
HOUSE BILL No. 1362

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-26-1.

Synopsis: Driver and passengers at scene of accident. Requires the driver and the other occupants of a vehicle involved in an accident resulting in the injury or death of a person to remain at the scene of the accident until released by authorities. Requires a passenger to provide necessary information and render reasonable assistance at the scene of an accident resulting in injury or death if the driver is unable to do so. Makes it a Class C misdemeanor for a driver to fail to give notice to authorities of an accident resulting in injury or death or to fail to remain at the scene of the accident. Makes it a Class C misdemeanor, if the driver is incapacitated, for a passenger to fail to provide necessary information and render reasonable assistance at the scene of an accident resulting in injury or death. Provides that a passenger who fails to remain at the scene of an accident resulting in injury or death until released by authorities commits a Class B infraction.

Effective: July 1, 2002.

Noe, Welch, Thompson

January 15, 2002, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1362



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, 2002]: 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) Immediately stop the vehicle at the scene of the accident or as
6 close to the accident as possible in a manner that does not
7 obstruct traffic more than is necessary.
8 (2) **If physically and mentally capable of doing so**, immediately
9 return to and remain at the scene of the accident until the driver:
10 **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, if a person was struck in the**
14 **accident; and**
15 (ii) **the driver or occupant of or person attending each**
16 **vehicle involved in the accident;**
17 (B) upon request, exhibits the driver's license of the driver to:



1 the following:

2 (i) the person struck, **if a person was struck in the**
3 **accident; and**

4 (ii) the driver or occupant of or person attending each
5 vehicle involved in the accident; **and**

6 (C) determines the need for and renders reasonable assistance
7 to each person injured in the accident, including the removal
8 or the making of arrangements for the removal of each injured
9 person to a physician or hospital for medical treatment.

10 **(3) If physically and mentally capable of doing so, immediately**
11 **give notice of the accident by the quickest means of**
12 **communication to one (1) of the following:**

13 (A) The local police department, if the accident occurs within
14 a municipality.

15 (B) The office of the county sheriff or the nearest state police
16 post, if the accident occurs outside a municipality.

17 **(4) If physically and mentally capable of doing so, remain at**
18 **the scene of the accident until the arrival of and release from**
19 **investigation by the representative of the law enforcement**
20 **agency responding to the notice given under subdivision (3).**

21 **(5) Within Not later than ten (10) days after the accident,**
22 **forward a written report of the accident to the state police**
23 **department.**

24 SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2002]: **Sec. 1.5. Each occupant (other than the driver) of a**
27 **vehicle involved in an accident resulting in the injury or death of**
28 **a person shall do the following:**

29 **(1) Remain at the scene of the accident, if physically and**
30 **mentally capable of doing so, until a representative of a**
31 **responding law enforcement agency referred to in section 1(3)**
32 **of this chapter releases the occupant from the scene.**

33 **(2) File a report with the state police department, if required**
34 **to do so under section 5(2) of this chapter.**

35 SECTION 3. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2002]: **Sec. 6. (a) If:**

37 **(1) the driver of a vehicle is physically or mentally incapable**
38 **of complying with section 1(2)(A), 1(2)(C), 1(3), and 1(4) of**
39 **this chapter; and**

40 **(2) there is another occupant in the vehicle at the time of the**
41 **accident who is capable of complying with section 1(2)(A),**
42 **1(2)(C), 1(3), and 1(4) of this chapter;**

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1 **the occupant referred to in subdivision (2) shall carry out or cause**
 2 **to be carried out the requirements of section 1(2)(A), 1(2)(C), 1(3),**
 3 **and 1(4) of this chapter.**

4 **(b) If:**

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

8 (2) there ~~was~~ **is** another occupant in the vehicle at the time of the
 9 accident capable of making an immediate or a written report;

10 the occupant **referred to in subdivision (2)** shall make or cause to be
 11 made the report not made by the driver.

12 ~~(b)~~ **(c) If:**

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

16 (2) there ~~was~~ **is** no other occupant **in the vehicle**; and

17 (3) the driver is not the owner of the vehicle;

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

20 SECTION 4. IC 9-26-1-8 IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) A person who fails to stop or
 22 comply with section 1(1) or 1(2) of this chapter after causing injury to
 23 a person commits a Class A misdemeanor. However, the offense is:

24 (1) a Class D felony if:

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

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

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

30 **(b) A person who violates section 1(3) or 1(4) of this chapter**
 31 **commits a Class C misdemeanor.**

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

35 SECTION 5. IC 9-26-1-11 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 37 1, 2002]: **Sec. 11. A person who violates section 1.5 of this chapter**
 38 **commits a Class B infraction.**

39 SECTION 6. IC 9-26-1-12 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 41 1, 2002]: **Sec. 12. A person who violates section 6(a) of this chapter**
 42 **commits a Class C misdemeanor.**



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