

SUBJECT: Responsibilities following certain accidents, imposing criminal penalties

COMMITTEE: Transportation — committee substitute recommended

VOTE: 11 ayes — Phillips, Martinez, Burkett, Y. Davis, Fletcher, Guerra, Harper-Brown, Lavender, McClendon, Pickett, Riddle
0 nays

WITNESSES: For — David Courreges; Bart Griffin; (*Registered, but did not testify:* Bill Lewis, Mothers Against Drunk Driving)
Against — None
On — (*Registered, but did not testify:* Ron Joy, Texas Department of Public Safety)

BACKGROUND: Transportation Code, sec. 550.021 directs drivers involved in an accident resulting in injury or death to immediately stop or return to the scene of the accident and remain at the scene until they have discharged their duties to:

- provide identifying and insurer information to other parties in the accident; and
- provide reasonable assistance, including arranging for transportation to medical treatment if necessary or upon request.

If the accident results in serious bodily injury or death, then failure to remain at the scene, provide information, or render aid is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

Under Penal Code, sec. 49.08 a person commits the offense of intoxication manslaughter if that person, as a result of intoxication, kills someone by accident or mistake while:

- operating a motor vehicle in a public place;
- operating an aircraft or watercraft; or
- operating or assembling an amusement ride.

This offense is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000).

DIGEST: CSHB 3668 would amend the Transportation Code, sec. 550.021(a) to require a driver involved in an accident that could possibly result in an injury or death to stop and determine whether a person was involved and whether that person required aid. The bill also would require a driver in such an accident involving another person to render aid if necessary and provide information.

Failure to determine whether a person was involved in the accident, whether they require aid, and to remain at the scene and render aid if necessary would result in a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

The bill would take effect September 1, 2013.

SUPPORTERS SAY: CSHB 3668 would help save the lives of people seriously injured in an auto accident, eliminate the incentive for a drunk driver to leave the scene of a collision, and increase the responsibilities drivers have toward others when using Texas' roadways.

Currently, there is a loophole in Texas' stop and render law that requires the state to prove that a driver who left the scene of an accident did so knowing that another person was involved. This bill would make that issue irrelevant and require a driver in an accident to remain at the scene so they could determine whether another person was involved and whether that person is injured so they can send for medical help. The provision would eliminate the kind of excuses that are growing common among alleged drunk drivers. If they flee an accident and sober up, they face a lesser charge by claiming that they thought they had merely struck an animal or inanimate object — not another person. This bill would require that they verify the seriousness of the accident. It also would mitigate the harm caused by hit-and-run accidents and reduce the time it takes to treat someone who is severely injured.

The bill would not place an unreasonable amount of responsibility on a driver; it merely asks a motorist to do what is right, immediately determine whether another person was injured and get them the aid they deserve. These simple but necessary requirements would not cost the state any money to implement nor would they result in a rash of arrests and flood our jails.

OPPONENTS
SAY:

CSHB 3668 would place a driver in an unfair position of having to evaluate the potential for injury or death during a moment of crisis that could cloud anyone's judgment. Even in a case in which a driver meets all of the requirements in the bill and ascertains the condition of every person involved in the accident and receives an acknowledgement that everyone present is fine, which later proves wrong, the driver's actions and account could be impugned without a proper witness.