

IC 9-26

ARTICLE 26. ACCIDENTS AND ACCIDENT REPORTS

IC 9-26-1

Chapter 1. Duties of Drivers, Owners, and Passengers and Accident Reports

IC 9-26-1-0.1

Repealed

(As added by P.L.220-2011, SEC.225. Repealed by P.L.63-2012, SEC.13.)

IC 9-26-1-0.3

Applicability

Sec. 0.3. Except as provided in section 0.5 of this chapter, this article does not apply to off-road vehicles or snowmobiles, which are subject to IC 14-16-1-24 and IC 14-16-1-26.

As added by P.L.259-2013, SEC.24.

IC 9-26-1-0.5

Proof if accident involves serious bodily injury

Sec. 0.5. For purposes of this chapter, an accident does not require proof of a collision between a driver's motor vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person.

As added by P.L.94-2006, SEC.4. Amended by P.L.125-2012, SEC.291.

IC 9-26-1-1

Repealed

(As added by P.L.2-1991, SEC.14. Amended by P.L.210-2005, SEC.50; P.L.126-2008, SEC.3; P.L.1-2009, SEC.88; P.L.125-2012, SEC.292. Repealed by P.L.217-2014, SEC.103.)

IC 9-26-1-1.1

Duties of driver of motor vehicle involved in an accident

Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:

(1) Except as provided in section 1.2 of this chapter, the operator shall immediately stop the operator's motor vehicle:

(A) at the scene of the accident; or

(B) as close to the accident as possible;

in a manner that does not obstruct traffic more than is necessary.

(2) Remain at the scene of the accident until the operator does the following:

(A) Gives the operator's name and address and the

registration number of the motor vehicle the operator was driving to any person involved in the accident.

(B) Exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(3) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of subdivisions (1) and (2):

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and

(B) as soon as possible after the accident, immediately give notice of the accident, or ensure that another person gives notice of the accident, by the quickest means of communication to one (1) of the following:

(i) The local police department, if the accident occurs within a municipality.

(ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(iii) A 911 telephone operator.

(4) If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of subdivisions (1) and (2):

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, the operator must contact a law enforcement officer or agency and provide the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the

commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5).

As added by P.L.217-2014, SEC.104. Amended by P.L.188-2015, SEC.99; P.L.63-2016, SEC.1.

IC 9-26-1-1.2

Duties of driver of motor vehicle involved in an accident resulting in traffic obstruction; violation

Sec. 1.2. (a) If, after an operator of a motor vehicle is involved in an accident, the operator's motor vehicle comes to a stop in the traveled portion of a highway, the operator shall, as soon as safely possible, move the motor vehicle off the traveled portion of the highway and to a location as close to the accident as possible. However, the operator shall not move the motor vehicle if the accident:

- (1) involves the transportation of hazardous materials; or
- (2) results in injury or death of a person or the entrapment of a person in a vehicle.

A person who violates this subsection commits a Class C infraction.

(b) An operator of a motor vehicle to whom subsection (a) applies, is also subject to section 1.1(a)(2), 1.1(a)(3), and 1.1(a)(4) of this chapter. An operator who knowingly or intentionally fails to comply with section 1.1(a)(2), 1.1(a)(3), or 1.1(a)(4) of this chapter commits leaving the scene of an accident, a Class B misdemeanor, and is subject to the penalties in section 1.1(b) of this chapter.

As added by P.L.63-2016, SEC.2.

IC 9-26-1-1.5

Duties of passenger of vehicle involved in accident resulting in injury or entrapment; violation

Sec. 1.5. (a) If:

- (1) the operator of a motor vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section 1.1(a)(3) of this chapter;
- (2) there is another occupant in the motor vehicle at the time of the accident who is:
 - (A) at least:
 - (i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or
 - (ii) eighteen (18) years of age; and
 - (B) capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as provided in section 1.1(a)(3) of this chapter; and
- (3) the other occupant in the motor vehicle knows that the operator of the motor vehicle is physically incapable of

determining the need for or rendering assistance to any injured or entrapped person;
the motor vehicle occupant referred to in subdivisions (2) and (3) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section 1.1(a)(3) of this chapter.

(b) If there is more than one (1) motor vehicle occupant to whom subsection (a) applies, it is a defense to a prosecution of one (1) motor vehicle occupant under subsection (a) that the defendant reasonably believed that another occupant of the motor vehicle determined the need for and rendered reasonable assistance as required under subsection (a).

(c) A person who knowingly or intentionally violates this section commits a Class C misdemeanor.

As added by P.L.126-2008, SEC.4. Amended by P.L.125-2012, SEC.293; P.L.217-2014, SEC.105; P.L.188-2015, SEC.100.

IC 9-26-1-2

Repealed

(As added by P.L.2-1991, SEC.14. Amended by P.L.157-2003, SEC.3; P.L.210-2005, SEC.51; P.L.126-2008, SEC.5; P.L.54-2009, SEC.10; P.L.125-2012, SEC.294. Repealed by P.L.217-2014, SEC.106.)

IC 9-26-1-2.5

Repealed

(As added by P.L.106-1991, SEC.1. Repealed by P.L.125-2012, SEC.295.)

IC 9-26-1-3

Repealed

(As added by P.L.2-1991, SEC.14. Amended by P.L.125-2012, SEC.296. Repealed by P.L.217-2014, SEC.107.)

IC 9-26-1-4

Repealed

(As added by P.L.2-1991, SEC.14. Amended by P.L.125-2012, SEC.297. Repealed by P.L.217-2014, SEC.108.)

IC 9-26-1-5

State police department; requiring reports from witnesses

Sec. 5. The state police department may require witnesses of accidents to submit reports to the state police department.

As added by P.L.2-1991, SEC.14. Amended by P.L.210-2005, SEC.52.

IC 9-26-1-6

Repealed

(As added by P.L.2-1991, SEC.14. Amended by P.L.126-2008, SEC.6. Repealed by P.L.125-2012, SEC.298.)

IC 9-26-1-7

City or town ordinances; accident reports; confidentiality

Sec. 7. (a) A city or town may by ordinance require that the driver of a motor vehicle involved in an accident file with a designated city or town department a report of the accident.

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

As added by P.L.2-1991, SEC.14. Amended by P.L.210-2005, SEC.53; P.L.125-2012, SEC.299.

IC 9-26-1-8

Repealed

(As added by P.L.2-1991, SEC.14. Amended by P.L.96-1996, SEC.2; P.L.97-1996, SEC.2; P.L.126-2008, SEC.7; P.L.158-2013, SEC.158. Repealed by P.L.217-2014, SEC.109.)

IC 9-26-1-9

Repealed

(As added by P.L.2-1991, SEC.14. Amended by P.L.126-2008, SEC.8. Repealed by P.L.217-2014, SEC.110.)

IC 9-26-1-10

Repealed

(As added by P.L.2-1991, SEC.14. Repealed by P.L.125-2012, SEC.300.)