

**LEAVING SCENE OF AN INCIDENT WITHOUT REPORTING
(A Misdemeanor)¹
(Personal Injury)
VEHICLE & TRAFFIC LAW § 600 (2)(a)
(Committed on or after July 24, 1986)**

The (*specify*) count is Leaving the Scene of an Incident Without Reporting [Personal Injury].

Under our law, any person operating a motor vehicle who knowing or having cause to know that personal injury² has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when

¹ A violation of Vehicle and Traffic Law § 600 (2)(a), “leaving the scene of an incident without reporting,” “other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph [(a) of Vehicle and Traffic Law § 600 (2)], shall constitute a class A misdemeanor....Any such violation committed by a person after such person has previously been convicted of such a violation shall constitute a class E felony.” Vehicle and Traffic Law § 600 (2)(c). This charge is for that first violation, a class A misdemeanor. It may be utilized for the class E felony should the defendant admit the prior conviction charged in a special information pursuant to CPL 200.60. See *People v Cooper*, 78 NY2d 476 (1991). If the defendant does not admit the prior conviction or remains mute, the court must (1) add that element to the definition of the offense, as follows: “and the defendant was previously convicted of this crime”; and (2) add that element to the list of elements, as follows: “and (4) That the defendant was previously convicted of this crime.”

² Although “personal injury” is not defined in the statute, note that “it is not necessary for the incident to have caused ‘physical injury,’ in the sense of ‘impairment of physical condition or substantial pain’ (Penal Law § 10.00 [9]), but simply ‘personal injury.’” *People v Bogomolsky*, 14 Misc 3d 26, 27 (App Term 2d Dept 2006).

such card is required by law,³ and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then he or she shall report said incident as soon as physically able to the nearest police station or judicial officer.

With certain exceptions not applicable here, an insurance identification card is required by law.

The term "motor vehicle" used in this definition has its own special meaning in our law. I will now give you the meaning of that term.

MOTOR VEHICLE means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power.⁴

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date), in the county of (County),

³ At this point, the words "by law" substitute for the statutory words: "pursuant to articles six and eight of this chapter.

⁴ The term "motor vehicle" is defined in Vehicle and Traffic Law § 125. That definition contains exceptions which are not set forth in the text of this charge. The term "public highway" appearing in the definition of "motor vehicle" is itself separately defined in Vehicle and Traffic Law § 134 and the terms within that definition are also separately defined in article one of the Vehicle and Traffic Law. If an exception or definition is in issue, then the charge should be amplified accordingly.

the defendant, (defendant's name), operated a motor vehicle;

2. That at that time and place, the defendant knew or had cause to know that personal injury had been caused to another person, due to an incident involving the motor vehicle operated by the defendant; and
3. That the defendant did not, before leaving the place where the said personal injury occurred, stop, exhibit his/her license and insurance identification card for such vehicle, when such card is required by law, and give his/her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer was in the vicinity of the place of said injury, then he/she did not report said incident as soon as physically able to the nearest police station or judicial officer.

If you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of this crime.

If you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Leaving the Scene of this crime.