

**OPINION  
59-176**

August 19, 1959           (OPINION)

MOTOR VEHICLES

RE: Regulations Governing Operators and Accident Reports - Accidents  
      Involving Damage to Vehicle - Single Vehicle Accidents

This is in reply to your letter of July 9, 1959, requesting an opinion concerning Section 2 of Chapter 253, 1955 Session Laws, which is now section 39-0805 of the 1957 Supplement to the North Dakota Revised Code of 1943. Section 39-0805 of the 1957 Supplement to the North Dakota Revised Code of 1943 states:

ACCIDENTS INVOLVING DAMAGE TO VEHICLE. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 3 of the Act (s. 39-0806). Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor punishable by a fine and imprisonment."

The question is, does the above section apply to one vehicle accidents? It is noted that the above section applies only to accidents involving damage to vehicle and the duty to remain at the scene of the accident under this section is a duty imposed upon the driver of any vehicle until has has fulfilled the requirements of section 39-0806 of the same chapter. Section 39-0806 imposes a duty upon the driver of any vehicle involved in an accident to give information and render aid, and the duty imposed in section 39-0805 is contingent upon the duty imposed in section 39-0806.

It is impossible to anticipate every circumstance that could arise out of a one vehicle accident, and therefore, section 39-0806 does apply to a one vehicle accident but only to the extent that the driver of the vehicle fulfills the requirements of section 39-0806 of the 1957 Supplement to the North Dakota Revised Code of 1943. If the driver involved in a one vehicle accident does not have anyone to report to or render aid to, as required by section 39-0806, then it would not be necessary for the driver to remain at the scene of the accident.

It is therefore the opinion of this office that section 39-0805 does apply to one vehicle accidents to the extent that the driver has fulfilled the duty imposed in section 39-0806 of the 1957 Supplement to the North Dakota Revised Code of 1943.

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