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# HOUSE BILL No. 1307

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-26-1.

**Synopsis:** Driver and passengers at scene of accident. Requires the driver and passenger involved in an accident that results in the injury or death of a person to remain at the scene of the accident until released by authorities. Requires a passenger to assist at the scene of an accident if the driver is unable to do so. Makes it a Class C misdemeanor for a driver to fail to give notice of the accident to authorities or to fail to remain at the scene and for a passenger to fail to assist at the scene. Provides that a passenger who fails to remain, until released by authorities, at the scene of an accident that results in the injury or death of a person commits a Class B infraction.

**Effective:** July 1, 2000.

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## Thompson

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January 11, 2000, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

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# HOUSE BILL No. 1307



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2000]: Sec. 1. The driver of a vehicle involved  
3 in an accident that results in the injury or death of a person shall do the  
4 following:

5 (1) **The driver shall** immediately stop the vehicle at the scene of  
6 the accident or as close to the accident as possible in a manner  
7 that does not obstruct traffic more than is necessary.

8 (2) **The driver, if physically and mentally capable of doing so,**  
9 **shall** immediately return to and remain at the scene of the  
10 accident until the driver: ~~does the following~~

11 (A) gives the driver's name and address and the registration  
12 number of the vehicle the driver was driving to:

- 13 (i) **the person struck; and**
- 14 (ii) **the driver or occupant of or person attending each**  
15 **vehicle involved in the accident;**

16 (B) upon request, exhibits the driver's license of the driver to:  
17 ~~the following:~~



- 1 (i) the person struck; and  
 2 (ii) the driver or occupant of or person attending each  
 3 vehicle involved in the accident; **and**  
 4 (C) determines the need for and renders reasonable assistance  
 5 to each person injured in the accident, including the removal  
 6 or the making of arrangements for the removal of each injured  
 7 person to a physician or hospital for medical treatment.
- 8 **(3) The driver, if physically and mentally capable of doing so,**  
 9 **shall** immediately give notice of the accident by the quickest  
 10 means of communication to one (1) of the following:  
 11 (A) The local police department if the accident occurs within  
 12 a municipality.  
 13 (B) The office of the county sheriff or the nearest state police  
 14 post if the accident occurs outside a municipality.
- 15 **(4) The driver, if physically and mentally capable of doing so,**  
 16 **shall remain at the scene of the accident until the arrival of**  
 17 **and release from investigation by the representative of the law**  
 18 **enforcement agency responding to the notice given in**  
 19 **subdivision (3).**
- 20 **(5) The driver shall** within ten (10) days after the accident,  
 21 forward a written report of the accident to the state police  
 22 department.
- 23 SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE  
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 25 1, 2000]: **Sec. 1.5. Each occupant in a vehicle (other than the driver)**  
 26 **involved in an accident that results in the injury or death of a**  
 27 **person shall do the following:**  
 28 **(1) Remain at the scene of the accident, if physically and**  
 29 **mentally capable of doing so, until a representative of a**  
 30 **responding law enforcement agency described in section 1(3)**  
 31 **of this chapter releases the occupant from the scene.**  
 32 **(2) File a report with the state police department, if required**  
 33 **to do so under section 5(2) of this chapter.**
- 34 SECTION 3. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2000]: **Sec. 6. (a) If:**  
 36 **(1) the driver of a vehicle is physically or mentally incapable**  
 37 **of complying with section 1(2)(A), 1(2)(C), 1(3), or 1(4) of this**  
 38 **chapter; and**  
 39 **(2) there was another occupant in the vehicle at the time of the**  
 40 **accident capable of complying with section 1(2)(A), 1(2)(C),**  
 41 **1(3), and 1(4) of this chapter;**  
 42 **the occupant shall carry out or cause to be carried out the**

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1 **requirements of section 1(2)(A), 1(2)(C), 1(3), and 1(4) of this**  
 2 **chapter.**

3 (b) If:

4 (1) the driver of a vehicle is physically **or mentally** incapable of  
 5 making an immediate or a written report of an accident as  
 6 required by this chapter; and

7 (2) there was another occupant in the vehicle at the time of the  
 8 accident capable of making an immediate or a written report;  
 9 the occupant shall make or cause to be made the report not made by the  
 10 driver.

11 (c) If:

12 (1) the driver of a vehicle is physically **or mentally** incapable of  
 13 making an immediate or a written report of an accident as  
 14 required by this chapter;

15 (2) there was no other occupant; and

16 (3) the driver is not the owner of the vehicle;  
 17 the owner of the vehicle involved in the accident shall, within five (5)  
 18 days after the accident, make the report not made by the driver.

19 **SECTION 4. IC 9-26-1-8 IS AMENDED TO READ AS FOLLOWS**  
 20 **[EFFECTIVE JULY 1, 2000]: Sec. 8. (a) A person who fails to stop or**  
 21 **comply with section 1(1) or 1(2) of this chapter after causing injury to**  
 22 **a person commits a Class A misdemeanor. However, the offense is:**

23 (1) a Class D felony if:

24 (A) the accident involves serious bodily injury to a person; or

25 (B) within the five (5) years preceding the commission of the  
 26 offense, the person had a previous conviction of any of the  
 27 offenses listed in IC 9-30-10-4(a); and

28 (2) a Class C felony if the accident involves the death of a person.

29 **(b) A person who fails to comply with section 1(3) or 1(4) of this**  
 30 **chapter commits a Class C misdemeanor.**

31 **(c) A person who fails to stop or comply with section 3 or 4 of this**  
 32 **chapter after causing damage to the property of another person**  
 33 **commits a Class B misdemeanor.**

34 **SECTION 5. IC 9-26-1-11 IS ADDED TO THE INDIANA CODE**  
 35 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 36 **1, 2000]: Sec. 11. A person who violates section 1.5 of this chapter**  
 37 **commits a Class B infraction.**

38 **SECTION 6. IC 9-26-1-12 IS ADDED TO THE INDIANA CODE**  
 39 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 40 **1, 2000]: Sec. 12. A person who violates section 6(a) of this chapter**  
 41 **commits a Class C misdemeanor.**



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