TITLE 49
MOTOR VEHICLES

CHAPTER 13
ACCIDENTS

49-1301. ACCIDENTS INVOLVING DAMAGE TO VEHICLE. (1) The driver of any vehicle involved in an accident, either on public or private property open to the public, resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident, or as close as possible, and shall immediately return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of law.

(2) For any accident which occurs on a divided, controlled-access highway or interstate highway of the state highway system, a stop as required by subsection (1) of this section shall be made by moving the vehicle into a safe refuge on the shoulder, emergency lane or median whenever such moving of a vehicle may be done safely and the vehicle is capable of being normally and safely driven, does not require towing, and may be operated under its own power in its customary manner without further damage or hazard to itself, to the traffic elements or to the roadway.

(a) For any other highway, a stop as required by subsection (1) of this section shall be made without obstructing traffic more than is necessary.

(b) The driver or any other person who has removed a motor vehicle from the main-traveled part of the road as provided in this subsection before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this subsection.

(3) Any person failing to stop or to comply with the requirements under these circumstances shall be guilty of a misdemeanor.

(4) The department shall revoke for a period of one (1) year the driver's license, privileges or permit to drive, or the nonresident operating privilege, of any person convicted of a violation of the provisions of subsection (1) of this section.

(5) Nothing herein shall be construed to interfere with the duty of any city, county or state police officer to investigate and detect crime and enforce the penal, traffic or highway laws of this state or any political subdivision.

[49-1301, added 1988, ch. 265, sec. 322, p. 740; am. 1989, ch. 88, sec. 50, p. 191; am. 1992, ch. 115, sec. 31, p. 375; am. 1998, ch. 110, sec. 29, p. 412; am. 2005, ch. 310, sec. 2, p. 963.]

49-1302. DUTY TO GIVE INFORMATION IN ACCIDENT INVOLVING DAMAGE TO A VEHICLE. (1) The driver of any vehicle involved in an accident resulting in damage to any vehicle which is driven or attended by any person shall, at the scene of the accident, give his name, address and, if available, at the scene of the accident, he shall exhibit his driver's license, proof of registration and certificate or proof of liability insurance to the person struck or to the driver or person attending any vehicle collided with.

(2) If a police officer is present, that officer shall make all reasonable efforts to facilitate the exchange of the required information provided by subsection (1) of this section between the parties involved.

(3) Any person who willfully fails to provide the information required to be given by subsection (1) of this section or who knowingly provides false information of the type required by this section shall be guilty of a misdemeanor.

[49-1302, added 1988, ch. 265, sec. 323, p. 740; am. 1989, ch. 88, sec. 51, p. 191; am. 1999, ch. 156, sec. 1, p. 434.]

49-1303. DUTY UPON STRIKING UNATTENDED VEHICLE. The driver of any vehicle which collides with any unattended vehicle shall immediately stop, and then and there either locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, along with a statement of the circumstances.

[49-1303, added 1988, ch. 265, sec. 324, p. 740; am. 1999, ch. 146, sec. 1, p. 417.]

49-1304. DUTY UPON STRIKING FIXTURES UPON OR ADJACENT TO A HIGHWAY. The driver of any vehicle involved in an accident resulting in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of the property of the fact, of his name and address, the name of his insurance agent or company if he has automobile liability insurance, the motor vehicle registration number of the vehicle he is driving, and upon request and if available exhibit his driver's license.

[49-1304, added 1988, ch. 265, sec. 325, p. 741; am. 1989, ch. 88, sec. 52, p. 191.]

49-1305. IMMEDIATE NOTICE OF ACCIDENTS. (1) The driver of a vehicle involved in an accident resulting in injury to or death of any person, or damage to the property of any one (1) person in excess of one thousand five hundred dollars ($1,500) shall immediately, by the quickest means of communication, give notice of the accident to the local police department if the accident occurs within a city, otherwise to the office of the county sheriff or the nearest office of the state police.

(2) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required herein, and there was another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall give or cause to be given the notice not given by the driver.

[49-1305, added 1988, ch. 265, sec. 326, p. 741; am. 1990, ch. 69, sec. 1, p. 151; am. 2005, ch. 269, sec. 1, p. 832.]

49-1306. WRITTEN REPORTS OF ACCIDENTS. (1) Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident, either at the time of and at the scene of the accident, or thereafter by interviewing participants or witnesses, shall within twenty-four (24) hours after completing the investigation forward a written report of the accident to the department.

(2) Written reports required to be forwarded by law enforcement officers and the information contained in them shall not be privileged or held confidential.

[49-1306, added 1988, ch. 265, sec. 327, p. 741.]

49-1307. ACCIDENT REPORT FORMS. (1) The department shall prepare and upon request supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for written accident reports required by this chapter, appropriate with respect to the persons required to make those reports and the purposes to be served. Written reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(2) Every accident report required to be made in writing shall be made on the appropriate form approved by the department, and shall contain all of the information required on the form unless not available.

[49-1307, added 1988, ch. 265, sec. 328, p. 742.]

49-1308. FILING FALSE ACCIDENT REPORTS. It is unlawful for any person to file an accident report knowing the same to be false.

[49-1308, added 1988, ch. 265, sec. 329, p. 742.]

49-1309. CORONERS TO REPORT. Every coroner or other official performing like functions shall, on or before the 10th day of each month, report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of a traffic accident, giving the time and place of the accident and the circumstances relating to it.

[49-1309, added 1988, ch. 265, sec. 330, p. 742.]

49-1310. GARAGES TO REPORT. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which a report is required as provided in section 49-1306, Idaho Code, or struck by any bullet, shall report to the local police department if the garage is located within a city, otherwise to the office of the county sheriff or the nearest office of the state police within forty-eight (48) hours after the motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle.

[49-1310, added 1988, ch. 265, sec. 331, p. 742.]

49-1311. ACCIDENT REPORTS. All accident reports made by garages shall be without prejudice to the individual reporting and shall be subject to disclosure according to chapter 1, title 74, Idaho Code, and shall be used for accident prevention purposes.

[49-1311, added 1988, ch. 265, sec. 332, p. 742; am. 1990, ch. 213, sec. 70, p. 537; am. 2015, ch. 141, sec. 129, p. 476.]

49-1312. DEPARTMENT TO TABULATE AND ANALYZE ACCIDENT REPORTS. The department shall tabulate and may analyze all accident reports and shall pub-

lish annually, or at more frequent intervals, statistical information based thereon as to the number of circumstances of traffic accidents.

[49-1312, added 1988, ch. 265, sec. 333, p. 743.]

49-1313. ANY INCORPORATED CITY MAY REQUIRE ACCIDENT REPORTS. Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident also file with a designated city department a report of an accident or a copy of any report required to be filed with the department. All such reports shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

[49-1313, added 1988, ch. 265, sec. 334, p. 743; am. 1990, ch. 213, sec. 71, p. 537; am. 2015, ch. 141, sec. 130, p. 476.]

49-1314. TESTING BLOOD OF PERSONS KILLED IN ACCIDENTS. (1) The director of the Idaho state police, jointly with the various county coroners, shall provide a system and procedure whereby all coroners in Idaho shall obtain blood samples from all pedestrians and motor vehicle operators who have died as a result of and contemporaneously with an accident involving a motor vehicle.

(2) All investigating peace officers shall report traffic fatalities to the county coroner or follow the procedure established by the joint action of the director of the Idaho state police and the various coroners.

(3) The blood sample, or result of blood testing, with any information as may be required, shall be delivered to the director of the Idaho state police or his designee. Upon receipt of the sample the director will cause all tests as may be required to determine the amount of alcohol, narcotics and dangerous drugs that may be contained in the sample.

(4) The results of such tests shall be used for statistical purposes and shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

[49-1314, added 1988, ch. 265, sec. 335, p. 743; am. 1989, ch. 310, sec. 26, p. 799; am. 1990, ch. 213, sec. 72, p. 538; am. 2000, ch. 469, sec. 119, p. 1581; am. 2002, ch. 44, sec. 1, p. 98; am. 2015, ch. 141, sec. 131, p. 477.]

49-1315. REPORT AND INVESTIGATION OF TRAFFIC HAZARD CAUSING ACCIDENT. Whenever any investigation or judicial action stemming from a traffic accident which resulted in death or injury to any person or damage to any property in an apparent extent of five hundred dollars ($500) or more results in a finding that a physical traffic hazard caused or was responsible for the traffic accident, the investigating traffic enforcement officer or presiding judicial officer shall submit a written statement of his finding to the safety engineer of the department and to the board of county commissioners of the county in which the accident occurred. Within sixty (60) days, the department shall examine and report on the alleged traffic hazard. Copies of the report shall be sent to the reporting traffic enforcement officer or presiding judicial officer who originated the action and the board of county commissioners of the county in which the accident occurred. The report by the department shall contain the engineer's explanation of the hazard and shall propose what can be done to alleviate the hazard or what has been done to alleviate the hazard, or information to fully explain why no action has been taken or is anticipated.

[49-1315, added 1988, ch. 265, sec. 336, p. 744.]

49-1316. ERECTION OF MEMORIALS TO PERSONS KILLED IN TRAFFIC ACCIDENTS. As a means of promoting safety upon the highways of this state, the transportation department, the state police and other law enforcement officers shall permit relatives or friends of a person killed in a traffic accident upon a highway of the state, with the consent of the next of kin of the deceased, to erect a traffic accident memorial in memory of the decedent. The traffic accident memorial shall be erected adjacent to the portion of the highway where the accident occurred so that the traffic accident memorial serves as a reminder that a fatality occurred on that stretch of highway and that public safety will thereby be enhanced. The transportation department shall promulgate rules to implement the provisions of this section, to provide size limitations the traffic accident memorial must conform to and to retain jurisdiction over areas where traffic accident memorials are placed.

[49-1316, added 1992, ch. 45, sec. 1, p. 148; am. 2001, ch. 45, sec. 1, p. 84.]