

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4055**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert  
2 “137.751.”.

3 Delete lines 5 through 28 and delete pages 2 and 3.

4 On page 4, delete lines 1 and 2 and insert:

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

6 “811.700. (1) A *[person]* **driver of a vehicle who knows or has reason**  
7 **to believe that the driver’s vehicle was involved in a collision** commits  
8 the offense of failure to perform the duties of a driver when property is  
9 damaged if the *[person is the driver of any vehicle and the person]* **driver’s**  
10 **vehicle is involved in a collision that results in damage to property and**  
11 **the driver** does not perform duties required under any of the following:

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

17 **“[(a)] (b) If the *[person is the driver of any vehicle]* the driver’s vehicle**  
18 **has been** involved in *[an accident]* **a collision** that results only in damage  
19 to a vehicle that is driven or attended by any other person, the *[person*  
20 *must]* **driver shall** perform all of the following duties:

21 **“[(A) Immediately stop the vehicle at the scene of the accident or as close**

1 *thereto as possible. Every stop required under this subparagraph shall be made*  
2 *without obstructing traffic more than is necessary.]*

3 “[*(B)*] **(A)** Remain at the scene of the [*accident*] **collision** until the driver  
4 has fulfilled all of the requirements under this paragraph.

5 “[*(C)*] **(B)** Give to the other driver or passenger:

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

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

14 “[*(D)*] **(C)** Upon request and if available, exhibit and give to the occupant  
15 of or person attending any vehicle damaged the number of any [*documents*]  
16 **document** issued as evidence of driving privileges granted to the driver.

17 “[*(b)*] **(c)** If the [*person is the driver of any vehicle that collides with*]  
18 **driver’s vehicle has been involved in a collision resulting in damage**  
19 **to** any vehicle that is unattended, the [*person shall immediately stop and*]  
20 **driver shall perform all the following duties:**

21 **“(A)** Locate [*and notify*] the operator or owner of the **unattended** vehicle  
22 **and notify the operator or owner of:**

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

26 **“(ii)** If the **driver’s** vehicle is a motor vehicle, **the registration number**  
27 **of the motor vehicle,** the name of the insurance carrier [*and*] **covering the**  
28 **motor vehicle,** the insurance policy number of the insurance policy insuring  
29 the motor vehicle **and the phone number of the insurance carrier; or**

30 **“(B)** Leave in a conspicuous place in the **unattended** vehicle [*struck*] a

1 written notice giving:

2 “(i) The **driver’s** name and address [*of the driver*] and **the name and**  
3 **address** of the owner of the vehicle [*doing the striking*] **that struck the**  
4 **unattended vehicle** and a statement of the circumstances [*thereof*] **of the**  
5 **collision**; and

6 “(ii) If the **driver’s** vehicle is a motor vehicle, **the registration number**  
7 **of the motor vehicle**, the name of the insurance carrier [*and*] **covering the**  
8 **motor vehicle**, the insurance policy number of the insurance policy insuring  
9 the motor vehicle **and the phone number of the insurance carrier**.

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

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

22 “(B) Upon request and if available, exhibit any document issued as [*offi-*  
23 *cial*] evidence of [*a grant of*] driving privileges **granted** to the driver.

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

29 “(2) **As used in this section, ‘reason to believe’ means that the**  
30 **driver is aware of a circumstance that would cause a reasonable per-**

1 **son to be aware of a substantial and unjustifiable risk that the driver’s**  
2 **vehicle has been in a collision. The risk must be of such nature or**  
3 **degree that failure to be aware of it constitutes a gross deviation from**  
4 **the standard of care that a reasonable person would observe in the**  
5 **situation.**

6 “[2)] (3) The offense described in this section, failure to perform the du-  
7 ties of a driver when property is damaged, is a Class A misdemeanor and is  
8 applicable on any premises open to the public.

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

10 “811.705. (1) A [*person commits the offense of failure to perform the duties*  
11 *of a driver to injured persons if the person is the driver of any]* **driver of a**  
12 **vehicle who knows or has reason to believe that the driver’s vehicle**  
13 **was involved in [*an accident]* a collision [*that results in injury or death to***  
14 *any person and does not do all of the following]* **commits the offense of**  
15 **failure to perform the duties of a driver to injured persons if the**  
16 **driver’s vehicle has been in a collision that results in injury or death**  
17 **to a person and the driver does not perform all of the following**  
18 **duties:**

19 “(a) Immediately stop the **driver’s** vehicle at the scene of the [*accident]*  
20 **collision** or as close [*thereto]* **to the scene of the collision** as possible **and**  
21 **reasonably investigate what the driver’s vehicle struck.** Every stop re-  
22 quired under this paragraph [*shall]* **should** be made without obstructing  
23 traffic more than is necessary.

24 “(b) Remain at the scene of the [*accident]* **collision** until the driver has  
25 fulfilled all of the requirements under this subsection.

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

28 “(A) The **driver’s** name and address, **the name and address of the**  
29 **owner of the driver’s vehicle and** [*of the driver and the registration number*  
30 *of the vehicle that the driver is driving,*] the name and address of any other

1 occupants of the [*vehicle and,*] **driver’s vehicle; and**

2 **“(B) If the driver’s vehicle is a motor vehicle, the registration number**  
3 **of the motor vehicle, the name of the insurance carrier [*and*] covering the**  
4 **motor vehicle, the insurance policy number of the insurance policy insuring**  
5 **the motor vehicle[.] and the phone number of the insurance carrier.**

6 **“(d) Upon request and if available, exhibit and give to the persons injured**  
7 **and [*or*] to the occupant of or person attending any vehicle damaged the**  
8 **number of any document issued as official evidence of [*a grant of*] driving**  
9 **privileges granted to the driver.**

10 **“(e) Render to any person injured in the [*accident*] collision reasonable**  
11 **assistance, including the conveying, or the making of arrangements for the**  
12 **conveying, of [*such*] an injured person to a physician, surgeon or hospital**  
13 **for medical or surgical treatment, if it is apparent that such treatment is**  
14 **necessary or if such conveying is requested by any injured person.**

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

27 **“(g) If the driver discovers only after leaving the scene of the col-**  
28 **lision that the driver’s vehicle may have been involved in a collision**  
29 **that resulted in injury or death to any person, shall as soon as rea-**  
30 **sonably possible make a good faith effort to comply with the require-**

1 **ments of this subsection. The driver shall immediately contact 9-1-1**  
2 **and provide to the dispatcher any requested information described in**  
3 **paragraph (c) of this subsection and the location and approximate time**  
4 **of the collision.**

5 **“(2) As used in this section, ‘reason to believe’ means that the**  
6 **driver is aware of a circumstance that would cause a reasonable per-**  
7 **son to be aware of a substantial and unjustifiable risk that the driver’s**  
8 **vehicle has been in a collision. The risk must be of such nature or**  
9 **degree that failure to be aware of it constitutes a gross deviation from**  
10 **the standard of care that a reasonable person would observe in the**  
11 **situation.**

12 **“[(2)(a)] (3)(a) Except as otherwise provided in paragraph (b) of this sub-**  
13 **section, the offense described in this section, failure to perform the duties**  
14 **of a driver to injured persons, is a Class C felony and is applicable on any**  
15 **premises open to the public.**

16 **“(b) Failure to perform the duties of a driver to injured persons is a Class**  
17 **B felony if a person suffers serious physical injury as defined in ORS 161.015**  
18 **or dies as a result of the [accident] collision.”**

19 On page 4, delete lines 8 through 26 and insert:

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

21 **“811.710. (1) A [person] driver of a vehicle who knows or has reason**  
22 **to believe that the driver’s vehicle was involved in a collision** commits  
23 the offense of failure to perform the duties of a driver when an animal is  
24 injured if the [*person knowingly strikes and injures a domestic animal and the*  
25 *person*] **driver’s vehicle injures or kills a domestic animal and the**  
26 **driver** does not [*do*] **perform** all of the following duties:

27 **“(a) [Stop at once.] Immediately stop the driver’s vehicle at the scene**  
28 **of the collision or as close to the scene of the collision as possible and**  
29 **reasonably investigate what the driver’s vehicle struck. Every stop**  
30 **required under this paragraph should be made without obstructing**

1 **traffic more than is necessary.**

2 “(b) Make a reasonable effort to determine the nature of the animal’s in-  
3 juries.

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

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

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

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

12 “(2) The requirements under this section for a driver to stop and attend  
13 an injured animal depend on the traffic hazards then existing.

14 **“(3) As used in this section, ‘reason to believe’ means that the  
15 driver is aware of a circumstance that would cause a reasonable per-  
16 son to be aware of a substantial and unjustifiable risk that the driver’s  
17 vehicle has been in a collision. The risk must be of such nature or  
18 degree that failure to be aware of it constitutes a gross deviation from  
19 the standard of care that a reasonable person would observe in the  
20 situation.**

21 “[3] (4) The offense described in this section, failure to perform the du-  
22 ties of a driver when an animal is injured, is a Class B traffic violation.

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

24 “137.751. (1) When a court sentences a defendant to a term of incarcer-  
25 ation that exceeds one year, the defendant may request a determination of  
26 the defendant’s eligibility for release on post-prison supervision under ORS  
27 421.508 (4). The court shall order in the judgment that the Department of  
28 Corrections may release the defendant on post-prison supervision under ORS  
29 421.508 (4) only if, after a hearing, the court finds that:

30 “(a) The defendant meets the eligibility requirements of subsections (2)

1 and (3) of this section;

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

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

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

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

10 “(f) After considering the nature of the offense and the harm to the vic-  
11 tim, the defendant’s successful completion of the program would:

12 “(A) Increase public safety;

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

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

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

20 “(3) A defendant may not be released on post-prison supervision under  
21 ORS 421.508 (4) if the defendant is being sentenced for a crime listed in ORS  
22 137.700, 137.707 or 163.095 or a sex crime as defined in ORS 163A.005.

23 “(4) Notwithstanding subsection (1) of this section, the parties may stip-  
24 ulate to a defendant’s eligibility for release on post-prison supervision under  
25 ORS 421.508 (4). If the court accepts the stipulation, the court does not need  
26 to make explicit findings regarding the factors described in subsection (1)(b)  
27 to (f) of this section. The parties may not stipulate to the defendant’s release  
28 on post-prison supervision under ORS 421.508 (4) if the defendant is being  
29 sentenced for a crime described in subsection (3) of this section.

30 “(5) If the court makes the findings described in subsection (1) of this



1 section or accepts the stipulation of the parties under subsection (4) of this  
2 section, the court shall:

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

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

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

14

---