

MEMO



DEC 14 2010

Senate of Pennsylvania

December 14, 2010

TO: ALL SENATORS

FROM: Stewart J. Greenleaf

Stewart

SUBJECT: Cosponsorship -- **Leaving the scene of an auto accident**

I am reintroducing **Senate Bill 430**, amending the Vehicle Code, Title 75 of the Pennsylvania Consolidated Statutes, to allow a person who has been involved in an automobile accident to leave the scene of the accident if the person is in fear of his safety as long as he reports the accident to the nearest police department as soon as safely possible. I believe that this legislation is necessary because of the increasing number of incidents in which an accident is caused in order to carjack the other vehicle and/or hurt the other driver.

There was a case in Montgomery County in which a woman traveling in her car alone at 1:00 a.m. was hit from behind. Afraid to get out of the car to confront the driver of the other vehicle, a stranger, she drove to the nearest police department to report the accident. She was charged with leaving the scene of an accident. The judge, knowing the woman feared robbery, rape or carjacking, threw out the charge. However, the incident shows the need for this type of legislation.

If the driver reasonably fears for his safety or the safety of his passengers, he should not be required to remain at the scene of the accident. However, he must report the accident to the nearest police station, providing the police with the information required by Vehicle Code section 3744(a) (name, address, registration, insurance). In order to avoid the charge of leaving the scene of an accident, the driver must report the accident as soon as safely possible either by telephone or in person.

This legislation is similar to Vehicle Code section 3744(b), which allows a driver of a vehicle involved in an accident to report the required information to the nearest police station if there is not anyone at the scene of the accident capable of taking the information.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.