

## **HIT AND RUN- Accidents Involving Damage to Attended Vehicle or Property**

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property that is driven or attended by any person must immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and return forthwith to the scene of the accident. In every event, such a driver must remain at the scene of the accident until he or she has fulfilled the requirements of the Vehicle Code with respect to giving information and rendering aid. Every such stop must be made without obstructing traffic more than is necessary. Any driver failing to stop and remain at the scene of such an accident is guilty of a ***misdemeanor of the third degree***, punishable by a fine of up to ***\$2,500***, imprisonment up to ***one (1) year***, or both.

The statute is aimed at hit-and-run drivers who attempt to flee the scene of an accident in which they have been involved without making known their identity, in an effort to avoid criminal and civil liability; in situations where such is not the case, the statute should not be so narrowly and technically interpreted as to reach an absurd result. A finding of innocence would be warranted where a defendant is in substantial compliance with the statute.

***Illustration:*** Where a driver involved in an accident, though not revealing his identity, offers to show the other driver involved in the accident his driver's license and insurance information, which the other driver refuses to accept, the situation is not one in which a hit-and-run driver sought to avoid criminal or civil liability.

Also, where a vehicle was parked in a driveway with its engine running and its lights on and partially protruded into the street, it was not an attended vehicle, since the operator was not present to look after or guard the vehicle.

### **The Duty to Render Aid and Stop- when does it arise?**

The duty to stop under the Vehicle Code arises whenever a ***driver knows, or in the exercise of reasonable care should know***, that his or her vehicle has been involved in an accident. Guilt or innocence in such a case ***does not depend upon knowledge of injury or damage***; it is enough that the driver have knowledge that he or she was involved in an accident.

***Illustration:*** The driver of a large truck that rounded a corner too sharply and struck a stationary car may be held liable under § 3743 of the Vehicle Code, where the driver failed to respond to the impact or the noise of the blowing horn of that car, despite the driver being unaware that he had been involved in the accident.

### **The Lack of Noticeable Damage is NOT relevant**

Even where no evidence is presented by the commonwealth as to the actual damage incurred by the victim of an accident to his or her vehicle, the incurring of damage by the victim to his or her vehicle, however slight, as a result of the accident can be inferred from the totality of the circumstances surrounding the accident.

***Illustration:*** A "medium loud" noise of an accident and the "jerking" of a victim's vehicle from the impact of the defendant's vehicle making contact is sufficient to show damage.<sup>[FN2]</sup> Also, a scratch on the bumper of an automobile, albeit slight, constitutes harm, thus constitutes damage to the vehicle.