START\_STATUTE28-661.  Accidents involving death or physical injuries; autonomous vehicles; neighborhood occupantless electric vehicles; failure to stop; violation; classification; driver license revocation; restricted privilege to drive; alcohol or other drug screening

A.  The driver of a vehicle involved in an accident on public or private property resulting in injury to or death of a person shall:

1.  Immediately stop the vehicle at the scene of the accident or as close to the accident scene as possible but shall immediately return to the accident scene.

2.  Remain at the scene of the accident until the driver has fulfilled the requirements of section 28‑663.

B.  If the vehicle described in subsection A of this section is a fully autonomous vehicle operating without a human driver or a neighborhood occupantless electric vehicle, the requirements of this section are satisfied if the fully autonomous vehicle or neighborhood occupantless electric vehicle stops at the scene of the accident or as close to the accident scene as possible and remains stopped at that location until the requirements of section 28‑663 have been satisfied.

C.  A driver who is involved in an accident resulting in death or serious physical injury as defined in section 13‑105 and who fails to stop or to comply with the requirements of section 28‑663 is guilty of a class 3 felony, except that if a driver caused the accident the driver is guilty of a class 2 felony.

D.  A driver who is involved in an accident resulting in an injury other than death or serious physical injury as defined in section 13‑105 and who fails to stop or to comply with the requirements of section 28‑663 is guilty of a class 5 felony.

E.  The sentence imposed on a person for a conviction under this section shall run consecutively to any sentence imposed on the person for other convictions on any other charge related to the accident.

F.  The department shall revoke the license or permit to drive and any nonresident operating privilege of a person convicted pursuant to subsection C of this section as follows:

1.  For an accident resulting in serious physical injury, five years, not including any time that the person is incarcerated.

2.  For an accident resulting in death, ten years, not including any time that the person is incarcerated.

G.  Five or more years after the revocation period has begun pursuant to subsection F, paragraph 2 of this section, not including any time that the person is incarcerated, a person may apply to the department for a restricted privilege to drive.  The department may issue a restricted privilege to drive as described in section 28‑144 if the department finds both of the following:

1.  The person is not convicted of any offense involving the operation of a motor vehicle while the person's driving privilege is revoked.

2.  The person has paid full restitution as ordered by the court.

H.  The department shall revoke the license or permit to drive and any nonresident operating privilege of a person convicted pursuant to subsection D of this section for three years.

I.  If the court finds by a preponderance of the evidence that the person's use of intoxicating liquor, any drug listed in section 13‑3401, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances was a contributing factor to the accident, the court shall order the person to complete alcohol or other drug screening.END\_STATUTE