

TRAFFIC CODE REVISIONS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Sheldon L. Killpack

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending certain provisions for motor vehicle accidents.

Highlighted Provisions:

This bill:

- ▶ modifies motor vehicle accident provisions by moving provisions for accidents resulting in fatalities or injuries into new sections of the Utah Code; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-401, as renumbered and amended by Chapter 2 and last amended by Chapter 26, Laws of Utah 2005

ENACTS:

41-6a-401.3, Utah Code Annotated 1953

41-6a-401.5, Utah Code Annotated 1953

41-6a-401.7, Utah Code Annotated 1953



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

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

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

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

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

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

(2) Except as provided under Subsection [~~(6)~~] (5), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:

(a) give to the persons involved:

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

(ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider; and

(b) upon request and if available, exhibit the operator's license to:

(i) any investigating peace officer present;

~~[(ii) the person struck;]~~

~~[(iii) (ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and~~

~~[(iv) (iii) the owner of property damaged in the accident, if present[; and].~~

~~[(c) render to any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting, of the injured person to a physician or hospital for medical treatment if:]~~

~~[(i) it is apparent that treatment is necessary; or]~~

~~[(ii) transportation is requested by the injured person.]~~

59 (3) The operator of a vehicle involved in an accident shall immediately and by the
 60 quickest means of communication available give notice or cause to give notice of the accident
 61 to the nearest office of a law enforcement agency if the accident resulted in ~~[(a) injury or~~
 62 ~~death of any person; or (b)]~~ property damage to an apparent extent of \$1,000 or more.

63 ~~[(4) The occupant of a vehicle involved in an accident who is not the operator of the~~
 64 ~~vehicle shall give or cause to give the immediate notice required under Subsection (3) if:]~~

65 ~~[(a) the operator of a vehicle involved in an accident is physically incapable of giving~~
 66 ~~the notice; and]~~

67 ~~[(b) the occupant is capable of giving an immediate notice.]~~

68 ~~[(5)] (4)~~ Except as provided under Subsection ~~[(6)] (5)~~, if the vehicle or other property
 69 damaged in the accident is unattended, the operator of the vehicle involved in the accident
 70 shall:

71 (a) locate and notify the operator or owner of the vehicle or the owner of other property
 72 damaged in the accident of the operator's name, address, and the registration number of the
 73 vehicle causing the damage; or

74 (b) attach securely in a conspicuous place on the vehicle or other property a written
 75 notice giving the operator's name, address, and the registration number of the vehicle causing
 76 the damage.

77 ~~[(6)] (5)~~ The operator of a vehicle that provides the information required under this
 78 section to an investigating peace officer at the scene of the accident is exempt from providing
 79 the information to other persons required under this section.

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

83 ~~[(b)] (6) (a)~~ A person who violates the provisions of Subsection (1) is guilty of a class
 84 B misdemeanor ~~[if the accident results only in damage to a vehicle or other property].~~

85 ~~[(c)] (b)~~ A person who violates the ~~[provision]~~ provisions of Subsection ~~[(5)] (4)~~ is
 86 guilty of a class B misdemeanor.

87 Section 2. Section ~~41-6a-401.3~~ is enacted to read:

88 **41-6a-401.3. Accident involving injury -- Stop at accident -- Penalty.**

89 (1) The operator of a vehicle involved in an accident resulting in injury to a person

90 shall:

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

93 (b) remain at the scene of the accident until the operator has fulfilled the requirements
94 of Section 41-6a-401.7.

95 (2) A person who violates the provisions of Subsection (1) is guilty of a class A
96 misdemeanor and shall be fined not less than \$750.

97 Section 3. Section **41-6a-401.5** is enacted to read:

98 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

99 (1) The operator of a vehicle involved in an accident resulting in the death of a person
100 shall:

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

103 (b) remain at the scene of the accident until the operator has fulfilled the requirements
104 of Section 41-6a-401.7.

105 (2) A person who violates the provisions of Subsection (1) is guilty of a class A
106 misdemeanor and shall be fined not less than \$750.

107 Section 4. Section **41-6a-401.7** is enacted to read:

108 **41-6a-401.7. Accident involving injury, death, or property damage -- Duties of**
109 **operator, occupant, and owner -- Exchange of information -- Notification of law**
110 **enforcement -- Penalties.**

111 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
112 41-6a-401.5 shall:

113 (a) give to the persons involved:

114 (i) the operator's name, address, and the registration number of the vehicle being
115 operated; and

116 (ii) the name of the insurance provider covering the vehicle being operated including
117 the phone number of the agent or provider;

118 (b) upon request and if available, exhibit the operator's license to:

119 (i) any investigating peace officer present;

120 (ii) the person struck;

121 (iii) the operator, occupant of, or person attending the vehicle or other property
122 damaged in the accident; and

123 (iv) the owner of property damaged in the accident, if present; and

124 (c) render to any person injured in the accident reasonable assistance, including
125 transporting or making arrangements for transporting, of the injured person to a physician or
126 hospital for medical treatment if:

127 (i) it is apparent that treatment is necessary; or

128 (ii) transportation is requested by the injured person.

129 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
130 41-6a-401.5 shall immediately and by the quickest means of communication available give
131 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.

132 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or
133 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate
134 notice required under Subsection (2) if:

135 (a) the operator of a vehicle involved in an accident is physically incapable of giving
136 the notice; and

137 (b) the occupant is capable of giving an immediate notice.

138 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in
139 the accident is unattended, the operator of the vehicle involved in the accident shall:

140 (a) locate and notify the operator or owner of the vehicle or the owner of other property
141 damaged in the accident of the operator's name, address, and the registration number of the
142 vehicle causing the damage; or

143 (b) attach securely in a conspicuous place on the vehicle or other property a written
144 notice giving the operator's name, address, and the registration number of the vehicle causing
145 the damage.

146 (5) The operator of a vehicle that provides the information required under this section
147 to an investigating peace officer at the scene of the accident is exempt from providing the
148 information to other persons required under this section.

149 (6) A person who violates Subsection (4) is guilty of a class B misdemeanor.

Legislative Review Note

as of 1-25-06 4:31 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0342

Traffic Code Revisions

02-Feb-06

3:47 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst