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**SPRINGFIELD**

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FILE NO. S-1430

**MOTOR VEHICLES:**  
The Term "Involved in an Accident"  
Means Connected With an Accident  
In a Substantial Manner

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This responds to your letter wherein you ask for my interpretation of sections 11-401, 11-402, 11-403, 11-404, 11-406, 11-407 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1977, ch. 95½, pars. 11-401, 11-402, 11-403, 11-404, 11-406, 11-407.) These sections set forth certain duties of a driver of a vehicle involved in various types of accidents. Each of them uses the phrase "involved in an accident". For instance, subparagraph (a) of section 11-401 of the Illinois Vehicle Code (Ill. Rev. Stat. 1977, ch. 95½, par. 11-401) provides as follows:

"(a) The driver of any vehicle involved in an accident resulting in injury to or death of

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any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of Section 11-403. Every such stop shall be made without obstructing traffic more than is necessary."

You ask whether there must be actual physical contact between the vehicles (or a vehicle and pedestrian) before a driver is deemed to be "involved". As an example, you pose a situation where the first driver commits a driving error and the second driver reacts in a manner which avoids a collision with the first driver but still results in injury or damage to the second driver. You ask whether the first driver is involved in an accident. It is my opinion that the words "involved in an accident" mean implicated in an accident or connected with the accident in a substantial manner.

There is no statutory definition of the word "involved" as used in the foregoing statutes; nor do there appear to be any Illinois court decisions defining the words "involved in an accident" as used in the statutes about which you inquired. A leading case from other jurisdictions is People v. Bammes (Cal. App. 1968), 71 Cal. Rptr. 415. In this case the defendant's car pulled out in front of a station wagon. The station wagon swerved and struck a truck. The defendant's car did not strike either the station wagon or the truck. The

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court held that the action of the defendant in pulling out in front of the station wagon was an efficient cause of the collision and therefore the defendant was held to be "involved" in the accident. The court went on to point out that neither contact nor fault were essential to a hit and run prosecution. In the case of Wiggen v. Bethel Apostolic Temple et al. (Fla. App. 1967) 192 So. 2d 796, it was held that a person who chased decedent into the path of a bus which struck him was "involved" in the accident within the meaning of a statute relating to accident reports by persons involved in accidents. In Baker v. Fletcher (1948), 79 N.Y.S. 2d 580, the court held that a motorist who opened the door of his automobile in such a manner as to affect the operation of a truck was involved in the resulting accident within the meaning of the Motor Safety-Responsibility Act, even though he was not negligent and there was no contact between his automobile and the truck. See also the cases of Hall v. Rager (Mo. 1962) 357 S.W. 2d 83; and People v. Green (Cal. App. 1950) 215 P. 2d 127. It appears that the weight of authority in this country is that there does not have to be actual physical contact between the vehicles (or a vehicle and a pedestrian) before a driver is deemed to be "involved". The words "involved in an accident" within the meaning of the statutes under consideration, in my opinion,

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mean implicated in an accident or connected with the accident in a substantial manner.

In the example which you posed where the first driver commits a driving error and the second driver reacts in a manner which avoids a collision with the first driver but results in injury or damage to the second driver, the first driver, in my opinion, would be "involved" in the accident. However, this is only a general statement. Whether it applies to a particular accident will, of course, depend on the particular facts in each situation.

Very truly yours,

A T T O R N E Y   G E N E R A L