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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1335**

03/07/2013 Authored by Rosenthal, Cornish, Schoen, Selcer, Erhardt and others
The bill was read for the first time and referred to the Committee on Transportation Policy
03/06/2014 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Policy
03/17/2014 Adoption of Report: Amended and re-referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; traffic regulations; clarifying requirements pertaining to
1.3 collisions; making a terminology change; amending Minnesota Statutes 2012,
1.4 sections 169.09, subdivisions 1, 2, 3, 4, 5, 6, 14, 15, by adding a subdivision;
1.5 609.21, subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 169.09, subdivision 1, is amended to read:

1.8 Subdivision 1. **Driver to stop for accident with individual collision; injury or**
1.9 **death.** The driver of any motor vehicle involved in ~~an accident resulting in immediately~~
1.10 ~~demonstrable bodily injury to or death of any individual~~ a collision shall immediately stop
1.11 the vehicle at the scene of the ~~accident~~ collision, or as close to the scene as possible ~~but~~
1.12 ~~shall then return to,~~ and reasonably investigate what was struck. If the driver knows or has
1.13 reason to know the collision resulted in injury to or death of any individual, the driver in
1.14 every event shall remain at the scene of the ~~accident,~~ collision until the driver has fulfilled
1.15 the requirements of this section as to the giving of information. The stop must be made
1.16 without unnecessarily obstructing traffic.

1.17 Sec. 2. Minnesota Statutes 2012, section 169.09, subdivision 2, is amended to read:

1.18 Subd. 2. **Driver to stop for accident to property collision; attended vehicle.** The
1.19 driver of any motor vehicle involved in ~~an accident to a vehicle driven or attended by any~~
1.20 ~~individual~~ a collision shall immediately stop the motor vehicle at the scene of the ~~accident~~
1.21 collision, or as close to the ~~accident~~ collision as possible ~~but shall forthwith return to,~~ and
1.22 reasonably investigate what was struck. If the driver knows or has reason to know the
1.23 collision involves damage to a vehicle driven or attended by an individual, the driver in
1.24 every event shall remain at the scene of the ~~accident,~~ collision until the driver has fulfilled

2.1 the requirements of this section as to the giving of information. The stop must be made
 2.2 without unnecessarily obstructing traffic.

2.3 Sec. 3. Minnesota Statutes 2012, section 169.09, subdivision 3, is amended to read:

2.4 Subd. 3. **Driver to give information.** (a) The driver of any motor vehicle involved
 2.5 ~~in an accident resulting~~ a collision the driver knows or has reason to know results in
 2.6 bodily injury to or death of any individual, or damage to any vehicle driven or attended by
 2.7 any individual, shall stop and give the driver's name, address, and date of birth and the
 2.8 registration plate number of the vehicle being driven. The driver shall, upon request and if
 2.9 available, exhibit the driver's license or permit to drive to the individual struck or the driver
 2.10 or occupant of or individual attending any vehicle collided with. The driver also shall give
 2.11 the information and upon request exhibit the license or permit to any peace officer at the
 2.12 scene of the ~~accident~~ collision or who is investigating the ~~accident~~ collision. The driver
 2.13 shall render reasonable assistance to any individual injured in the ~~accident~~ collision.

2.14 (b) If not given at the scene of the ~~accident~~ collision, the driver, within 72 hours after
 2.15 the accident, shall give, on request to any individual involved in the ~~accident~~ collision or
 2.16 to a peace officer investigating the ~~accident~~ collision, the name and address of the insurer
 2.17 providing vehicle liability insurance coverage, and the local insurance agent for the insurer.

2.18 Sec. 4. Minnesota Statutes 2012, section 169.09, subdivision 4, is amended to read:

2.19 Subd. 4. **Collision with Driver to stop for collision; unattended vehicle.** The
 2.20 driver of any motor vehicle ~~that collides with and damages any vehicle that is unattended~~
 2.21 involved in a collision shall immediately stop the vehicle at the scene of the collision, or
 2.22 as close to the scene as possible, and reasonably investigate what was struck. If the driver
 2.23 knows or has reason to know the collision resulted in damage to any unattended vehicle,
 2.24 the driver must either locate and notify the driver or owner of the vehicle of the name and
 2.25 address of the driver and registered owner of the vehicle striking the unattended vehicle,
 2.26 shall report this same information to a peace officer, or shall leave in a conspicuous place
 2.27 in or secured to the vehicle struck, a written notice giving the name and address of the
 2.28 driver and of the registered owner of the vehicle doing the striking. The stop must be made
 2.29 without unnecessarily obstructing traffic.

2.30 Sec. 5. Minnesota Statutes 2012, section 169.09, subdivision 5, is amended to read:

2.31 Subd. 5. **Notify owner of damaged property.** If the driver of any vehicle involved
 2.32 in an accident resulting a collision knows or has reason to know the collision resulted
 2.33 only in damage to fixtures legally upon or adjacent to a highway, the driver shall take

3.1 reasonable steps to locate and notify the owner or person in charge of the property of that
3.2 fact, of the driver's name and address, and of the registration plate number of the vehicle
3.3 being driven and shall, upon request and if available, exhibit the driver's license, and make
3.4 ~~report of the accident~~ an accident report in every case. The report must be made in the
3.5 same manner as a report made pursuant to subdivision 7.

3.6 Sec. 6. Minnesota Statutes 2012, section 169.09, subdivision 6, is amended to read:

3.7 Subd. 6. **Notice of personal injury.** The driver of a vehicle involved in ~~an accident~~
3.8 a collision resulting in bodily injury to or death of any individual shall, after compliance
3.9 with this section and by the quickest means of communication, give notice of the
3.10 ~~accident~~ collision to the local police department if the ~~accident~~ collision occurs within a
3.11 municipality, to a State Patrol officer if the ~~accident~~ collision occurs on a trunk highway,
3.12 or to the office of the sheriff of the county.

3.13 Sec. 7. Minnesota Statutes 2012, section 169.09, subdivision 14, is amended to read:

3.14 Subd. 14. **Penalties.** (a) The driver of any vehicle who violates subdivision 1 or 6
3.15 and who did not cause the ~~accident~~ collision is punishable as follows:

3.16 (1) if the ~~accident~~ collision results in the death of any individual, the driver is guilty
3.17 of a felony and may be sentenced to imprisonment for not more than three years, or to
3.18 payment of a fine of not more than \$5,000, or both;

3.19 (2) if the ~~accident~~ collision results in great bodily harm to any individual, as defined
3.20 in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced
3.21 to imprisonment for not more than two years, or to payment of a fine of not more than
3.22 \$4,000, or both; or

3.23 (3) if the ~~accident~~ collision results in substantial bodily harm to any individual, as
3.24 defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment
3.25 for not more than one year, or to payment of a fine of not more than \$3,000, or both.

3.26 (b) The driver of any vehicle involved in ~~an accident not a collision~~ a collision resulting in
3.27 ~~substantial~~ bodily harm ~~or death~~ who violates subdivision 1 or 6 may be sentenced
3.28 to imprisonment for not more than one year, or to payment of a fine of not more than
3.29 \$3,000, or both.

3.30 (c) Any person who violates subdivision 2, 3, 4, 5, 7, 8, 11, or 12 is guilty of a
3.31 misdemeanor.

3.32 (d) The attorney in the jurisdiction in which the violation occurred who is responsible
3.33 for prosecution of misdemeanor violations of this section shall also be responsible for
3.34 prosecution of gross misdemeanor violations of this section.

4.1 Sec. 8. Minnesota Statutes 2012, section 169.09, subdivision 15, is amended to read:

4.2 Subd. 15. **Defense.** (a) It is an affirmative defense to prosecution under subdivisions
4.3 1, 2, and 6 that the driver left the scene of the ~~accident~~ collision to take any individual
4.4 suffering immediately demonstrable bodily injury in the ~~accident~~ collision to receive
4.5 emergency medical care if the driver of the involved vehicle gives notice to a law
4.6 enforcement agency as required by subdivision 6 as soon as reasonably feasible after the
4.7 emergency medical care has been undertaken.

4.8 (b) When the collision involves a person or another vehicle, mistake as to what was
4.9 struck is not a defense for failure to stop and investigate.

4.10 Sec. 9. Minnesota Statutes 2012, section 169.09, is amended by adding a subdivision
4.11 to read:

4.12 Subd. 19. **Terminology.** The provisions of this section apply equally whether
4.13 the term "accident" or "collision" is used.

4.14 Sec. 10. Minnesota Statutes 2012, section 609.21, subdivision 1, is amended to read:

4.15 Subdivision 1. **Criminal vehicular homicide or operation; crime described.** A
4.16 person is guilty of criminal vehicular homicide or operation and may be sentenced as
4.17 provided in subdivision 1a, if the person causes injury to or the death of another as a
4.18 result of operating a motor vehicle:

4.19 (1) in a grossly negligent manner;

4.20 (2) in a negligent manner while under the influence of:

4.21 (i) alcohol;

4.22 (ii) a controlled substance; or

4.23 (iii) any combination of those elements;

4.24 (3) while having an alcohol concentration of 0.08 or more;

4.25 (4) while having an alcohol concentration of 0.08 or more, as measured within
4.26 two hours of the time of driving;

4.27 (5) in a negligent manner while knowingly under the influence of a hazardous
4.28 substance;

4.29 (6) in a negligent manner while any amount of a controlled substance listed in
4.30 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is
4.31 present in the person's body;

4.32 (7) where the driver who causes the ~~accident~~ collision leaves the scene of the
4.33 ~~accident~~ collision in violation of section 169.09, subdivision 1 or 6; or

5.1 (8) where the driver had actual knowledge that a peace officer had previously issued
5.2 a citation or warning that the motor vehicle was defectively maintained, the driver had
5.3 actual knowledge that remedial action was not taken, the driver had reason to know that
5.4 the defect created a present danger to others, and the injury or death was caused by the
5.5 defective maintenance.