

CHAPTER 734

H.B. No. 973

AN ACT

relating to punishment for certain offenses involving leaving the scene of a motor vehicle accident.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 39, 41, and 42, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 39. ACCIDENT INVOLVING DAMAGE TO VEHICLE. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible without obstructing traffic more than is necessary but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 40. However, when an accident occurs on a main lane, ramp, shoulder, median, or adjacent area of a freeway in a metropolitan area and each vehicle involved can be normally and safely driven, each driver shall move his vehicle as soon as possible off the freeway main lanes, ramps, shoulders, medians, and adjacent areas to a designated accident investigation site, if available, a location on the frontage road, the nearest suitable cross street, or other suitable location to complete the requirements of Section 40, so as to minimize interference with the freeway traffic. Any person failing to stop or to comply with said requirements [~~under such circumstances~~] shall be guilty of:

(1) a Class C misdemeanor, if the damage to all vehicles involved results in a pecuniary loss of less than \$200; or

(2) a Class B misdemeanor, if the damage to all vehicles involved results in a pecuniary loss of \$200 or more.

Sec. 41. DUTY UPON STRIKING UNATTENDED VEHICLE. The driver of any vehicle which collides with and damages any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in, or securely attached to and plainly visible, the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. *A person commits an offense if the person fails to comply with this section. An offense under this section is:*

(1) a Class C misdemeanor, if the damage to all vehicles involved results in a pecuniary loss of less than \$200; or

(2) a Class B misdemeanor, if the damage to all vehicles involved results in a pecuniary loss of \$200 or more.

Sec. 42. DUTY UPON STRIKING FIXTURES OR LANDSCAPING UPON A HIGHWAY. The driver of any vehicle involved in an accident resulting only in damage to fixtures or landscaping legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's [~~operator's, commercial operator's, or chauffeur's~~] license, and shall make report of such accident when and as required in Section 44 hereof. *A person commits an offense if the person fails to comply with this section. An offense under this section is:*

(1) a Class C misdemeanor, if the damage to fixtures or landscaping results in a pecuniary loss of less than \$200; or

(2) a Class B misdemeanor, if the damage to fixtures or landscaping results in a pecuniary loss of \$200 or more.

SECTION 2. This Act takes effect September 1, 1987, and applies only to the punishment for an offense committed on or after that date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1987, by a non-record vote. Passed by the Senate on May 20, 1987, by a viva-voce vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.