

House Engrossed

leaving accident scene; private property

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 304

HOUSE BILL 2027

AN ACT

AMENDING SECTIONS 28-661, 28-662, 28-663, 28-664 AND 28-665, ARIZONA
REVISED STATUTES; RELATING TO ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-661, Arizona Revised Statutes, is amended to
3 read:

4 28-661. Accidents involving death or physical injuries;
5 failure to stop; violation; classification; driver
6 license revocation; restricted privilege to drive;
7 alcohol or other drug screening

8 A. The driver of a vehicle involved in an accident **ON PUBLIC OR**
9 **PRIVATE PROPERTY** resulting in injury to or death of a person shall:

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

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

15 B. A driver who is involved in an accident resulting in death or
16 serious physical injury as defined in section 13-105 and who fails to stop
17 or to comply with the requirements of section 28-663 is guilty of a class
18 3 felony, except that if a driver caused the accident the driver is guilty
19 of a class 2 felony.

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

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

27 E. The department shall revoke the license or permit to drive and
28 any nonresident operating privilege of a person convicted pursuant to
29 subsection B of this section as follows:

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

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

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

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

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

44 G. The department shall revoke the license or permit to drive and
45 any nonresident operating privilege of a person convicted pursuant to
46 subsection C of this section for three years.

1 H. If the court finds by a preponderance of the evidence that the
2 person's use of intoxicating liquor, any drug listed in section 13-3401, a
3 vapor releasing substance containing a toxic substance or any combination
4 of liquor, drugs or vapor releasing substances was a contributing factor
5 to the accident, the court shall order the person to complete alcohol or
6 other drug screening.

7 Sec. 2. Section 28-662, Arizona Revised Statutes, is amended to
8 read:

9 28-662. Accidents involving damage to vehicle; failure to
10 stop; violation; classification; driver license
11 suspension; alcohol or other drug screening

12 A. The driver of a vehicle involved in an accident **ON PUBLIC OR**
13 **PRIVATE PROPERTY** resulting only in damage to a vehicle that is driven or
14 attended by a person shall:

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

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

20 3. Make the stop without obstructing traffic more than is
21 necessary.

22 B. A person failing to stop or comply with this section is guilty
23 of a class ~~2~~ 1 misdemeanor.

24 C. A court may order the department to suspend the license or
25 permit to drive and any nonresident operating privilege of a person
26 convicted under this section for one year. If reasonable suspicion exists
27 to believe that the person's use of intoxicating liquor, any drug listed
28 in section 13-3401, a vapor releasing substance containing a toxic
29 substance or any combination of liquor, drugs or vapor releasing
30 substances was a contributing factor to the accident, the department may
31 require the person to complete alcohol or other drug screening as a
32 condition of license reinstatement.

33 Sec. 3. Section 28-663, Arizona Revised Statutes, is amended to
34 read:

35 28-663. Duty to give information and assistance; violation;
36 classification; alcohol or other drug screening

37 A. The driver of a vehicle involved in an accident **ON PUBLIC OR**
38 **PRIVATE PROPERTY** resulting in injury to or death of a person or damage to
39 a vehicle that is driven or attended by a person shall:

40 1. Give the driver's name and address and the registration number
41 of the vehicle the driver is driving.

42 2. On request, exhibit the person's driver license to the person
43 struck or the driver or occupants of or person attending a vehicle
44 collided with.

45 3. Render reasonable assistance to a person injured in the
46 accident, including making arrangements for the carrying of the person to

1 a physician, surgeon or hospital for medical or surgical treatment if it
2 is apparent that treatment is necessary or if the carrying is requested by
3 the injured person.

4 B. A person who fails to comply with subsection A, paragraph 1 or 2
5 of this section is guilty of a class ~~3~~ 1 misdemeanor.

6 C. A person who fails to comply with subsection A, paragraph 3 of
7 this section is guilty of a class 6 felony. If the court finds by a
8 preponderance of the evidence that the person's use of intoxicating
9 liquor, any drug listed in section 13-3401, a vapor releasing substance
10 containing a toxic substance or any combination of liquor, drugs or vapor
11 releasing substances was a contributing factor to the accident, the court
12 shall order the person to complete alcohol or other drug screening.

13 Sec. 4. Section 28-664, Arizona Revised Statutes, is amended to
14 read:

15 28-664. Duty on striking unattended vehicle; violation;
16 classification

17 A. The driver of a vehicle that collides with a vehicle that is
18 unattended ON PUBLIC OR PRIVATE PROPERTY shall immediately:

- 19 1. Stop.
- 20 2. Either:

21 (a) Locate and notify the operator or owner of the vehicle of the
22 name and address of the driver and owner of the vehicle striking the
23 unattended vehicle.

24 (b) In a conspicuous place in the vehicle struck, leave a written
25 notice giving the name and address of the driver and of the owner of the
26 vehicle doing the striking.

27 B. A person who violates this section is guilty of a class ~~3~~ 1
28 misdemeanor.

29 Sec. 5. Section 28-665, Arizona Revised Statutes, is amended to
30 read:

31 28-665. Striking fixtures on a highway; violation;
32 classification

33 A. The driver of a vehicle involved in an accident resulting only
34 in damage to fixtures or other property legally on or adjacent to a
35 highway shall:

36 1. Take reasonable steps to locate and notify the owner or person
37 in charge of the property of:

- 38 (a) The fact of the accident.
- 39 (b) The driver's name and address.
- 40 (c) The registration number of the vehicle the driver is driving.
- 41 2. On request, exhibit the driver's driver license.

42 B. A person who violates this section is guilty of a class ~~3~~ 1
43 misdemeanor.

H.B. 2027

APPROVED BY THE GOVERNOR APRIL 30, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2021.