

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 217
Committee Substitute Favorable 3/15/05
Senate Judiciary II Committee Substitute Adopted 6/14/05

Short Title: Driving From/Leaving Scene of Accident.

(Public)

Sponsors:

Referred to:

February 14, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT UNLAWFUL TO DRIVE AWAY FROM OR OTHERWISE
3 LEAVE THE SCENE OF A MOTOR VEHICLE ACCIDENT IN CERTAIN
4 CIRCUMSTANCES.

5 The General Assembly of North Carolina enacts:

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

7 "§ 20-166. Duty to stop in event of accident or collision; furnishing information or
8 assistance to injured person, etc.; persons assisting exempt from civil
9 liability.

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

11 (1) That the vehicle which he is operating is involved in an accident or
12 collision; and

13 (2) That the accident or collision has resulted in injury or death to any
14 person;

15 shall immediately stop his vehicle at the scene of the accident or collision. ~~He~~The
16 driver, and the passengers, if any, shall remain with the vehicle at the scene of the
17 accident until a law-enforcement officer completes his~~the~~ investigation of the accident
18 or collision or authorizes him~~the~~ driver or passengers to leave;~~leave and the vehicle to~~
19 be removed. Provided, however, that he may leave~~Prior to the completion of the~~
20 investigation of the accident by a law enforcement officer, or the consent of the officer
21 to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from
22 the scene, nor may any passenger remove the vehicle, or facilitate the removal of the
23 vehicle, from the scene, for any purpose other than to call for a law-enforcement officer
24 or for medical assistance or medical treatment as set forth in (b), but must
25 subsection (b)
26 of this section. However, the driver and the passengers must return with the vehicle to
27 the accident scene within a reasonable period of time. As used in this subsection and in
subsection (c) of this section, the term "passenger" does not include any child who is

1 less than 12 years of age. A willful violation of this subsection shall be punished as a
2 Class H felony.

3 (b) In addition to complying with the requirement of (a), the driver as set forth in
4 (a) shall give his name, address, driver's license number and the license plate number of
5 his vehicle to the person struck or the driver or occupants of any vehicle collided with,
6 provided that such person or persons are physically and mentally capable of receiving
7 such information, and shall render to any person injured in such accident or collision
8 reasonable assistance, including the calling for medical assistance if it is apparent that
9 such assistance is necessary or is requested by the injured person. A violation of this
10 subsection is a Class 1 misdemeanor.

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

14 (1) Only in damage to property; or

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

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

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

1 requested, to the North Carolina Division of Motor Vehicles within five days following
2 said collision. A violation of this subsection is a Class 1 misdemeanor.

3 (c2) Notwithstanding subsections (a) and (c) of this section, if ~~If~~ an accident or
4 collision occurs on a main lane, ramp, shoulder, median, or adjacent area of a highway,
5 each vehicle shall be moved as soon as possible out of the travel lane and onto the
6 shoulder or to a designated accident investigation site to complete the requirements of
7 this section and minimize interference with traffic if all of the following apply:

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

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

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

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

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