

**OPINION**  
**46-125**

May 28, 1946 (OPINION)

HIGHWAY ACCIDENTS

RE: Report of - Made When

This will acknowledge your letter of May 23, you state, you are writing on behalf of a justice of the peace in your city.

The facts are these: A person driving his own automobile on a county highway lost control of the car in some manner and drove into the ditch, causing considerable damage to the car, but suffering no material injuries to his person.

Section 39-0808, of the North Dakota Revised Code of 1943, requires the driver of any vehicle involved in an accident resulting in injury or death to any person or property damage to an apparent extent of \$50.00 or more, to report the accident within twenty-four hours to the police headquarters of the village or city in which the accident occurred, or if the accident occurs outside of an incorporated city or village, then to the sheriff of the county in which the accident occurs. The question presented by the justice of the peace is whether or not the above mentioned statute requires an accident of the kind set forth in your letter to be reported.

Section 39-0808 of the Revised Code was formerly section 30 of chapter 162 of the 1827 Session Laws. It was amended by chapter 169 of the 1943 Session Laws, and is in the revised Code in substantially the same form as amended by chapter 169 of the 1943 Session Laws. The amendment as contained in chapter 169, of the 1943 Session Laws, required the reporting of an accident outside of an incorporated city or village to the sheriff of the county in which such accident occurred, which was an extension of the requirements in section 30 of chapter 162, of the 1927 Session Laws.

Section 39-0805, of the 1943 Revised Code, requires a driver of a vehicle involved to immediately stop such vehicle at the scene of the accident and, upon his failure to stop, he may be punished by a fine of not less than \$100.00 nor more than \$5000.00, or imprisonment in the county jail for not less than thirty days nor more than one year, or in the state penitentiary for not less than one year or more than five years or by both such fine and imprisonment. Section 39-0806 requires the driver of a vehicle, involved in an accident resulting in damage to property, to stop at the scene of such accident. The next section (section 39-0807) requires the driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property, to give his name, address, registration number, to the person struck or to the driver or occupant of any vehicle collided with, and to render to any person involved in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment, if it is apparent that such treatment is necessary, or is requested by the injured person.

It is apparent, from the reading of the sections above referred to, that the accident alluded to in the statutes means an accident involving not only the driver of the motor vehicle but other persons and another vehicle as well. It would seem reasonable to infer from these statutes that the "accident" referred to in them must be one involving injuries and damage to the property of another. The apparent intent of the statute was to require a driver to stop at the scene of the accident resulting in injuries or death to any person, or property damage to any other person than to himself, and to give such information to any persons suffering damage by virtue of the accident as would enable such person to have in his possession data that would give him ready access or communication with the driver of the vehicle. The purpose of the statute was undoubtedly to foster assistance to persons injured in an accident, or to enable such persons to make contact with the driver of the vehicle or enable them to communicate with him or her, and to insure that the driver be reasonable for giving such assistance as he could render to those injured.

It does not seem likely that the legislature in the enactment of these statutes was concerned with the injury to the person or the property of the driver of the vehicle. The legislature apparently was interested in the injury to the persons or property of those who were hit by a driver of a motor vehicle, or other parties, or in other words, the legislature was interested in enacting legislation that would be of material assistance to other persons in placing the responsibility where it belonged.

Where an individual, driving his own car, has an accident resulting only in property damage to his own automobile, or injuries to himself, it would seem to me that there is no obligation under section 39-0808 to report to the authorities mentioned in that section. It is only, in my opinion, when the driver is involved in an accident resulting in injuries or property damage to another person or persons that he is obligated under this statute to report the accident. Such report is required to enable those interested, and the authorities, to ascertain the true facts and properly place the responsibility for the accident.

It is my opinion that the section you referred to can have no application to a state of facts such as you set forth in your letter.

NELS G. JOHNSON

Attorney General