
SENATE BILL 6739

State of Washington

61st Legislature

2010 Regular Session

By Senator Hobbs

Read first time 01/25/10. Referred to Committee on Judiciary.

1 AN ACT Relating to hit and run provisions; amending RCW 46.52.020;
2 and reenacting and amending RCW 9.94A.515.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.52.020 and 2002 c 194 s 1 are each amended to read
5 as follows:

6 (1) A driver of any vehicle involved in an accident (~~resulting in~~
7 ~~the injury to or death of any person or~~) involving striking the body
8 of a deceased person shall immediately stop such vehicle at the scene
9 of such accident or as close thereto as possible but shall then
10 forthwith return to, and in every event remain at, the scene of such
11 accident until he or she has fulfilled the requirements of subsection
12 ~~((+3))~~ (5) of this section; every such stop shall be made without
13 obstructing traffic more than is necessary.

14 (2) A driver of any vehicle involved in an accident resulting in
15 the death of a pedestrian, bicyclist, or motorcyclist shall immediately
16 stop such vehicle at the scene of such accident or as close thereto as
17 possible but shall then forthwith return to, and in every event remain
18 at, the scene of such accident until he or she has fulfilled the
19 requirements of subsection (5) of this section.

1 (3) A driver of any vehicle involved in an accident resulting in
2 the injury of a pedestrian, bicyclist, or motorcyclist shall
3 immediately stop such vehicle at the scene of such accident or as close
4 thereto as possible but shall then forthwith return to, and in every
5 event remain at, the scene of such accident until he or she has
6 fulfilled the requirements of subsection (5) of this section.

7 (4)(a) The driver of any vehicle involved in an accident resulting
8 only in damage to a vehicle which is driven or attended by any person
9 or damage to other property must move the vehicle as soon as possible
10 off the roadway or freeway main lanes, shoulders, medians, and adjacent
11 areas to a location on an exit ramp shoulder, the frontage road, the
12 nearest suitable cross street, or other suitable location. The driver
13 shall remain at the suitable location until he or she has fulfilled the
14 requirements of subsection ~~((+3+))~~ (5) of this section. Moving the
15 vehicle in no way affects fault for an accident.

16 (b) A law enforcement officer or representative of the department
17 of transportation may cause a motor vehicle, cargo, or debris to be
18 moved from the roadway; and neither the department of transportation
19 representative, nor anyone acting under the direction of the officer or
20 the department of transportation representative is liable for damage to
21 the motor vehicle, cargo, or debris caused by reasonable efforts of
22 removal.

23 ~~((+3+))~~ (5) Unless otherwise provided in subsection ~~((+7+))~~ (9) of
24 this section the driver of any vehicle involved in an accident
25 resulting in injury to or death of any person, or involving striking
26 the body of a deceased person, or resulting in damage to any vehicle
27 which is driven or attended by any person or damage to other property
28 shall (a) give his or her name, address, insurance company, insurance
29 policy number, and vehicle license number and shall exhibit his or her
30 vehicle driver's license to any person struck or injured or the driver
31 or any occupant of, or any person attending, any such vehicle collided
32 with ~~((and shall))~~, (b) render to any person injured in such accident
33 reasonable assistance, including the carrying or the making of
34 arrangements for the carrying of such person to a physician or hospital
35 for medical treatment if it is apparent that such treatment is
36 necessary or if such carrying is requested by the injured person or on
37 his or her behalf, and (c) contact law enforcement or emergency

1 personnel. Under no circumstances shall the rendering of assistance or
2 other compliance with the provisions of this subsection be evidence of
3 the liability of any driver for such accident.

4 ~~((+4))~~ (6)(a) Any driver covered by the provisions of subsections
5 (1) through (3) of this section failing to stop or comply with any of
6 the requirements of subsection ~~((+3))~~ (5) of this section in the case
7 of an accident resulting in death is guilty of a class B felony and,
8 upon conviction, is punishable according to chapter 9A.20 RCW.

9 (b) Any driver covered by the provisions of subsections ~~((+1))~~ (2)
10 and (3) of this section failing to stop or comply with any of the
11 requirements of subsection ~~((+3))~~ (5) of this section in the case of
12 an accident resulting in injury is guilty of a class C felony and, upon
13 conviction, is punishable according to chapter 9A.20 RCW.

14 (c) Any driver covered by the provisions of subsections (1) through
15 (3) of this section failing to stop or comply with any of the
16 requirements of subsection ~~((+3))~~ (5) of this section in the case of
17 an accident involving striking the body of a deceased person is guilty
18 of a gross misdemeanor.

19 (d) This subsection shall not apply to any person injured or
20 incapacitated by such accident to the extent of being physically
21 incapable of complying with this section.

22 ~~((+5))~~ (7) Any driver covered by the provisions of subsection
23 ~~((+2))~~ (4) of this section failing to stop or to comply with any of
24 the requirements of subsection ~~((+3))~~ (5) of this section under said
25 circumstances shall be guilty of a gross misdemeanor: PROVIDED, That
26 this provision shall not apply to any person injured or incapacitated
27 by such accident to the extent of being physically incapable of
28 complying herewith.

29 ~~((+6))~~ (8) The license or permit to drive or any nonresident
30 privilege to drive of any person convicted under this section or any
31 local ordinance consisting of substantially the same language as this
32 section of failure to stop and give information or render aid following
33 an accident with any vehicle driven or attended by any person shall be
34 revoked by the department.

35 ~~((+7))~~ (9) If none of the persons specified are in condition to
36 receive the information to which they otherwise would be entitled under
37 subsection ~~((+3))~~ (5) of this section, and no police officer is
38 present, the driver of any vehicle involved in such accident after

1 fulfilling all other requirements of subsections (1) (~~(and—(3))~~)
2 through (5) of this section insofar as possible on his or her part to
3 be performed, shall forthwith report such accident to the nearest
4 office of the duly authorized police authority and submit thereto the
5 information specified in subsection (~~(+3)~~) (5) of this section.

6 **Sec. 2.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are
7 each reenacted and amended to read as follows:

8
9 TABLE 2

10 CRIMES INCLUDED WITHIN

11 EACH SERIOUSNESS LEVEL

- 12 XVI Aggravated Murder 1 (RCW
13 10.95.020)
- 14 XV Homicide by abuse (RCW 9A.32.055)
15 Malicious explosion 1 (RCW
16 70.74.280(1))
17 Murder 1 (RCW 9A.32.030)
- 18 XIV Murder 2 (RCW 9A.32.050)
19 Trafficking 1 (RCW 9A.40.100(1))
- 20 XIII Malicious explosion 2 (RCW
21 70.74.280(2))
22 Malicious placement of an explosive 1
23 (RCW 70.74.270(1))
- 24 XII Assault 1 (RCW 9A.36.011)
25 Assault of a Child 1 (RCW 9A.36.120)
26 Malicious placement of an imitation
27 device 1 (RCW 70.74.272(1)(a))
28 Rape 1 (RCW 9A.44.040)
29 Rape of a Child 1 (RCW 9A.44.073)
30 Trafficking 2 (RCW 9A.40.100(2))

1 XI Hit and run, if a death occurs to a
2 pedestrian, bicyclist, or
3 motorcyclist and the driver of the
4 vehicle fails to fulfill their duty to
5 render aid or to contact law
6 enforcement/emergency personnel
7 (RCW 46.52.020)
8 Manslaughter 1 (RCW 9A.32.060)
9 Rape 2 (RCW 9A.44.050)
10 Rape of a Child 2 (RCW 9A.44.076)
11 X Child Molestation 1 (RCW 9A.44.083)
12 Criminal Mistreatment 1 (RCW
13 9A.42.020)
14 Hit and run, if a death occurs to a
15 pedestrian, bicyclist, or
16 motorcyclist and the driver of the
17 vehicle fulfills their duty to render
18 aid or to contact law
19 enforcement/emergency personnel
20 (RCW 46.52.020)
21 Indecent Liberties (with forcible
22 compulsion) (RCW
23 9A.44.100(1)(a))
24 Kidnapping 1 (RCW 9A.40.020)
25 Leading Organized Crime (RCW
26 9A.82.060(1)(a))
27 Malicious explosion 3 (RCW
28 70.74.280(3))
29 Sexually Violent Predator Escape
30 (RCW 9A.76.115)
31 IX Abandonment of Dependent Person 1
32 (RCW 9A.42.060)
33 Assault of a Child 2 (RCW 9A.36.130)
34 Explosive devices prohibited (RCW
35 70.74.180)
36 Hit and Run--Death (RCW
37 46.52.020(~~(4)(a)~~) (1))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating liquor
13 or any drug (RCW 46.61.520)
14 VIII Arson 1 (RCW 9A.48.020)
15 Homicide by Watercraft, by the
16 operation of any vessel in a
17 reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 Promoting Commercial Sexual Abuse
21 of a Minor (RCW 9.68A.101)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 Vehicular Homicide, by the operation
26 of any vehicle in a reckless manner
27 (RCW 46.61.520)
28 VII Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct (RCW
34 9.68A.050)
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)
4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))
7 Introducing Contraband 1 (RCW
8 9A.76.140)
9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))
11 Negligently Causing Death By Use of a
12 Signal Preemption Device (RCW
13 46.37.675)
14 Sending, bringing into state depictions
15 of minor engaged in sexually
16 explicit conduct (RCW 9.68A.060)
17 Unlawful Possession of a Firearm in
18 the first degree (RCW 9.41.040(1))
19 Use of a Machine Gun in Commission
20 of a Felony (RCW 9.41.225)
21 Vehicular Homicide, by disregard for
22 the safety of others (RCW
23 46.61.520)
24 VI Bail Jumping with Murder 1 (RCW
25 9A.76.170(3)(a))
26 Bribery (RCW 9A.68.010)
27 Hit and run, if an injury occurs to a
28 pedestrian, bicyclist, or
29 motorcyclist and the driver of the
30 vehicle fails to fulfill their duty to
31 render aid or to contact law
32 enforcement/emergency personnel
33 (RCW 46.52.020)
34 Incest 1 (RCW 9A.64.020(1))
35 Intimidating a Judge (RCW 9A.72.160)
36 Intimidating a Juror/Witness (RCW
37 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation
2 device 2 (RCW 70.74.272(1)(b))
3 Possession of Depictions of a Minor
4 Engaged in Sexually Explicit
5 Conduct (RCW 9.68A.070)
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)
8 Unlawful Storage of Ammonia (RCW
9 69.55.020)
10 V Abandonment of Dependent Person 2
11 (RCW 9A.42.070)
12 Advancing money or property for
13 extortionate extension of credit
14 (RCW 9A.82.030)
15 Bail Jumping with class A Felony
16 (RCW 9A.76.170(3)(b))
17 Child Molestation 3 (RCW 9A.44.089)
18 Criminal Mistreatment 2 (RCW
19 9A.42.030)
20 Custodial Sexual Misconduct 1 (RCW
21 9A.44.160)
22 Domestic Violence Court Order
23 Violation (RCW 10.99.040,
24 10.99.050, 26.09.300, 26.10.220,
25 26.26.138, 26.50.110, 26.52.070,
26 or 74.34.145)
27 Driving While Under the Influence
28 (RCW 46.61.502(6))
29 Extortion 1 (RCW 9A.56.120)
30 Extortionate Extension of Credit (RCW
31 9A.82.020)
32 Extortionate Means to Collect
33 Extensions of Credit (RCW
34 9A.82.040)

1 Hit and run, if an injury occurs to a
2 pedestrian, bicyclist, or
3 motorcyclist and the driver of the
4 vehicle fulfills their duty to render
5 aid or to contact law
6 enforcement/emergency personnel
7 (RCW 46.52.020)
8 Incest 2 (RCW 9A.64.020(2))
9 Kidnapping 2 (RCW 9A.40.030)
10 Perjury 1 (RCW 9A.72.020)
11 Persistent prison misbehavior (RCW
12 9.94.070)
13 Physical Control of a Vehicle While
14 Under the Influence (RCW
15 46.61.504(6))
16 Possession of a Stolen Firearm (RCW
17 9A.56.310)
18 Rape 3 (RCW 9A.44.060)
19 Rendering Criminal Assistance 1
20 (RCW 9A.76.070)
21 Sexual Misconduct with a Minor 1
22 (RCW 9A.44.093)
23 Sexually Violating Human Remains
24 (RCW 9A.44.105)
25 Stalking (RCW 9A.46.110)
26 Taking Motor Vehicle Without
27 Permission 1 (RCW 9A.56.070)
28 IV Arson 2 (RCW 9A.48.030)
29 Assault 2 (RCW 9A.36.021)
30 Assault 3 (of a Peace Officer with a
31 Projectile Stun Gun) (RCW
32 9A.36.031(1)(h))
33 Assault by Watercraft (RCW
34 79A.60.060)
35 Bribing a Witness/Bribe Received by
36 Witness (RCW 9A.72.090,
37 9A.72.100)

1 Cheating 1 (RCW 9.46.1961)
2 Commercial Bribery (RCW 9A.68.060)
3 Counterfeiting (RCW 9.16.035(4))
4 Endangerment with a Controlled
5 Substance (RCW 9A.42.100)
6 Escape 1 (RCW 9A.76.110)
7 ~~((Hit and Run--Injury (RCW~~
8 ~~46.52.020(4)(b))))~~
9 Hit and Run with Vessel--Injury
10 Accident (RCW 79A.60.200(3))
11 Identity Theft 1 (RCW 9.35.020(2))
12 Indecent Exposure to Person Under
13 Age Fourteen (subsequent sex
14 offense) (RCW 9A.88.010)
15 Influencing Outcome of Sporting Event
16 (RCW 9A.82.070)
17 Malicious Harassment (RCW
18 9A.36.080)
19 Residential Burglary (RCW
20 9A.52.025)
21 Robbery 2 (RCW 9A.56.210)
22 Theft of Livestock 1 (RCW 9A.56.080)
23 Threats to Bomb (RCW 9.61.160)
24 Trafficking in Stolen Property 1 (RCW
25 9A.82.050)
26 Unlawful factoring of a credit card or
27 payment card transaction (RCW
28 9A.56.290(4)(b))
29 Unlawful transaction of health
30 coverage as a health care service
31 contractor (RCW 48.44.016(3))
32 Unlawful transaction of health
33 coverage as a health maintenance
34 organization (RCW 48.46.033(3))
35 Unlawful transaction of insurance
36 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW
3 48.17.063(~~(3)~~)(2))
4 Use of Proceeds of Criminal
5 Profiteering (RCW 9A.82.080 (1)
6 and (2))
7 Vehicular Assault, by being under the
8 influence of intoxicating liquor or
9 any drug, or by the operation or
10 driving of a vehicle in a reckless
11 manner (RCW 46.61.522)
12 Willful Failure to Return from
13 Furlough (RCW 72.66.060)
14 III Animal Cruelty 1 (Sexual Conduct or
15 Contact) (RCW 16.52.205(3))
16 Assault 3 (Except Assault 3 of a Peace
17 Officer With a Projectile Stun
18 Gun) (RCW 9A.36.031 except
19 subsection (1)(h))
20 Assault of a Child 3 (RCW 9A.36.140)
21 Bail Jumping with class B or C Felony
22 (RCW 9A.76.170(3)(c))
23 Burglary 2 (RCW 9A.52.030)
24 Commercial Sexual Abuse of a Minor
25 (RCW 9.68A.100)
26 Communication with a Minor for
27 Immoral Purposes (RCW
28 9.68A.090)
29 Criminal Gang Intimidation (RCW
30 9A.46.120)
31 Custodial Assault (RCW 9A.36.100)
32 Cyberstalking (subsequent conviction
33 or threat of death) (RCW
34 9.61.260(3))
35 Escape 2 (RCW 9A.76.120)
36 Extortion 2 (RCW 9A.56.130)
37 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Mortgage Fraud (RCW 19.144.080)
8 Negligently Causing Substantial Bodily
9 Harm By Use of a Signal
10 Preemption Device (RCW
11 46.37.674)
12 Organized Retail Theft 1 (RCW
13 9A.56.350(2))
14 Perjury 2 (RCW 9A.72.030)
15 Possession of Incendiary Device (RCW
16 9.40.120)
17 Possession of Machine Gun or Short-
18 Barreled Shotgun or Rifle (RCW
19 9.41.190)
20 Promoting Prostitution 2 (RCW
21 9A.88.080)
22 Retail Theft with Extenuating
23 Circumstances 1 (RCW
24 9A.56.360(2))
25 Securities Act violation (RCW
26 21.20.400)
27 Tampering with a Witness (RCW
28 9A.72.120)
29 Telephone Harassment (subsequent
30 conviction or threat of death)
31 (RCW 9.61.230(2))
32 Theft of Livestock 2 (RCW 9A.56.083)
33 Theft with the Intent to Resell 1 (RCW
34 9A.56.340(2))
35 Trafficking in Stolen Property 2 (RCW
36 9A.82.055)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Vehicular Assault, by the operation or
6 driving of a vehicle with disregard
7 for the safety of others (RCW
8 46.61.522)
9 Willful Failure to Return from Work
10 Release (RCW 72.65.070)
11 II Computer Trespass 1 (RCW
12 9A.52.110)
13 Counterfeiting (RCW 9.16.035(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.130(11)(a))
19 Health Care False Claims (RCW
20 48.80.030)
21 Identity Theft 2 (RCW 9.35.020(3))
22 Improperly Obtaining Financial
23 Information (RCW 9.35.010)
24 Malicious Mischief 1 (RCW
25 9A.48.070)
26 Organized Retail Theft 2 (RCW
27 9A.56.350(3))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Possession of a Stolen Vehicle (RCW
31 9A.56.068)
32 Retail Theft with Extenuating
33 Circumstances 2 (RCW
34 9A.56.360(3))
35 Theft 1 (RCW 9A.56.030)
36 Theft of a Motor Vehicle (RCW
37 9A.56.065)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Practice of Law (RCW
13 2.48.180)
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW
26 9A.48.080)
27 Mineral Trespass (RCW 78.44.330)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at two
3 hundred fifty dollars or more but
4 less than one thousand five
5 hundred dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063(~~(4)~~)))
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW 9A.56.320)
16 Unlawful Possession of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Possession of a Personal
19 Identification Device (RCW
20 9A.56.320)
21 Unlawful Production of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Trafficking in Food Stamps
24 (RCW 9.91.142)
25 Unlawful Use of Food Stamps (RCW
26 9.91.144)
27 Vehicle Prowl 1 (RCW 9A.52.095)

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