

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2344

By: McNiel

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Sections 10-102, 10-102.1, 10-103, 10-104, 10-  
9 106, 10-107, 10-110, 10-111, 10-113, 10-114, 10-116,  
10 10-117 and 10-118, which relate to accidents and  
11 accident reports; clarifying language relating to  
12 vehicle accidents; and providing an effective date.

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

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

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

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

1 requirements under such circumstances, shall upon conviction be  
2 guilty of a felony punishable by imprisonment for not less than ten  
3 (10) days nor more than two (2) years, or by a fine of not less than  
4 Fifty Dollars (\$50.00) nor more than One Thousand Dollars  
5 (\$1,000.00), or by both such fine and imprisonment.

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

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 10-102.1, is  
10 amended to read as follows:

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

19 B. Any person willfully, maliciously, or feloniously failing to  
20 stop to avoid detection or prosecution, or to comply with said  
21 requirements under such circumstances, shall upon conviction be  
22 guilty of a felony punishable by imprisonment for not less than one  
23 (1) year nor more than ten (10) years, or by a fine of not less than  
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1 One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars  
2 (\$10,000.00), or by both such fine and imprisonment.

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

6 SECTION 3. AMENDATORY 47 O.S. 2011, Section 10-103, is  
7 amended to read as follows:

8 Section 10-103. The driver of any vehicle involved in ~~an~~  
9 ~~accident~~ a collision resulting only in damage to a vehicle which is  
10 driven or attended by any person shall immediately stop such vehicle  
11 at the scene of such ~~accident~~ collision or as close thereto as  
12 possible but shall forthwith return to and in every event shall  
13 remain at the scene of such ~~accident~~ collision until he or she has  
14 fulfilled the requirements of Section 10-104 of this title. Every  
15 such stop shall be made without obstructing traffic more than is  
16 necessary. Any person failing to stop or comply with said  
17 requirements under such circumstances shall be guilty of a  
18 misdemeanor and upon conviction thereof shall be punished by a fine  
19 not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in  
20 the county jail for not more than one (1) year, or by both such fine  
21 and imprisonment. In addition to the criminal penalties imposed by  
22 this section, any person violating the provisions of this section  
23 shall be subject to liability for damages in an amount equal to  
24 three times the value of the damage caused by the ~~accident~~

1 collision. Said damages shall be recoverable in a civil action.  
2 Nothing in this section shall prevent a judge from ordering  
3 restitution for any damage caused by a driver involved in ~~an~~  
4 ~~accident~~ a collision provided for in this section.

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

7 Section 10-104. A. The driver of any vehicle involved in ~~an~~  
8 ~~accident~~ a collision resulting in injury to or death of any person  
9 or damage to any vehicle which is driven or attended by any person  
10 shall give his or her correct name, address and registration number  
11 of the vehicle ~~he~~ the person is driving, and shall upon request  
12 exhibit ~~his~~ a driver license and ~~his~~ security verification form, as  
13 defined in Section 7-600 of this title, to the person struck or the  
14 driver or occupant of or person attending any vehicle collided with,  
15 and shall render to any person injured in such ~~accident~~ collision  
16 reasonable assistance, including the carrying, or the making of  
17 arrangements for the carrying, of such person to a physician,  
18 surgeon or hospital for medical or surgical treatment if it is  
19 apparent that such treatment is necessary or if such carrying is  
20 requested by the injured person. Any driver who provides  
21 information required by this section which is intentionally  
22 inaccurate shall be subject to the provisions of Section 10-103 of  
23 this title.

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1 B. Any driver of any vehicle involved in ~~an accident~~ a  
2 collision who could be cited for any traffic offense where said  
3 ~~accident~~ collision resulted in the immediate death or great bodily  
4 injury, as defined in subsection B of Section 646 of Title 21 of the  
5 Oklahoma Statutes, of any person shall submit to drug and alcohol  
6 testing as soon as practicable after such ~~accident~~ collision occurs.  
7 The traffic offense violation shall constitute probable cause for  
8 purposes of Section 752 of this title and the procedures found in  
9 Section 752 of this title shall be followed to determine the  
10 presence of alcohol or controlled dangerous substances within the  
11 ~~driver's~~ blood system of the driver.

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

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

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1 Any person failing to stop or comply with said requirements  
2 under such circumstances shall, upon conviction, be guilty of a  
3 misdemeanor punishable by a fine not to exceed Five Hundred Dollars  
4 (\$500.00) or by imprisonment in the county jail for not more than  
5 one (1) year, or by both such fine and imprisonment. Nothing in  
6 this section shall prevent a judge from ordering restitution for any  
7 damage caused by a driver involved in ~~an accident~~ a collision  
8 provided for in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 12. AMENDATORY 47 O.S. 2011, Section 10-117, is  
24 amended to read as follows:

1 Section 10-117. Any incorporated city, town, village or other  
2 municipality may by ordinance require that the driver of a vehicle  
3 involved in ~~an accident~~ a collision shall also file with a  
4 designated city department a report of such ~~accident~~ collision or a  
5 copy of any report herein required to be filed with the Department.  
6 All such reports shall be for the confidential use of the city  
7 department and subject to the provisions of Section 10-115 of this  
8 ~~code~~ title.

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

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

15 B. For purposes of this section, ~~"accident~~ "collision response  
16 fee" means a fee imposed for the response or investigation of a  
17 motor vehicle ~~accident~~ collision and does not mean any fee otherwise  
18 specifically authorized by law.

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

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21 53-2-9084 GRS 01/16/12  
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