

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: February 18, 2020
To: Transportation Committee
From: Sam Praver, Legislative Analyst

LD 236 – An Act To Amend the Definition of "Reportable Accident"

SUMMARY: This bill amends the definition of "reportable accident" in the motor vehicle provisions by adding an accident that results in the injury or death of a domestic animal.

TESTIMONY:

<p>Proponents: <i>Rep. Hepler, Marge Kilkelly</i></p> <ul style="list-style-type: none">• Bill submitted in response to a constituent whose dog was seriously injured by a vehicle that did not stop.• Not intended to create more bureaucracy, but as a way to hold drivers accountable.• It ensures that pet owners will learn of an injury and will possibly be able to recoup some of the costs of injuries to their domestic animals.• Passage of this bill will hopefully remind drivers to do their best to stop and look for the owner of an animal they hit.• Under current law property damage of more than \$1,000 must be reported. But what about pets that do not have such monetary value?• It is not uncommon for states to have this reportability for domestic animal accidents. Some states use Animal Welfare statutes as well defining cruelty to animals as leaving the scene of an accident.	<p>Opponents: <i>State Police, Professional Logging Contractors of Maine</i></p> <ul style="list-style-type: none">• Adding “domestic animal” to the reportable accident definition, would require a full investigation and reporting requirements if a domestic animal was injured in a crash.• Current law already requires an investigation and report if there is any injury to a person or damage to property of \$1,000 or more. A pet is considered property.• As written, a person who hits a cat, ferret, gerbil, etc., would be required to stop and report the crash. If the operator drove away from the scene, they would be committing a crime. The bill doesn’t require that the operator knowingly hit a domestic animal, only that they did.• As written, if a domestic animal was riding in the vehicle with you and that domestic animal jumps out the window while you are driving and that causes bodily injury, you would be required to immediately stop your vehicle and report the crash.• “Domestic Animal” is not defined in Title 29-A. Unclear which animals this applies to.• Creating an accident on a motorist’s driving record will likely cause insurance rates to increase, for individuals as well as industry operators.• There will also be times when police officers would have to be called out to go investigate these new classes of crashes, creating a fiscal impact.• As written, a collision with a vehicle over 10,000lbs (such as a logging truck) could trigger a commercial vehicle investigation and economic losses to the company and supply chain, and it could lead to increased pressure on an already strained commercial vehicle inspection group in the state police.
<p>Neither for Nor Against: <i>Bicycle Coalition of Maine</i></p> <ul style="list-style-type: none">• Recommends changing the language in the bill from “accident” to “crash.”	

CURRENT STATUTE OR LAW:

"Reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$1,000 or more. Apparent property damage under this subsection must be based upon the market value of the necessary repairs and may not be limited to the current value of the vehicle or property. [29-A MRS §2251](#).

A person commits a Class E crime if that person:

- Is required to make an oral or written report and knowingly fails to do so within the time required;
- Is an operator involved in a reportable accident and knowingly fails to give a correct name and address when requested by an officer at the scene;
- Is the operator involved in a reportable accident or the owner of a vehicle involved in a reportable accident and knowingly fails to produce the vehicle or, if the vehicle is operational, return it to the scene when requested by the investigating officer; or
- Obtains a vehicle registration plate number pursuant to subsection 7-A, paragraph B-1 and knowingly uses that vehicle registration plate number to identify or contact a person or knowingly disseminates that vehicle registration plate number to another person.

[29-A MRS §2251, sub-§8.](#)

TECHNICAL ISSUES:

"Domestic animal" is not defined in 29-A. Unclear which kind of animals apply. All animals that are owned by a person? Only animals that live inside of a person's home?

NOTES:

Sponsor Request – Rep. Hepler: Amend the bill to do the following.

- Require the operator of a vehicle that has hit a domestic animal to notify the animal's owner, like the process provided in [29-A MRS § 2255](#), instead of making a collision with a domestic animal a "reportable accident" under [29-A MRS §2251](#).
- Only require the operator of a vehicle that has hit a domestic animal to notify the police if the operator is not able to notify the animal's owner.
- Specify that the requirement to notify the animal's owner only applies if the operator knowingly hit the domestic animal.
- Make the penalty for violation of this requirement a traffic infraction rather than a criminal offense.

FISCAL IMPACT:

No preliminary fiscal information available at the time of writing.