

Crimes, Requirements After a Vehicle Collision

HB 2044 amends KSA 8-1602, 8-1604, 8-1605, and 2010 Session Laws Ch. 136, Sec. 292 concerning required action and notification in a motor vehicle accident. (2010 Session Laws Ch. 136 recodifies the Kansas Criminal Code and will go into effect July 1, 2011.)

First, the bill adds accidents resulting in damage to an attended vehicle or property to the list of vehicle accidents requiring a person to immediately stop and remain at the scene of the accident until all the requirements imposed by these statutes are fulfilled. Further, the bill amends the penalties for leaving the scene of an accident as follows:

- For property damages of less than \$1,000, a first conviction is a class C misdemeanor, a second committed within one year of the first is a class B misdemeanor, and a third or subsequent committed within one year of the second is a class A misdemeanor;
- Injury to a person or property damage of \$1,000 or more is a class A misdemeanor;
- Great bodily harm to a person is a severity level 8 misdemeanor (from level 10); and
- Death of a person is a severity level 6 felony (from level 9), except when a person involved in an accident knew or should have known that the accident resulted in injury or death, which is a severity level 5 felony.

The bill also requires that, as provided for in KSA 8-15,107, a driver in an accident involving no death, apparent injury, or hazardous materials make every reasonable effort to remove the vehicle from the road when the vehicle obstructs the regular flow of traffic if it can be done safely, without towing, and without causing further damage to the vehicle or roadway.

Next, the bill clarifies that “insofar as possible,” a driver in an accident resulting in injury, death, or damage to an attended vehicle must make efforts immediately to determine whether any person involved in the accident was injured or killed and render reasonable assistance to an injured person.

Further, when a police officer is not present, the driver of a vehicle involved in the accident or an occupant 18 years or older must report the accident by the quickest available means of communication to the nearest police officer if there is property damage of \$1,000 or more or any person involved in the accident is injured or killed. Pursuant to

the bill, the driver or an occupant 18 years or older also must report the accident to the police if an injured person, the driver or occupant of the other car, or a person attending a vehicle or other property damaged in the accident is not present or in a condition to receive the required information.

Additionally, in an accident with an unattended vehicle, the bill requires the driver to stop immediately if there is damage to any vehicle or property and locate the owner to provide the owner with the required information, or leave a securely attached and conspicuously located writing with the required information. A first conviction for failure to do so is a class C misdemeanor, a second committed within one year of the first is a class B misdemeanor, and a third or subsequent committed within one year of the second is a class A misdemeanor.

The bill also provides that if a person is convicted for leaving the scene of an accident on or after July 1, 2011, each prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication for DUI will be counted as one person felony for criminal history purposes. Similarly, if a person is convicted of leaving the scene of an accident resulting in injury, great bodily harm, or death, the bill provides that a prior conviction for the following statutory crimes convicted after July 1, 2011, will be counted as a person felony for criminal history purposes:

- KSA 8-235, driving a vehicle without a license;
- KSA 8-262, driving while license is canceled, suspended, or revoked;
- KSA 8-287, driving while one's privileges are revoked for being a "habitual violator";
- KSA 8-291, violating restrictions on driver's license or permit;
- KSA 8-1566, reckless driving;
- KSA 8-1567, driving under the influence of alcohol or drugs;
- KSA 8-1568, fleeing or attempting to elude a police officer;
- KSA 8-1602, leaving the scene of an accident resulting in injury, great bodily harm, or death;
- KSA 8-1605, failing to contact the owner of a vehicle following an accident causing damage to unattended property;
- KSA 40-3104, failing to obtain motor vehicle liability insurance coverage;

- 2010 Session Laws Ch. 136, Sec. 40(a)(3), involuntary manslaughter committed while DUI; and
- 2010 Session Laws Ch. 136, Sec. 41, vehicular homicide.