

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 217
Committee Substitute Favorable 3/15/05

Short Title: Driving From/Leaving Scene of Accident.

(Public)

Sponsors:

Referred to:

February 14, 2005

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE
LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN
CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-166 reads as rewritten:

"§ 20-166. Duty to stop in event of accident or collision; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.

(a) The driver of any vehicle who knows or reasonably should know:

- (1) That the vehicle which he is operating is involved in an accident or collision; and
- (2) That the accident or collision has resulted in injury or death to any person;

shall immediately stop his vehicle at the scene of the accident or collision. ~~He~~The driver, and the passengers, if any, shall remain with the vehicle at the scene of the accident until a law-enforcement officer completes his~~the~~ investigation of the accident or collision or authorizes him~~the driver or passengers to leave;~~leave and the vehicle to be removed. Provided, however, that he may leave~~Prior to the completion of the investigation of the accident by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene, nor may any passenger remove the vehicle, or facilitate the removal of the vehicle, from the scene, for any purpose other than to call for a law-enforcement officer or for medical assistance or medical treatment as set forth in (b), but must~~ subsection (b) of this section. However, the driver and the passengers must return with the vehicle to the accident scene within a reasonable period of time. A willful violation of this subsection shall be punished as a Class H felony.

(b) In addition to complying with the requirement of (a), the driver as set forth in (a) shall give his name, address, driver's license number and the license plate number of

1 his vehicle to the person struck or the driver or occupants of any vehicle collided with,
2 provided that such person or persons are physically and mentally capable of receiving
3 such information, and shall render to any person injured in such accident or collision
4 reasonable assistance, including the calling for medical assistance if it is apparent that
5 such assistance is necessary or is requested by the injured person. A violation of this
6 subsection is a Class 1 misdemeanor.

7 (c) The driver of any vehicle, when he knows or reasonably should know that the
8 vehicle which he is operating is involved in an accident or collision, which accident or
9 collision, results:

10 (1) Only in damage to property; or

11 (2) In injury or death to any person, but only if the operator of the vehicle
12 did not know and did not have reason to know of the death or injury;

13 shall immediately stop his vehicle at the scene of the accident or collision. If the
14 accident is a reportable accident, the driver, and the passengers, if any, shall remain with
15 the vehicle at the scene of the accident until a law enforcement officer completes the
16 investigation of the accident or authorizes the driver or passengers to leave and the
17 vehicle to be removed. Prior to the completion of the investigation of the accident by a
18 law enforcement officer, or the consent of the officer to leave, the driver may not
19 facilitate, allow, or agree to the removal of the vehicle from the scene, nor may any
20 passenger remove the vehicle, or facilitate the removal of the vehicle, from the scene,
21 for any purpose other than to call for a law enforcement officer or for medical assistance
22 or medical treatment. However, the driver and the passengers must return with the
23 vehicle to the accident scene within a reasonable period of time. A willful violation of
24 this subsection is a Class 1 misdemeanor.

25 (c1) In addition to complying with the requirement of (c), the driver as set forth in
26 (c) shall give his name, address, driver's license number and the license plate number of
27 his vehicle to the driver or occupants of any other vehicle involved in the accident or
28 collision or to any person whose property is damaged in the accident or collision. If the
29 damaged property is a parked and unattended vehicle and the name and location of the
30 owner is not known to or readily ascertainable by the driver of the responsible vehicle,
31 the said driver shall furnish the information required by this subsection to the nearest
32 available peace officer, or, in the alternative, and provided he thereafter within 48 hours
33 fully complies with G.S. 20-166.1(c), shall immediately place a paper-writing
34 containing said information in a conspicuous place upon or in the damaged vehicle. If
35 the damaged property is a guardrail, utility pole, or other fixed object owned by the
36 Department of Transportation, a public utility, or other public service corporation to
37 which report cannot readily be made at the scene, it shall be sufficient if the responsible
38 driver shall furnish the information required to the nearest peace officer or make written
39 report thereof containing said information by U.S. certified mail, return receipt
40 requested, to the North Carolina Division of Motor Vehicles within five days following
41 said collision. A violation of this subsection is a Class 1 misdemeanor.

42 (c2) Notwithstanding subsections (a) and (c) of this section, if ~~If~~ an accident or
43 collision occurs on a main lane, ramp, shoulder, median, or adjacent area of a highway,
44 each vehicle shall be moved as soon as possible out of the travel lane and onto the

1 shoulder or to a designated accident investigation site to complete the requirements of
2 this section and minimize interference with traffic if all of the following apply:

3 (1) The accident or collision has not resulted in injury or death to any
4 person or the drivers did not know or have reason to know of any
5 injury or death.

6 (2) Each vehicle can be normally and safely driven. For purposes of this
7 subsection, a vehicle can be normally and safely driven if it does not
8 require towing and can be operated under its own power and in its
9 usual manner, without additional damage or hazard to the vehicle,
10 other traffic, or the roadway.

11 (d) Any person who renders first aid or emergency assistance at the scene of a
12 motor vehicle accident on any street or highway to any person injured as a result of such
13 accident, shall not be liable in civil damages for any acts or omissions relating to such
14 services rendered, unless such acts or omissions amount to wanton conduct or
15 intentional wrongdoing.

16 (e) The Division of Motor Vehicles shall revoke the drivers license of a person
17 convicted of violating subsection (a) of this section for a period of one year, unless the
18 court makes a finding that a longer period of revocation is appropriate under the
19 circumstances of the case. If the court makes this finding, the Division of Motor
20 Vehicles shall revoke that person's drivers license for two years. Upon a first conviction
21 only for a violation of subsection (a) of this section, a trial judge may allow limited
22 driving privileges in the manner set forth in G.S. 20-179.3(b)(2) during any period of
23 time during which the drivers license is revoked."

24 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
25 offenses committed on or after that date.