

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

2

SENATE BILL 154

Judiciary I/Constitution Committee Substitute Adopted 3/27/95

Short Title: Raise Reportable Accident Amount.

(Public)

Sponsors:

Referred to: Finance

February 8, 1995

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MINIMUM PROPERTY DAMAGE AMOUNT FOR A REPORTABLE MOTOR VEHICLE ACCIDENT AND TO RESOLVE INCONSISTENCIES IN THE LAW CONCERNING ACCIDENT REPORTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01 is amended by adding a new subdivision to read:

"(33b) Reportable Accident. – An accident or collision involving a motor vehicle that results in either of the following:

a. Death or injury of a human being.

b. Total property damage of one thousand dollars (\$1,000) or more."

Sec. 2. G.S. 20-166.1 reads as rewritten:

"§ 20-166.1. Reports and investigations required in event of ~~collision.~~ accident.

(a) Notice of Accident. – The driver of a vehicle involved in a ~~collision resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more shall reportable accident must~~ immediately, by the quickest means of communication, ~~give notice of~~ notify the ~~collision to the local police department if the collision occurs within a municipality, or to the office of the sheriff or other qualified rural police of the county wherein the collision occurred.~~ appropriate law

1 enforcement agency of the accident. If the accident occurred in a city or town, the
2 appropriate agency is the police department of the city or town. If the accident occurred
3 outside a city or town, the appropriate agency is the State Highway Patrol or the sheriff's
4 office or other qualified rural police of the county where the accident occurred.

5 (b) Insurance Verification. ~~The~~ When requested to do so by the Division, the
6 driver of any a vehicle involved in a collision resulting in injury to or death of any person
7 or total property damage to an apparent extent of five hundred dollars (\$500.00) or more
8 shall reportable accident must furnish proof of financial responsibility on forms
9 prescribed by the Division. responsibility.

10 (c) Parked Vehicle. ~~Notwithstanding any other provisions of this section, the~~ The
11 driver of any a motor vehicle which that collides with another motor vehicle left parked or
12 unattended on any street or a highway of this State shall within 48 hours must report the
13 collision to the owner of such the parked or unattended motor vehicle. Such report shall
14 This requirement applies to an accident that is not a reportable accident as well as to one
15 that is a reportable accident. The report may be made orally or in writing, must be made
16 within 48 hours of the accident, and must include the time, date and place of the collision,
17 the driver's name, address, driver's license number and the following:

18 (1) The time, date, and place of the accident.

19 (2) The driver's name, address, and drivers license number.

20 (3) The registration plate number of the vehicle being operated by the driver
21 at the time of the collision, and such report may be oral or in writing.
22 Such written report must be transmitted to the current address of the
23 owner of the parked or unattended vehicle by United States accident.

24 If the driver makes a written report to the owner of the parked or unattended vehicle
25 and the report is not given to the owner at the scene of the accident, the report must be
26 sent to the owner by certified mail, return receipt requested, and a copy of such report
27 shall be transmitted to the North Carolina Division of Motor Vehicles. the report must be sent
28 to the Division.

29 No report, oral or written, made pursuant to this Article shall be competent in any
30 civil action except to establish identity of the person operating the moving vehicle at the
31 time of the collision referred to therein.

32 Any person who violates this subsection is guilty of a Class 1 misdemeanor.

33 (d) The Division may require the driver of a vehicle involved in a collision which
34 is required to be reported by this section to file a supplemental report when the original
35 report is insufficient in the opinion of the Division.

36 (e) Investigation by Officer. ~~It shall be the duty of the State Highway Patrol or~~
37 the sheriff's office or other qualified rural police to investigate all collisions required to
38 be reported by this section when the collisions occur outside the corporate limits of a city
39 or town; and it shall be the duty of the police department of each city or town to
40 investigate all collisions required to be reported by this section when the collisions occur
41 within the corporate limits of the city or town. Every The appropriate law enforcement
42 agency must investigate a reportable accident. A law-enforcement officer who
43 investigates a collision as required by this subsection, a reportable accident, whether the

1 ~~investigation is made at the scene of the collision-accident or by subsequent~~
2 ~~investigations and interviews, shall, within 24 hours after completing the investigation,~~
3 ~~forward a written report of the collision to the Division if the collision occurred outside~~
4 ~~the corporate limits of a city or town, or to the police department of the city or town if the~~
5 ~~collision occurred within the corporate limits of such city or town. Police departments~~
6 ~~should forward such reports to the Division within 10 days of the date of the collision.~~
7 ~~Provided, when a collision occurring outside the corporate limits of a city or town is~~
8 ~~investigated by a duly qualified law enforcement officer other than a member of the State~~
9 ~~Highway Patrol, as permitted by this section, such other officer shall forward a written~~
10 ~~report of the collision to the office of the sheriff or rural police of the county wherein the~~
11 ~~collision occurred and the office of the sheriff or rural police shall forward such reports to~~
12 ~~the Division within 10 days of the date of the collision. The reports by law enforcement~~
13 ~~officers shall be in addition to, and not in place of, the reports required of drivers by this~~
14 ~~section. must make a written report of the accident within 24 hours of the accident and~~
15 ~~must forward it as required by this subsection. The report must contain information on~~
16 ~~financial responsibility for the vehicle driven by the person whom the officer identified as~~
17 ~~at fault for the accident.~~

18 ~~If the officer writing the report is a member of the State Highway Patrol, the officer~~
19 ~~must forward the report to the Division. If the officer is not a member of the State~~
20 ~~Highway Patrol, the officer must forward the report to the local law enforcement agency~~
21 ~~for the area where the accident occurred. A local law enforcement agency that receives~~
22 ~~an accident report must forward it to the Division within 10 days after receiving the~~
23 ~~report.~~

24 ~~When any a person involved-injured in an automobile collision shall die a reportable~~
25 ~~accident dies as a result of said collision within a period of the accident within 12 months~~
26 ~~following said collision, and such after the accident and the death shall not have been was not~~
27 ~~reported in the original report, it shall be the duty of investigating enforcement officers to the~~
28 ~~law enforcement officer investigating the accident must file a supplemental report setting~~
29 ~~forth the death of such person that includes the death.~~

30 (f) ~~Medical Personnel. Every person holding the office of A county medical~~
31 ~~examiner in this State shall must report to the Division the death of any person as a result of~~
32 ~~a collision involving a motor vehicle in a reportable accident and the circumstances of the~~
33 ~~collision within five days following such death. Every accident. The medical examiner must~~
34 ~~file the report within five days after the death. A hospital shall must notify the medical~~
35 ~~examiner of the county in which the collision-accident occurred of the death within the~~
36 ~~hospital of any person who dies as a result of injuries apparently sustained in a collision~~
37 ~~involving a motor vehicle. reportable accident.~~

38 (g) Repealed by Session Laws 1987, c. 49.

39 (h) ~~Forms. — The Division shall prepare and shall upon request supply to police,~~
40 ~~[medical examiners], sheriffs, and other suitable agencies, or individuals, forms for~~
41 ~~collision reports calling for sufficiently detailed information to disclose with reference to~~
42 ~~a highway collision the cause, conditions then existing, and the persons and vehicles~~
43 ~~involved. All collision reports required by this section shall be made on forms supplied~~

1 ~~or approved by the Division. must provide forms to persons required to make reports~~
2 ~~under this section and the reports must be made on the forms provided. The forms must~~
3 ~~ask for the following information about a reportable accident:~~

4 (1) The cause of the accident.

5 (2) The conditions existing at the time of the accident.

6 (3) The persons and vehicles involved.

7 (i) Effect of Report. — All collision reports, including supplemental reports, above
8 ~~mentioned, except those made by State, city or county police, shall be~~ A report of an
9 ~~accident made under this section by a person who is not a law enforcement officer is~~
10 ~~without prejudice and shall be prejudice, is for the use of the Division~~ Division, and shall
11 ~~not be used in any manner as evidence, or for any other purpose in any trial, civil or~~
12 ~~criminal, arising out of such collision except that the Division shall furnish upon demand~~
13 ~~of any court the accident. Any other report of an accident made under this section may~~
14 ~~be used in any manner as evidence, or for any other purpose, in any trial, civil or~~
15 ~~criminal, as permitted under the rules of evidence. At the demand of a court, the Division~~
16 ~~must give the court a properly executed certificate stating that a particular collision~~
17 ~~accident report has or has not been filed with the Division solely to prove a compliance~~
18 ~~with this section.~~

19 ~~The reports made by State, city or county police and medical examiners, but no other~~
20 ~~reports required under this section, shall be subject to the persons who are not law~~
21 ~~enforcement officers or medical examiners are not public records. The reports made by~~
22 ~~law enforcement officers and medical examiners are public records and are open to~~
23 ~~inspection of members of by the general public at all reasonable times, and the Division shall~~
24 ~~furnish a certified copy of any such report to any member of the general public who shall request~~
25 ~~the same, upon receipt of a fee of four dollars (\$4.00) certified copy, or the Division is~~
26 ~~authorized to furnish without charge to departments of the governments of the United States,~~
27 ~~states, counties, and cities certified copies of such collision reports for official use.~~ times. The
28 Division must give a certified copy of one of these reports to a member of the general
29 public who requests a copy and pays the fee set in G.S. 20-42.

30 ~~Nothing herein provided shall prohibit the Division from furnishing to interested~~
31 ~~parties only the name or names of insurers and insured and policy number shown upon~~
32 ~~any reports required under this section.~~

33 (j) Statistics. — The Division shall receive collision reports required to be made by
34 ~~this section, and may tabulate and analyze such reports and publish annually, or at more~~
35 ~~frequent intervals, may periodically publish statistical information on motor vehicle~~
36 ~~accidents based thereon as to the number, cause and location of highway collisions.~~

37 ~~Based upon its findings after analysis, the on information in accident reports. The~~
38 ~~Division may conduct further necessary detailed research to determine more fully the~~
39 ~~cause and control of highway collisions. It accidents and may further conduct experimental~~
40 ~~field tests within areas of the State from time to time to prove the practicability of various~~
41 ~~ideas advanced in traffic control and collision accident prevention.~~

42 (k) Punishment. — A violation of any provision of this section is a Class 2
43 ~~misdemeanor. misdemeanor of the Class set in G.S. 20-176."~~

1 Sec. 3. G.S. 20-179(d)(3) reads as rewritten:

2 "(3) ~~Negligent driving that led to an accident causing property damage in~~
3 ~~excess of five hundred dollars (\$500.00) or personal injury. a reportable~~
4 ~~accident.~~"

5 Sec. 4. G.S. 20-279.4 is repealed.

6 Sec. 5. G.S. 20-279.5(a) reads as rewritten:

7 "(a) ~~If at the expiration of 20 days after the receipt of a report of a motor vehicle~~
8 ~~accident within this State which has resulted in bodily injury or death or total property~~
9 ~~damage in excess of five hundred dollars (\$500.00), the Commissioner does not have on~~
10 ~~file evidence satisfactory to him that the person who would otherwise be required to file~~
11 ~~security under subsection (b) of this section has been released from liability, or has been~~
12 ~~finally adjudicated not to be liable or has executed a duly acknowledged written~~
13 ~~agreement providing for the payment of an agreed amount, in installments or otherwise,~~
14 ~~or is for any other reason not required to file security under this Article with respect to all~~
15 ~~claims for injuries or damages resulting from the accident, the Commissioner shall~~
16 ~~determine the amount of security which shall be sufficient in his judgment to satisfy any~~
17 ~~judgment or judgments for damages resulting from such accident as may be recovered~~
18 ~~against each operator or owner. When the Division receives a report of a reportable~~
19 ~~accident under G.S. 20-166.1, the Commissioner must determine whether the owner or~~
20 ~~driver of a vehicle involved in the accident must file security under this Article and, if so,~~
21 ~~the amount of security the owner or driver must file. The Commissioner must make this~~
22 ~~determination at the end of 20 days after receiving the report.~~"

23 Sec. 6. G.S. 20-279.11 reads as rewritten:

24 "**§ 20-279.11. Matters not to be evidence in civil suits.**

25 ~~Neither the report required by G.S. 20-279.4, information on financial responsibility~~
26 ~~contained in an accident report, the action taken by the Commissioner pursuant to this~~
27 ~~Article, the findings, if any, of the Commissioner upon which ~~such~~ the action is based, or~~
28 ~~the security filed as provided in this Article shall be referred to in any way, nor be any~~
29 ~~evidence of the negligence or due care of either party, at the trial of any action at law to~~
30 ~~recover damages.~~"

31 Sec. 7. G.S. 20-279.31 reads as rewritten:

32 "**§ 20-279.31. Other violations; penalties.**

33 (a) ~~Failure to report an accident as required in G.S. 20-279.4 is a Class 3~~
34 ~~misdemeanor punishable only by a fine not in excess of twenty-five dollars (\$25.00) and~~
35 ~~in the event of injury or damage to the person or property of another in such accident, the~~
36 ~~The Commissioner shall suspend the license of ~~the~~ a person failing who fails to make~~
37 ~~such report, or the nonresident's operating privilege of such person, until such report has~~
38 ~~been filed and for such further report a reportable accident, as required by G.S. 20-166.1,~~
39 ~~until the Division receives a report and for an additional period ~~not to set by the~~~~
40 ~~Commissioner. The additional period may not exceed 30 days as the Commissioner may~~
41 ~~fix. days.~~

42 (b) Any person who ~~gives~~ does any of the following commits a Class 1
43 misdemeanor:

- 1 (1) Gives information required in a report or otherwise as provided for in G.S.
2 20-279.4 of a reportable accident, knowing or having reason to believe
3 that such the information is false, or who shall forge or, without authority,
4 sign false.
- 5 (2) Forges or without authority signs any evidence of proof of financial
6 responsibility, or who files responsibility.
- 7 (3) Files or offers for filing any such evidence of proof of financial
8 responsibility, knowing or having reason to believe that it is forged or
9 signed without authority, is guilty of a Class 1 misdemeanor. authority.
- 10 (c) Any person willfully failing to return a license as required in G.S. 20-279.30 is
11 guilty of a Class 3 misdemeanor.
- 12 (c1) Any person who makes a false affidavit or knowingly swears or affirms falsely
13 to any matter under G.S. 20-279.5, 20-279.6, or 20-279.7 is guilty of a Class I felony.
- 14 (d) Any person who shall violate any provision of this Article for which no penalty
15 is otherwise provided is guilty of a Class 2 misdemeanor."
- 16 Sec. 8. G.S. 20-42(b) reads as rewritten:
- 17 "(b) The Commissioner and officers of the Division designated by the
18 Commissioner may prepare under the seal of the Division and deliver upon request a
19 certified copy of any document of the Division, ~~charging a fee of Division for a fee. The~~
20 fee for a document, other than an accident report under G.S. 20-166.1, is five dollars
21 (\$5.00) for each document certified. (\$5.00). The fee for an accident report is four dollars
22 (\$4.00). A certified copy shall be admissible in any proceeding in any court in like
23 manner as the original thereof, without further certification. The certification fee does
24 not apply to a document furnished to State officials or to county, municipal, or court officials
25 of this State for official use. use to a judicial official or to an official of the federal
26 government, a state government, or a local government."
- 27 Sec. 9. This act becomes effective November 1, 1995, and applies to accidents
28 and offenses occurring on or after that date.