

## **BILL ANALYSIS**

C.S.H.B. 489  
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Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law provides no penalties if a passenger of a vehicle involved in an accident that results in the injury or death of a person fails to render aid to the injured. Current language concerning rendering aid only applies to the operator of the vehicle and while it may not be against the law, failure to assist an injured person could determine whether or not that injured person lives or dies. If both the operator and passenger blatantly fail to render aid then they should equally be charged with the offense of failing to render aid. C.S.H.B. 489 would place more responsibility on a passenger of a vehicle involved in an accident resulting in an injury or death, to stop and render aid and would create criminal penalties for those passengers involved who fail to stop or report to authorities.

### **RULEMAKING AUTHORITY**

It is the opinion of this committee that this act does not expressly grant rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends the Section 550.021 Transportation Code by adding new subsections requiring a passenger involved in an accident resulting in injury to or death of a person to remain on the scene of the accident until the passenger complies with the requirements of Section 550.023 (b), Transportation Code. If the passenger is unable to remain due to the actions of the operator of the vehicle involved in an accident, the passenger is required to report the accident to emergency medical services personnel and a law enforcement agency as soon as the passenger can make the report without placing the passenger in danger of suffering serious bodily injury or death and to provide information on the passenger, the operator, and the accident to emergency medical services personnel and the law enforcement agency. Subsections (b-1) and (b-2) do not apply to a passenger who is younger than 17 years of age. A conforming change is also made to Transportation Code Section 550.021 (a).

SECTION 2. Amends Section 550.022, Transportation Code by adding new subsections requiring the passenger of a vehicle involved in an accident resulting only in damage to a vehicle that is driven or attended by a person, to remain on the scene of the accident until the passenger complies with the requirements of Section 550.023 (b), Transportation Code. If the passenger is unable to remain due to the actions of the operator of the vehicle involved in an accident, the passenger is required to report the accident to a law enforcement agency as soon as the passenger can make the report without placing the passenger in danger of suffering serious bodily injury or death and to provide information on the passenger, the operator, and the accident to the law enforcement agency. Failure of the passenger to stop or to report is an offense ranging from a Class C to a Class B misdemeanor. Subsections (b-1), (b-2) and (c-2) do not apply to a passenger who is younger than 17 years of age.

SECTION 3. Amends Section 550.023, Transportation Code by adding requirements that a passenger in an accident resulting in injury, death of a person, or damage to a vehicle that is driven or attended, is required to provide certain information to the person injured or the operator or occupant of or person attending the vehicle involved in the collision. If requested and available, the passenger is required to present a driver's license or personal identification certificate. The passenger is required to provide any person injured in the accident reasonable assistance including transporting or making arrangements for transporting the person to a physician or hospital for medical treatment if it is apparent that treatment is necessary, or if the

injured person requests transportation. Subsection (b) does not apply to a passenger who is younger than 17 years of age. A conforming change is also made to the Section.

SECTION 4. Effective Date, September 1, 2007.

#### **EFFECTIVE DATE**

This Act takes effect September 1, 2007.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill added a new Section to the Transportation Code. The committee substitute instead amends existing language within Sections 550.021, 550.022, and 550.023 of the Transportation Code.

C.S.H.B. 489 amends Section 550.022, Transportation Code, regarding accidents that cause only vehicle damage and designates offenses for this provision as well as provides instructions for passengers if they are unable to remain at the scene. Section 550.022 is also amended to require that the passenger give the operator's and the passenger's information to the appropriate authorities.

C.S.H.B. 489 amends Section 550.023, Transportation Code (Duty to Give Information and Render Aid), by extending the requirements of the Section to the passenger and requiring the passenger to give the operator's and the passenger's information to the person injured, or the operator or occupant of or person attending a vehicle involved in the collision. C.S.H.B. 489 also amends Section 550.023, Transportation Code, by requiring the passenger to present a driver's license or personal identification certificate, if it is requested and available, to the person injured, or the operator or occupant of or person attending a vehicle involved in the collision.

C.S.H.B. 489 exempts any passengers younger than 17 years of age from having to comply with the duties of a passenger to stop and render aid.