

271.51 HIT AND RUN WITH PERSONAL INJURY OR DEATH (FAILURE TO STOP OR GIVE REQUIRED INFORMATION). MISDEMEANOR.

*NOTE WELL: G.S. § 20-166(c) provides that this offense is applicable "only if the operator of the vehicle did not know and did not have reason to know of the death or injury."*

The defendant has been charged with misdemeanor failing to [stop] [give required information] at the scene when the defendant was the driver of a vehicle involved in a crash<sup>1</sup> which resulted in [injury] [death].

For you to find the defendant guilty of this offense, the State must prove six things beyond a reasonable doubt:

First, that the defendant was driving a vehicle.<sup>2</sup>

Second, that the vehicle was involved in a crash.

Third, that a person [suffered personal injury in] [died as a result of] this crash.

Fourth, that the defendant knew or reasonably should have known that the vehicle the defendant was driving was involved in a crash.

Fifth, that the defendant failed to

- a. [Immediately stop the defendant's vehicle at the scene of the crash].
- b. [Give the defendant's name, address, driver's license number and the license plate number of the defendant's vehicle to the [person struck] [[driver] [occupant] of any other vehicle involved].<sup>3</sup>

And Sixth, that the defendant's failure to [stop] [give the required information] was willful, that is, intentional (and without justification or excuse.)<sup>4</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was driving a vehicle that the

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defendant knew or reasonably should have known was involved in a crash, which resulted in [personal injury to] [death of] a person, and that the defendant willfully (and without justification or excuse) failed to

- a. [immediately stop]
- b. [give the defendant's name, address, drivers license number and license plate number of the defendant's vehicle to the [person struck] [[driver] [occupant] of any other vehicle involved]

it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. G.S. 20-4.01(4b) defines "crash" as "Any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load. The terms collision, accident, and crash and their cognates are synonymous."

2. G.S. 20-4.01(49) defines the word "vehicle."

3. Other means for giving required information are set out in G.S. 20-166(c1) and 20-166.1.

4. If there is evidence of justification or excuse such as unawareness of the accident or collision, the jury should be instructed accordingly.