

TRAFFIC CODE REVISIONS

2007 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

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

ENACTS:

41-6a-401.3, Utah Code Annotated 1953

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:

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.

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.