehicle **and the phone number of the insurance car-**  
16 **rier.**

17 “[*c*] (d) If the [*person is the driver of any vehicle*] **driver’s vehicle has been** involved in [*an*  
18 *accident*] **a collision** resulting only in damage to fixtures or property legally upon or adjacent to a  
19 highway, the [*person*] **driver** shall [*do*] **perform** all of the following **duties:**

20 “(A) Take reasonable steps to notify the owner or person in charge of the property of [*such*  
21 *fact*] **the collision** and of the driver’s name and address, **the vehicle owner’s name and address**  
22 and, if the **driver’s** vehicle is a motor vehicle, **the registration number of the motor vehicle,** the  
23 name of the insurance carrier [*and*] **covering the motor vehicle,** the insurance policy number of  
24 the insurance policy insuring the motor vehicle **and the phone number of the insurance carrier**  
25 [*and of the registration number of the vehicle the driver is driving*].

26 “(B) Upon request and if available, exhibit any document issued as [*official*] evidence of [*a grant*  
27 *of*] driving privileges **granted** to the driver.

28 “(e) **If the driver discovers only after leaving the scene of the collision that the driver’s**  
29 **vehicle may have been involved in a collision that resulted in damage to another vehicle,**  
30 **fixture or property, the driver shall as soon as reasonably possible make a good faith effort**  
31 **to comply with the requirements of this subsection.**

32 “(2) **As used in this section, ‘reason to believe’ means that the driver is aware of a cir-**  
33 **cumstance that would cause a reasonable person to be aware of a substantial and unjustifi-**  
34 **able risk that the driver’s vehicle has been in a collision. The risk must be of such nature**  
35 **or degree that failure to be aware of it constitutes a gross deviation from the standard of**  
36 **care that a reasonable person would observe in the situation.**

37 “[*2*] (3) The offense described in this section, failure to perform the duties of a driver when  
38 property is damaged, is a Class A misdemeanor and is applicable on any premises open to the public.

39 “**SECTION 2.** ORS 811.705 is amended to read:

40 “811.705. (1) A [*person commits the offense of failure to perform the duties of a driver to injured*  
41 *persons if the person is the driver of any*] **driver of a vehicle who knows or has reason to believe**  
42 **that the driver’s vehicle was** involved in [*an accident*] **a collision** [*that results in injury or death*  
43 *to any person and does not do all of the following*] **commits the offense of failure to perform the**  
44 **duties of a driver to injured persons if the driver’s vehicle has been in a collision that results**  
45 **in injury or death to a person and the driver does not perform all of the following duties:**

1           “(a) Immediately stop the **driver’s** vehicle at the scene of the [*accident*] **collision** or as close  
2 [*thereto*] **to the scene of the collision** as possible **and reasonably investigate what the driver’s**  
3 **vehicle struck**. Every stop required under this paragraph [*shall*] **should** be made without obstruct-  
4 ing traffic more than is necessary.

5           “(b) Remain at the scene of the [*accident*] **collision** until the driver has fulfilled all of the re-  
6 quirements under this subsection.

7           “(c) Give to the other driver or **a** surviving passenger or any person not a passenger who is  
8 injured as a result of the [*accident*] **collision**:

9           “(A) The **driver’s** name and address, **the name and address of the owner of the driver’s**  
10 **vehicle and** [*of the driver and the registration number of the vehicle that the driver is driving,*] the  
11 name and address of any other occupants of the [*vehicle and,*] **driver’s vehicle; and**

12           “(B) If the **driver’s** vehicle is a motor vehicle, **the registration number of the motor vehicle,**  
13 **the name of the insurance carrier [and] covering the motor vehicle,** the insurance policy number  
14 of the insurance policy insuring the motor vehicle[.] **and the phone number of the insurance**  
15 **carrier.**

16           “(d) Upon request and if available, exhibit and give to the persons injured **and** [*or*] to the oc-  
17 cupant of or person attending any vehicle damaged the number of any document issued as official  
18 evidence of [*a grant of*] driving privileges **granted to the driver.**

19           “(e) Render to any person injured in the [*accident*] **collision** reasonable assistance, including the  
20 conveying, or the making of arrangements for the conveying, of [*such*] **an injured** person to a phy-  
21 sician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment  
22 is necessary or if such conveying is requested by any injured person.

23           “(f) Remain at the scene of [*an accident*] **a collision** until a police officer has arrived and has  
24 received the required information, if all persons required to be given information under paragraph  
25 (c) of this subsection are killed in the [*accident*] **collision** or are unconscious or otherwise incapable  
26 of receiving the information. The requirement of this paragraph to remain at the scene of [*an acci-*  
27 *dent*] **a collision** until a police officer arrives does not apply to a driver who needs immediate  
28 medical care, who needs to leave the scene in order to secure medical care for another person in-  
29 jured in the [*accident*] **collision** or who needs to leave the scene in order to report the [*accident*]  
30 **collision** to the authorities, [*so*] **as** long as the driver who leaves takes reasonable steps to return  
31 to the scene or to contact the nearest police [*agency*] **officer.**

32           “(g) **If the driver discovers only after leaving the scene of the collision that the driver’s**  
33 **vehicle may have been involved in a collision that resulted in injury or death to any person,**  
34 **shall as soon as reasonably possible make a good faith effort to comply with the require-**  
35 **ments of this subsection. The driver shall immediately contact 9-1-1 and provide to the dis-**  
36 **patcher any requested information described in paragraph (c) of this subsection and the**  
37 **location and approximate time of the collision.**

38           “(2) **As used in this section, ‘reason to believe’ means that the driver is aware of a cir-**  
39 **cumstance that would cause a reasonable person to be aware of a substantial and unjustifi-**  
40 **able risk that the driver’s vehicle has been in a collision. The risk must be of such nature**  
41 **or degree that failure to be aware of it constitutes a gross deviation from the standard of**  
42 **care that a reasonable person would observe in the situation.**

43           “[(2)(a)] (3)(a) Except as otherwise provided in paragraph (b) of this subsection, the offense de-  
44 scribed in this section, failure to perform the duties of a driver to injured persons, is a Class C fel-  
45 ony and is 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 **collision.**”.

4 Delete lines 8 through 26 and insert:

5 “**SECTION 4.** ORS 811.710 is amended to read:

6 “811.710. (1) A [person] **driver of a vehicle who knows or has reason to believe that the**  
7 **driver’s vehicle was involved in a collision** commits the offense of failure to perform the duties  
8 of a driver when an animal is injured if the [person knowingly strikes and injures a domestic animal  
9 and the person] **driver’s vehicle injures or kills a domestic animal and the driver** does not [do]  
10 **perform** all of the following **duties**:

11 “(a) [Stop at once.] **Immediately stop the driver’s vehicle at the scene of the collision or**  
12 **as close to the scene of the collision as possible and reasonably investigate what the driver’s**  
13 **vehicle struck. Every stop required under this paragraph should be made without obstructing**  
14 **traffic more than is necessary.**

15 “(b) Make a reasonable effort to determine the nature of the animal’s injuries.

16 “(c) Give reasonable attention to the animal.

17 “(d) Immediately report the injury to the animal’s owner.

18 “(e) If unable to contact the owner of the animal, notify a police officer.

19 “(f) **If the driver discovers only after leaving the scene of the collision that the driver’s**  
20 **vehicle may have been involved in a collision that injured or killed a domestic animal, the**  
21 **driver shall as soon as reasonably possible make a good faith effort to comply with the re-**  
22 **quirements of this section.**

23 “(2) The requirements under this section for a driver to stop and attend an injured animal de-  
24 pend on the traffic hazards then existing.

25 “(3) **As used in this section, ‘reason to believe’ means that the driver is aware of a cir-**  
26 **cumstance that would cause a reasonable person to be aware of a substantial and unjustifi-**  
27 **able risk that the driver’s vehicle has been in a collision. The risk must be of such nature**  
28 **or degree that failure to be aware of it constitutes a gross deviation from the standard of**  
29 **care that a reasonable person would observe in the situation.**

30 “[3] (4) The offense described in this section, failure to perform the duties of a driver when  
31 an animal is injured, is a Class B traffic violation.

32 “**SECTION 4a.** ORS 137.751 is amended to read:

33 “137.751. (1) When a court sentences a defendant to a term of incarceration that exceeds one  
34 year, the defendant may request a determination of the defendant’s eligibility for release on post-  
35 prison supervision under ORS 421.508 (4). The court shall order in the judgment that the Department  
36 of Corrections may release the defendant on post-prison supervision under ORS 421.508 (4) only if,  
37 after a hearing, the court finds that:

38 “(a) The defendant meets the eligibility requirements of subsections (2) and (3) of this section;

39 “(b) The defendant was not on probation, parole or post-prison supervision for an offense listed  
40 in ORS 137.712 (4) or 811.705 [(2)(b)] **(3)(b)** at the time of the commission of the current crime of  
41 conviction;

42 “(c) The defendant has not previously been released on post-prison supervision under ORS  
43 421.508 (4);

44 “(d) The harm or loss caused by the crime is not greater than usual for that type of crime;

45 “(e) The crime was not part of an organized criminal operation; and

1           “(f) After considering the nature of the offense and the harm to the victim, the defendant’s  
2 successful completion of the program would:

3           “(A) Increase public safety;

4           “(B) Enhance the likelihood that the defendant would be rehabilitated; and

5           “(C) Not unduly reduce the appropriate punishment.

6           “(2) Except as provided in subsection (4) of this section, a defendant may not be released on  
7 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime under  
8 ORS 163.145, 163.165 (1)(a) or (b), 163.525 or 811.705 [(2)(b)] **(3)(b)**.

9           “(3) A defendant may not be released on post-prison supervision under ORS 421.508 (4) if the  
10 defendant is being sentenced for a crime listed in ORS 137.700, 137.707 or 163.095 or a sex crime  
11 as defined in ORS 163A.005.

12           “(4) Notwithstanding subsection (1) of this section, the parties may stipulate to a defendant’s  
13 eligibility for release on post-prison supervision under ORS 421.508 (4). If the court accepts the  
14 stipulation, the court does not need to make explicit findings regarding the factors described in  
15 subsection (1)(b) to (f) of this section. The parties may not stipulate to the defendant’s release on  
16 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime de-  
17 scribed in subsection (3) of this section.

18           “(5) If the court makes the findings described in subsection (1) of this section or accepts the  
19 stipulation of the parties under subsection (4) of this section, the court shall:

20           “(a) Order on the record in open court as part of the sentence imposed that the defendant may  
21 be considered by the department for release on post-prison supervision under ORS 421.508 (4); and

22           “(b) Include the order described in paragraph (a) of this subsection in the judgment.

23           “(6) Subject to the requirements of this section, the court may order that the defendant serve  
24 a minimum period of incarceration before the defendant is released on post-prison supervision under  
25 ORS 421.508 (4). Nothing in this section authorizes the release of the defendant on post-prison  
26 supervision before the defendant has served the period of time described in ORS 421.508 (4)(b).”.

27