

Senator Dan R. Eastman proposes the following substitute bill:

TRAFFIC CODE AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending traffic provisions related to the exchange of insurance information, stopping at a sidewalk, lighting requirements for slow moving vehicles, aftermarket modifications to large vehicles, and nontransparent material on rear side windows.

Highlighted Provisions:

This bill:

- ▶ requires the operator of a vehicle to provide insurance provider information to persons involved in an accident;
- ▶ allows the operator of a vehicle to provide accident information to an investigating peace officer in lieu of providing the information to persons involved in the accident;
- ▶ repeals certain tail lamp and head lamp exceptions for motor vehicles operated at 20 miles per hour or less;
- ▶ applies aftermarket limitations to adjustments to frame height, wheelbase, and bumper height to all vehicles not just vehicles with a gross vehicle weight rating of 15,000 pounds or less;
- ▶ clarifies that rear side windows may have nontransparent material on them; and
- ▶ makes technical changes.



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-6a-401**, as renumbered and amended by Chapter 2, Laws of Utah 2005

33 **41-6a-1629**, as renumbered and amended by Chapter 2, Laws of Utah 2005

34 **41-6a-1632**, as renumbered and amended by Chapter 2, Laws of Utah 2005

35 **41-6a-1635**, as renumbered and amended by Chapter 2, Laws of Utah 2005

36 RENUMBERS AND AMENDS:

37 **41-6a-907**, (Renumbered from 41-6-100, as enacted by Chapter 33, Laws of Utah 1978)

38 REPEALS:

39 **41-6a-1615**, as renumbered and amended by Chapter 2, Laws of Utah 2005



41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **41-6a-401** is amended to read:

43 **41-6a-401. Accident involving injury, death, or property damage -- Duties of**
44 **operator, occupant, and owner -- Exchange of information -- Notification of law**
45 **enforcement -- Penalties.**

46 (1) The operator of a vehicle involved in an accident resulting in injury to or death of a
47 person or damage to another vehicle or other property shall:

48 (a) immediately stop the vehicle at the scene of the accident or as close as possible
49 without obstructing traffic more than is necessary; and

50 (b) remain at the scene of the accident until the operator has fulfilled the requirements
51 of this section.

52 (2) [Hf] Except as provided under Subsection (6), if the vehicle or other property is
53 operated, occupied, or attended by any person or if the owner of the vehicle or property is
54 present, the operator of the vehicle involved in the accident shall:

55 (a) give to the persons involved:

56 (i) the operator's name, address, and the registration number of the vehicle being

57 operated; and
58 (ii) the name of the insurance provider covering the vehicle being operated including
59 the phone number of the agent or provider;
60 (b) upon request and if available, exhibit the operator's license to:
61 (i) any investigating peace officer present;
62 (ii) the person struck;
63 (iii) the operator, occupant of, or person attending the vehicle or other property
64 damaged in the accident; and
65 (iv) the owner of property damaged in the accident, if present; and
66 (c) render to any person injured in the accident reasonable assistance, including
67 transporting or making arrangements for transporting, of the injured person to a physician or
68 hospital for medical treatment if:
69 (i) it is apparent that treatment is necessary; or
70 (ii) transportation is requested by the injured person.
71 (3) The operator of a vehicle involved in an accident shall immediately and by the
72 quickest means of communication available give notice or cause to give notice of the accident
73 to the nearest office of a law enforcement agency if the accident resulted in:
74 (a) injury or death of any person; or
75 (b) property damage to an apparent extent of \$1,000 or more.
76 (4) The occupant of a vehicle involved in an accident who is not the operator of the
77 vehicle shall give or cause to give the immediate notice required under Subsection (3) if:
78 (a) the operator of a vehicle involved in an accident is physically incapable of giving
79 the notice; and
80 (b) the occupant is capable of giving an immediate notice.
81 (5) [Hf] Except as provided under Subsection (6), if the vehicle or other property is
82 unattended, the operator of the vehicle involved in the accident shall:
83 (a) locate and notify the operator or owner of the vehicle or the owner of other property
84 damaged in the accident of the operator's name, address, and the registration number of the
85 vehicle causing the damage; or
86 (b) attach securely in a conspicuous place on the vehicle or other property a written
87 notice giving the operator's name, address, and the registration number of the vehicle causing

88 the damage.

89 (6) The operator of a vehicle that provides the information required under this section
90 to an investigating peace officer at the scene of the accident is exempt from providing the
91 information to other persons required under this section.

92 ~~[(6)]~~ (7) (a) A person who violates the provisions of Subsection (1) is guilty of a class
93 A misdemeanor and shall be fined not less than \$750 if the accident results in injury or death of
94 a person.

95 (b) A person who violates the provisions of Subsection (1) is guilty of a class B
96 misdemeanor if the accident results only in damage to a vehicle or other property.

97 (c) A person who violates the provision of Subsection (5) is guilty of a class B
98 misdemeanor.

99 Section 2. Section **41-6a-907**, which is renumbered from Section 41-6-100 is
100 renumbered and amended to read:

101 ~~[41-6-100].~~ **41-6a-907. Vehicles emerging from alleys, buildings, private roads**
102 **or driveways must stop prior to sidewalk area or street.**

103 The ~~[driver]~~ operator of a vehicle emerging from an alley, building, private road or
104 driveway within a business or residence district shall stop ~~[such]~~:

105 (1) the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area
106 extending across ~~[such]~~ the alley, building ~~[entrance]~~, private road or driveway~~[-or in the~~
107 ~~event]~~; or

108 (2) if there is no sidewalk area, ~~[shall stop]~~ at the point nearest the street to be entered
109 where the ~~[driver]~~ operator has a view of approaching traffic ~~[thereon]~~.

110 Section 3. Section **41-6a-1629** is amended to read:

111 **41-6a-1629. Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 --**

112 **Definitions.**

113 (1) As used in Sections 41-6a-1629 through 41-6a-1633:

114 (a) "Frame" means the main longitudinal structural members of the chassis of the
115 vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural
116 member of the body of the vehicle.

117 (b) "Frame height" means the vertical distance between the ground and the lowest point
118 on the frame. The distance is measured when the vehicle is unladen and on a level surface.

119 (c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross
120 vehicle weight rating, whether or not the vehicle is modified by use of parts not originally
121 installed by the original manufacturer.

122 (d) "Manufacturer" means any person engaged in manufacturing or assembling new
123 motor vehicles utilizing new parts or components, or a person defined as a manufacturer in
124 current applicable Federal Motor Vehicle Safety Standards and Regulations.

125 (e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the
126 axles, chassis, suspension, or body by any means, including tires and wheels, and excluding
127 any load, which affects the frame height of the motor vehicle.

128 (f) "O.E.M." means original equipment manufacturer.

129 (g) "Original equipment" means an item of motor vehicle equipment, including tires,
130 which were installed in or on a motor vehicle or available as an option for the particular vehicle
131 from the original manufacturer at the time of its delivery to the first purchaser.

132 (h) "Wheel track" means the shortest distance between the center of the tire treads on
133 the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is
134 used for all calculations.

135 (2) (a) Except as provided in Subsection (2)(b), the provisions of Sections 41-6a-1629
136 through 41-6a-1633 apply to all motor vehicles [~~with an original manufacturer's gross vehicle~~
137 ~~weight rating of 15,000 pounds or less~~] operated or parked on a highway.

138 (b) The provisions of Sections 41-6a-1629 through 41-6a-1633 do not apply to the
139 following vehicles:

140 (i) implements of husbandry;

141 (ii) farm tractors;

142 (iii) road machinery;

143 (iv) road rollers; and

144 (v) historical vehicles or horseless carriages that have been restored as near to original
145 condition as is reasonably possible.

146 Section 4. Section **41-6a-1632** is amended to read:

147 **41-6a-1632. Bumpers.**

148 (1) A motor vehicle shall be equipped with a bumper on both front and rear of the
149 motor vehicle, except a motor vehicle that was not originally designed or manufactured with a

150 bumper or bumpers.

151 (2) (a) On a motor vehicle [~~under 15,000 GVWR~~] required to have bumpers under
152 Subsection (1), a bumper shall be:

153 (i) at least 4.5 inches in vertical height;

154 (ii) centered on the vehicle's center line; and

155 (iii) extend no less than the width of the respective wheel track distance.

156 (b) A bumper shall be securely mounted, horizontal load bearing, and attached to the
157 motor vehicle's frame to effectively transfer impact when engaged.

158 (3) If a motor vehicle is originally or later equipped with a bumper, the bumper shall:

159 (a) be maintained in operational condition; and

160 (b) comply with this section.

161 Section 5. Section **41-6a-1635** is amended to read:

162 **41-6a-1635. Windshields and windows -- Tinting -- Obstructions reducing**
163 **visibility -- Wipers -- Prohibitions.**

164 (1) Except as provided in Subsections (2) and (3), a person may not operate a motor
165 vehicle with:

166 (a) a windshield that allows less than 70% light transmittance;

167 (b) a front side window that allows less than 43% light transmittance;

168 (c) any windshield or window that is composed of, covered by, or treated with any
169 material or component that presents a metallic or mirrored appearance; or

170 (d) any sign, poster, or other nontransparent material on the windshield or side
171 windows of the motor vehicle except:

172 (i) a certificate or other paper required to be so displayed by law; or

173 (ii) the vehicle's identification number displayed or etched in accordance with rules
174 made by the department under Section 41-6a-1601.

175 (2) Nontransparent materials may be used:

176 (a) along the top edge of the windshield if the materials do not extend downward more
177 than four inches from the top edge of the windshield or beyond the AS-1 line whichever is
178 lowest;

179 (b) in the lower left-hand corner of the windshield provided they do not extend more
180 than three inches to the right of the left edge or more than four inches above the bottom edge of

181 the windshield; or

182 (c) on the rear windows including rear side windows located behind the vehicle
183 operator.

184 (3) A windshield or other window is considered to comply with the requirements of
185 Subsection (1) if the windshield or other window meets the federal statutes and regulations for
186 motor vehicle window composition, covering, light transmittance, and treatment.

187 (4) Except for material used on the windshield in compliance with Subsections (2)(a)
188 and (b), a motor vehicle with tinting or nontransparent material on any window shall be
189 equipped with rear-view mirrors mounted on the left side and on the right side of the motor
190 vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

191 (5) (a) (i) The windshield on a motor vehicle shall be equipped with a device for
192 cleaning rain, snow, or other moisture from the windshield.

193 (ii) The device shall be constructed to be operated by the operator of the motor vehicle.

194 (b) A windshield wiper on a motor vehicle shall be maintained in good working order.

195 (6) A person may not have for sale, sell, offer for sale, install, cover, or treat a
196 windshield or window in violation of this section.

197 (7) Notwithstanding this section, any person subject to the federal Motor Vehicle
198 Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and
199 repair businesses, shall comply with the federal standards on motor vehicle window tinting.

200 Section 6. **Repealer.**

201 This bill repeals:

202 Section **41-6a-1615, Requirements for slow-moving vehicles.**

Fiscal Note
Bill Number HB0024S01

Traffic Code Amendments

10-Feb-05

7:49 AM

SENATE SUBSTITUTE

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst