

N.C.P.I.-Crim. 271.73
FAILURE TO STOP OR GIVE REQUIRED INFORMATION AFTER ACCIDENT-
PASSENGER. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2006
N.C. Gen. Stat. § 20-166.2(b)

271.73 FAILURE TO STOP OR GIVE REQUIRED INFORMATION AFTER
ACCIDENT - PASSENGER. MISDEMEANOR.

The defendant has been charged with failing to give certain information at the scene when *he* was the passenger of a vehicle involved in a(n) [accident] [collision].

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 a passenger of a vehicle.¹

Second, that the vehicle was involved in a(n) [accident] [collision].

Third, that the defendant knew or reasonably should have known that the vehicle in which *he* was a passenger was involved in a(n) [accident] [collision].

Fourth, that the defendant failed to give *his* name, address, drivers license number and the license plate number of the vehicle in which the defendant was riding as a passenger to the [person struck] [[driver] [occupant] of any other vehicle involved in the [accident] [collision]].²

Fifth, that the [person struck] [[driver] [occupant] of any other vehicle involved] was physically and mentally capable of receiving the information.

And Sixth, that the defendant's failure to give the required information was willful, that is, intentional (and without justification or excuse.)³

If you find from the evidence beyond a reasonable doubt that on or

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about the alleged date the defendant was a passenger of a vehicle that *he* knew or reasonably should have known was involved in a(n) [accident] [collision] and that the defendant willfully (and without justification or excuse) failed to give *his* name, address, drivers license number and license plate number of the vehicle to the [person struck] [[driver] [occupant] of any other vehicle involved in the [accident] [collision], and that this person was physically and mentally capable of receiving this information, 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.

1. N.C. Gen. Stat. § 20-4.01(49) defines the word "vehicle."

2. Other means for giving required information are set out in N.C. Gen. Stat. §§ 20-166(c1) and 20-166.1.

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