

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1076

By: Seikel

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 10-104 and 10-108, which relate to traffic accidents; clarifying applicability of certain penalties; modifying certain notification responsibilities of the Department of Public Safety; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 10-104, is amended to read as follows:

Section 10-104. A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request ~~and if available~~ exhibit his operator's or chauffeur's license and his security verification form, as defined in Section 7-600 of this title, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if

it is apparent that such treatment is necessary or if such carrying is requested by the injured person. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

B. Any driver of any vehicle involved in an accident who is cited for any traffic offense where said accident resulted in the immediate death of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of Section 752 of this title and the procedures found in Section 752 of this title shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 10-108, is amended to read as follows:

Section 10-108. A. The operator of a motor vehicle which is in any manner involved in a collision upon any road, street, highway or elsewhere within this state resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or other property is in excess of Three Hundred Dollars (\$300.00) shall forward a written report of such collision to the Department if settlement of the collision has not been made within six (6) months after the date of the accident and provided that if a settlement has been made a report of such settlement must be made by the parties.

B. Notwithstanding the provisions of Section 7-202 of this title, if any party involved in a collision files a report under this section, the Department shall ~~notify~~ be responsible for locating and notifying all other parties involved in the collision, as specified in the report, that a report has been filed and all other parties shall then furnish the Department, within ten (10)

days, such information as the Department may request to determine whether the parties were in compliance with the requirements of Sections 7-601 et seq. of this title at the time of the collision. Upon a finding that an owner or driver was not in compliance with Sections 7-601 et seq., the Department shall then commence proceedings under the provisions of Sections 7-201 and 7-301 et seq. of this title.

SECTION 3. This act shall become effective September 1, 1993.

44-1-5627 AJM