

271.53 HIT AND RUN WITH PROPERTY DAMAGE. MISDEMEANOR.

The defendant has been charged with failing to [immediately stop] [give required information] after a crash¹ involving property damage.²

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.³

Second, that the vehicle was involved in a crash.

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

Fourth, that property was damaged in the crash.

Fifth, that the defendant failed to [immediately stop] [give the defendant's name, address, driver's license number, and the license plate number of the defendant's vehicle to the [[driver] [occupant] of any other vehicle involved in the crash] [person whose property was damaged.]]⁴

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

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was driving a vehicle which the defendant knew or reasonably should have known was involved in a crash in which property was damaged and that the defendant willfully (and without justification or excuse) failed to [immediately stop] [give the defendant's name, address, drivers license number and the license plate number of the defendant's vehicle to the [[driver] [occupants] of any other vehicle involved] [person whose property was damaged], it would be your duty to

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

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. 20-166(c1) includes a description of the appropriate action to be taken when the property damaged is a parked and unattended vehicle or a guardrail, utility pole, or other fixed object owned by the Department of Transportation, a public utility or other public service corporation to which report cannot be readily made at the scene.

3. G.S. 20-4.01(49) defines the term "vehicle."

4. Other means of giving required information are set out in G.S. 20-166.1.