

1 **⚡→ [TRAFFIC] MOTOR VEHICLES ←⚡ CODE REVISIONS**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: James A. Dunnigan**

5 Senate Sponsor: Sheldon L. Killpack



7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code by amending certain provisions for motor  
10 vehicle accidents **⚡→ and motor vehicle owner's or operator's security ←⚡** .

11 **Highlighted Provisions:**

12 This bill:

13 ▶ modifies motor vehicle accident provisions by moving provisions for accidents  
14 resulting in fatalities or injuries into new sections of the Utah Code; **⚡→ [and]**

14a ▶ **permits a court to waive a portion of a fine for not maintaining owner's and**  
14b **operator's security in certain instances; and ←⚡**

15 ▶ makes technical changes.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **41-6a-401**, as renumbered and amended by Chapter 2 and last amended by Chapter 26,  
23 Laws of Utah 2005

23a **⚡→ 41-12a-302, as last amended by Chapter 35, Laws of Utah 1998 ←⚡**

24 **53-3-414**, as last amended by Chapter 18, Laws of Utah 2006

25 ENACTS:

26 **41-6a-401.3**, Utah Code Annotated 1953

27 **41-6a-401.5**, Utah Code Annotated 1953



28 **41-6a-401.7**, Utah Code Annotated 1953



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

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

32 **41-6a-401. Accident involving injury, death, or property damage -- Duties of**  
33 **operator, occupant, and owner -- Exchange of information -- Notification of law**  
34 **enforcement -- Penalties.**

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

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

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

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

44 (a) give to the persons involved:

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

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

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

50 (i) any investigating peace officer present;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88 Section 2. Section **41-6a-401.3** is enacted to read:

89 **41-6a-401.3. Accident involving injury -- Stop at accident -- Penalty.**

90 (1) The operator of a vehicle involved in an accident resulting in injury to a person  
91 shall:

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

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

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

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

99 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

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

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

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

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

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

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

112 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or  
113 41-6a-401.5 shall:

114 (a) give to the persons involved:

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

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

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

120 (i) any investigating peace officer present;

121 (ii) the person struck;

122 (iii) the operator, occupant of, or person attending the vehicle or other property

123 damaged in the accident; and

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

125 (c) render to any person injured in the accident reasonable assistance, including

126 transporting or making arrangements for transporting, of the injured person to a physician or

127 hospital for medical treatment if:

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

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

130 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or

131 41-6a-401.5 shall immediately and by the quickest means of communication available give

132 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.

133 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or

134 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate

135 notice required under Subsection (2) if:

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

137 the notice; and

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

139 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in

140 the accident is unattended, the operator of the vehicle involved in the accident shall:

141 (a) locate and notify the operator or owner of the vehicle or the owner of other property

142 damaged in the accident of the operator's name, address, and the registration number of the

143 vehicle causing the damage; or

144 (b) attach securely in a conspicuous place on the vehicle or other property a written

145 notice giving the operator's name, address, and the registration number of the vehicle causing

146 the damage.

147 (5) The operator of a vehicle that provides the information required under this section

148 to an investigating peace officer at the scene of the accident is exempt from providing the

149 information to other persons required under this section.

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

151 Section 5. Section **53-3-414** is amended to read:

151a **41-12a-302. Operating motor vehicle without owner's or operator's security -- Penalty.**

151b (1) ~~It~~ **→ [Any]** (a) **Except as provided in Subsection (1)(b), an** ~~owner~~ **←** owner of a motor vehicle on

151c which owner's or operator's security is required under Section 41-12a-301, who operates ~~his~~ **→ [his]** **the**

151d **owner's** ~~vehicle~~ **←** vehicle or permits it to be operated on a highway in this state without owner's security being

151e in effect is guilty of a class B misdemeanor, and the fine shall be not less than:

151f ~~H~~→ [(a)] (i) ~~H~~ \$400 for a first offense; and

151g ~~H~~→ [(b)] (ii) ~~H~~ \$1,000 for a second and subsequent offense within three years of a previous  
151h conviction or bail forfeiture.

151i ~~H~~→ (b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle  
151j under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required  
151k under Section 41-12a-301 was obtained subsequent to the violation ~~S~~→ but before sentencing ~~S~~ . ~~H~~

151l (2) (a) Except as provided under Subsection (2)(b), any other person who operates a motor vehicle  
151m upon a highway in Utah with the knowledge that the owner does not have owner's security in effect for the  
151n motor vehicle is also guilty of a class B misdemeanor, and the fine shall be not less than:

151o (i) \$400 for a first offense; and

151p (ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail  
151q forfeiture.

151r (b) A person that has in effect owner's security on a Utah-registered motor vehicle or its equivalent  
151s that covers the operation, by the person, of the motor vehicle in question is exempt from this Subsection (2).

151t Section ~~H~~→ [5] 6 ~~H~~ . Section 53-3-414 is amended to read:

152           **53-3-414. CDL disqualification or suspension -- Grounds and duration --**153   **Procedure.**

154           (1) A person who holds or is required to hold a CDL is disqualified from driving a  
155 commercial motor vehicle for a period of not less than one year if convicted of a first offense  
156 of:

157           (a) driving a motor vehicle while under the influence of alcohol, drugs, a controlled  
158 substance, or more than one of these;

159           (b) driving a commercial motor vehicle while the concentration of alcohol in the  
160 person's blood, breath, or urine is .04 grams or more;

161           (c) leaving the scene of an accident involving a motor vehicle the person was driving;

162           (d) failing to provide reasonable assistance or identification when involved in an  
163 accident resulting in [~~death or personal injury in accordance with Section 41-6a-401~~];

164           (i) death in accordance with Section 41-6a-401.5; or

165           (ii) personal injury in accordance with Section 41-6a-401.3;

166           (e) using a motor vehicle in the commission of a felony;

167           (f) refusal to submit to a test to determine the concentration of alcohol in the person's  
168 blood, breath, or urine;

169           (g) driving a commercial motor vehicle while the person's commercial driver license is  
170 disqualified, suspended, canceled, or revoked; or

171           (h) operating a commercial motor vehicle in a negligent manner causing the death of  
172 another including the offenses of automobile homicide under Section 76-5-207, manslaughter  
173 under Section 76-5-205, or negligent homicide under Section 76-5-206.

174           (2) If any of the violations under Subsection (1) occur while the driver is transporting a  
175 hazardous material required to be placarded, the driver is disqualified for not less than three  
176 years.

177           (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds  
178 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if  
179 convicted of two or more of any of the offenses under Subsection (1) arising from two or more  
180 separate incidents.

181           (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

182           (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under

183 this section may apply to the division for reinstatement of the driver's CDL if the driver:

184 (i) has both voluntarily enrolled in and successfully completed an appropriate  
185 rehabilitation program that:

186 (A) meets the standards of the division; and

187 (B) complies with 49 C.F.R. Part 383.51;

188 (ii) has served a minimum disqualification period of ten years; and

189 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving  
190 privileges established by rule of the division.

191 (b) If a reinstated driver is subsequently convicted of another disqualifying offense  
192 under this section, the driver is permanently disqualified for life and is ineligible to again apply  
193 for a reduction of the lifetime disqualification.

194 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified  
195 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the  
196 commission of any felony involving the manufacturing, distributing, or dispensing of a  
197 controlled substance, or possession with intent to manufacture, distribute, or dispense a  
198 controlled substance.

199 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds  
200 or is required to hold a CDL is disqualified for not less than:

201 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two  
202 serious traffic violations; and

203 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

204 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic  
205 violations:

206 (i) occur within three years of each other;

207 (ii) arise from separate incidents; and

208 (iii) involve the use or operation of a commercial motor vehicle.

209 (7) A driver of a commercial motor vehicle who is convicted of violating an  
210 out-of-service order while driving a commercial motor vehicle is disqualified from driving a  
211 commercial motor vehicle for a period not less than:

212 (a) 90 days but not more than one year if the driver is convicted of a first violation;

213 (b) one year but not more than five years if, during any ten-year period, the driver is

214 convicted of two violations of out-of-service orders in separate incidents;

215 (c) three years but not more than five years if, during any ten-year period, the driver is  
216 convicted of three or more violations of out-of-service orders in separate incidents;

217 (d) 180 days but not more than two years if the driver is convicted of a first violation of  
218 an out-of-service order while transporting hazardous materials required to be placarded or  
219 while operating a motor vehicle designed to transport 16 or more passengers, including the  
220 driver; or

221 (e) three years but not more than five years if, during any ten-year period, the driver is  
222 convicted of two or more violations, in separate incidents, of an out-of-service order while  
223 transporting hazardous materials required to be placarded or while operating a motor vehicle  
224 designed to transport 16 or more passengers, including the driver.

225 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is  
226 disqualified for not less than 60 days if the division determines, in its check of the driver's  
227 driver license status, application, and record prior to issuing a CDL or at any time after the  
228 CDL is issued, that the driver has falsified information required to apply for a CDL in this  
229 state.

230 (9) A driver of a commercial motor vehicle who is convicted of violating a  
231 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a  
232 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period  
233 not less than:

234 (a) 60 days if the driver is convicted of a first violation;

235 (b) 120 days if, during any three-year period, the driver is convicted of a second  
236 violation in separate incidents; or

237 (c) one year if, during any three-year period, the driver is convicted of three or more  
238 violations in separate incidents.

239 (10) (a) The division shall update its records and notify the CDLIS within ten days of  
240 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

241 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,  
242 the division shall notify the licensing authority of the issuing state or other jurisdiction and the  
243 CDLIS within ten days after the action is taken.

244 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this

245 state, the division shall notify the CDLIS within ten days after the action is taken.

246 (11) (a) The division may immediately suspend or disqualify the CDL of a driver  
247 without a hearing or receiving a record of the driver's conviction when the division has reason  
248 to believe that the:

- 249 (i) CDL was issued by the division through error or fraud;
- 250 (ii) applicant provided incorrect or incomplete information to the division;
- 251 (iii) applicant cheated on any part of a CDL examination;
- 252 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 253 (v) driver poses an imminent hazard.

254 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with  
255 Section 53-3-221.

256 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the  
257 suspension order or cancel the CDL.

258 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is  
259 required to hold a CDL is disqualified for not less than:

- 260 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two  
261 serious traffic violations; and
- 262 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

263 (b) The disqualifications under Subsection (12)(a) are effective only if the serious  
264 traffic violations:

- 265 (i) occur within three years of each other;
- 266 (ii) arise from separate incidents; and
- 267 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving  
268 privilege from at least one of the violations.

269 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no  
270 contest to a violation of a disqualifying offense described in this section which plea is held in  
271 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,  
272 cancel, or revoke the person's CDL for the period required under this section for a conviction of  
273 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in  
274 accordance with the plea in abeyance agreement.

275 (b) The division shall report the plea in abeyance to the CDLIS within ten days of

276 taking the action under Subsection (13)(a).

277 (c) A plea which is held in abeyance may not be removed from a person's driving  
278 record for ten years from the date of the plea in abeyance agreement, even if the charge is:

279 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or

280 (ii) expunged under Section 77-18-11.

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**Legislative Review Note**  
as of 11-15-06 5:06 PM

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 12-18-06 3:35 PM

The Transportation Interim Committee recommended this bill.

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**H.B. 22 - Traffic Code Revisions**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/8/2007, 8:07:45 AM, Lead Analyst: Ricks, G.*

**Office of the Legislative Fiscal Analyst**