STATE OF OKLAHOMA
2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2344 By: McNiel

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 10-102, 10-102.1, 10-103, 10-104, 10-106, 10-107, 10-110, 10-111, 10-113, 10-114, 10-116, 10-117 and 10-118, which relate to accidents and accident reports; clarifying language relating to vehicle accidents; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 10-102, is amended to read as follows:

Section 10-102. A. The driver of any vehicle involved in an accident collision resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident collision or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident collision until he or she 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 47 O.S. 2011, Section 10-102.1, is
amended to read as follows:

Section 10-102.1 The driver 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 or she 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. 2011, Section 10-103, is amended to read as follows:

Section 10-103. The driver of any vehicle involved in an accident a collision 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 collision or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident collision until he or she 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.
collision. 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 a collision provided for in this section.

SECTION 4. AMENDATORY 47 O.S. 2011, Section 10-104, is amended to read as follows:

Section 10-104. A. The driver of any vehicle involved in an accident a collision 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 or her correct name, address and registration number of the vehicle he the person is driving, and shall upon request exhibit his a 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 collision 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 or collision who could be cited for any traffic offense where said accident or collision resulted in the immediate death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Oklahoma Statutes, of any person shall submit to drug and alcohol testing as soon as practicable after such accident or collision 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 of the driver.

SECTION 5. AMENDATORY 47 O.S. 2011, Section 10-106, is amended to read as follows:

Section 10-106. The driver of any vehicle involved in an accident or collision resulting only in damage to fixtures, fences, 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 of the driver and of the registration number of the vehicle being driven. The driver 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 or collision when and as required in Section 10-108 of this title.
Any person failing to stop or comply with said requirements under such circumstances shall, upon conviction, be guilty of a misdemeanor punishable 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. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident a collision provided for in this section.

SECTION 6. AMENDATORY 47 O.S. 2011, Section 10-107, is amended to read as follows:

Section 10-107. The driver of a vehicle involved in an accident a collision resulting in injury to or death of any person shall immediately, by the quickest means of communication, give notice of such accident collision to the local police department, if such accident collision occurs within a municipality, or to the office of the county sheriff or the nearest office of the State Highway Patrol after complying with the requirements of Section 10-104 of this title.

SECTION 7. AMENDATORY 47 O.S. 2011, Section 10-110, is amended to read as follows:

Section 10-110. The Department may require any driver of a vehicle involved in an accident a collision of which report must be made as provided in this section to file supplemental reports
whenever the original report is insufficient in the opinion of the Department.

SECTION 8. AMENDATORY 47 O.S. 2011, Section 10-111, is amended to read as follows:

Section 10-111. (a) An accident report is not required under this chapter from any person who is physically incapable of making report during the period of such incapacity.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Section 10-107 of this title and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

SECTION 9. AMENDATORY 47 O.S. 2011, Section 10-113, is amended to read as follows:

Section 10-113. A. The Department shall prepare and make available to police departments, coroners, sheriffs, garages and other suitable agencies or individuals forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident collision.
accident collision the cause, conditions then existing and the persons and vehicles involved.

B. Every accident collision report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all of the information required therein unless not available.

SECTION 10. AMENDATORY 47 O.S. 2011, Section 10-114, is amended to read as follows:

Section 10-114. The Commissioner of Public Safety may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident collision as herein provided until such report has been filed, and the Commissioner may extend such suspension not to exceed thirty (30) days. Any person convicted of failing to make a report as required herein shall be punished as provided in Section 17-101 of this title.

SECTION 11. AMENDATORY 47 O.S. 2011, Section 10-116, is amended to read as follows:

Section 10-116. The Department may tabulate and analyze all accident collision reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents collisions.

SECTION 12. AMENDATORY 47 O.S. 2011, Section 10-117, is amended to read as follows:
Section 10-117. Any incorporated city, town, village or other municipality may by ordinance require that the driver of a vehicle involved in an accident a collision shall also file with a designated city department a report of such accident collision or a copy of any report herein required to be filed with the Department. All such reports shall be for the confidential use of the city department and subject to the provisions of Section 10-115 of this code title.

SECTION 13. AMENDATORY 47 O.S. 2011, Section 10-118, is amended to read as follows:

Section 10-118. A. Notwithstanding any other section of law to the contrary, no person or entity shall impose an accident a collision response fee for the response or investigation of a motor vehicle accident collision by law enforcement.

B. For purposes of this section, “accident collision” response fee” means a fee imposed for the response or investigation of a motor vehicle accident collision and does not mean any fee otherwise specifically authorized by law.

SECTION 14. This act shall become effective November 1, 2012.