

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1963

By: Dunegan

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 10-102, as last amended by Section 345, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, Section 6, Chapter 382, O.S.L. 1992, as last amended by Section 346, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 47 O.S. 1991, Sections 10-103, 10-104, as last amended by Section 2, Chapter 313, O.S.L. 1995, 10-105, and 10-106, as amended by Section 13, Chapter 23, O.S.L. 1995 (47 O.S. Supp. 1999, Sections 10-102, 10-102.1, 10-104 and 10-106), which relate to traffic accidents; requiring passengers of vehicles involved in accidents to remain at the scene of accident, provide certain information upon request, and take certain steps to locate owners of unattended vehicles; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 10-102, as last amended by Section 345, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (47 O.S. Supp. 1999, Section 10-102), is amended to read as follows:

Section 10-102. A. The driver or passenger of any vehicle involved in an accident resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution or to comply with said

requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than ten (10) days nor more than two (2) years, or by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

SECTION 2. AMENDATORY Section 6, Chapter 382, O.S.L. 1992, as last amended by Section 346, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (47 O.S. Supp. 1999, Section 10-102.1), is amended to read as follows:

Section 10-102.1 The driver or passenger of any vehicle involved in an accident resulting in the death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution, or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than ten (10) years, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 10-103, is amended to read as follows:

Section 10-103. The driver or passenger of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. In addition to the criminal penalties imposed by this section, any person violating the provisions of this section shall be subject to liability for damages in an amount equal to three times the value of the damage caused by the accident. Said damages shall be recoverable in a civil action. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 10-104, as last amended by Section 2, Chapter 313, O.S.L. 1995 (47 O.S. Supp. 1999, Section 10-104), is amended to read as follows:

Section 10-104. A. The driver or passenger 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 immediately give his correct name, address and registration number of the vehicle he is driving, and shall upon request exhibit his driver 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 or passenger 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 could be 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 5. AMENDATORY 47 O.S. 1991, Section 10-105, is amended to read as follows:

Section 10-105. The driver or passenger of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide said operator or owner with information from his security verification form, as defined by Section 7-600 of this title, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by Section 7-600 of this title, and a statement of the circumstances thereof.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 10-106, as amended by Section 13, Chapter 23, O.S.L. 1995 (47 O.S. Supp. 1999, Section 10-106), is amended to read as follows:

Section 10-106. The driver or passenger of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle being driven and shall upon request exhibit a driver license and security verification form, as defined in Section 7-600 of this title, and shall make report of such accident when and as required in Section 10-108 of this title.

SECTION 7. This act shall become effective November 1, 2000.

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