



28 the right-of-way of a roadway on the state highway system, is blocking the roadway, or is  
 29 endangering public safety;

30       ▶ provides that the Department of Transportation ~~H→~~ or a law enforcement agency ~~←H~~  
 30a shall not be held responsible for any

31 damages or claims that result from ~~H→~~ exercising the authority or ~~←H~~ the failure to exercise the  
 31a authority to remove a

32 vehicle, cargo, or personal property; ~~H→~~ and

33 ~~[→requires the owner and carrier, if any, of the vehicle, cargo, or personal property~~

34 ~~removed or disposed of to reimburse the Department of Transportation or other law~~

35 ~~enforcement agency for all costs incurred in removing and subsequently disposing~~

36 ~~of the property; and]~~ ~~←H~~

37       ▶ makes technical changes.

### 38 Monies Appropriated in this Bill:

39       None

### 40 Other Special Clauses:

41       None

### 42 Utah Code Sections Affected:

43 AMENDS:

44       **41-6a-401**, as last amended by Laws of Utah 2007, Chapter 132

45 ENACTS:

46       **41-6a-401.9**, Utah Code Annotated 1953

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

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

50       **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**  
 51 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

52       (1) (a) The operator of a vehicle involved in an accident resulting only in damage to  
 53 another vehicle or other property ~~[shall]~~ ~~S→~~ [may] ~~←S~~ :

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

56       (i) ~~S→~~ may ~~←S~~ move the vehicle as soon as possible off the roadway or freeway main lines,

57 shoulders, medians, or adjacent areas to ~~H→~~ [a] the nearest safe ~~←H~~ location on an exit ramp

57a shoulder, a frontage road,

58 the nearest suitable cross street, or other suitable location that does not obstruct traffic; and

59            ~~[(b)]~~ (ii) ~~§→ shall ←§~~ remain at the ~~§→~~ [f] scene of the accident [f] or the ~~←§~~ location  
59a described in Subsection (1)(a)(i)

60 until the operator has fulfilled the requirements of this section.

61            (b) Moving a vehicle as required under Subsection (1)(a)(i) does not affect the  
62 determination of fault for an accident.

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

66            (a) give to the persons involved:

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

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

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

72            (i) any investigating peace officer present;

73            (ii) the operator, occupant of, or person attending the vehicle or other property  
74 damaged in the accident; and

75            (iii) the owner of property damaged in the accident, if present.

76            (3) The operator of a vehicle involved in an accident shall immediately and by the  
77 quickest means of communication available give notice or cause to give notice of the accident  
78 to the nearest office of a law enforcement agency if the accident resulted in property damage to  
79 an apparent extent of [~~\$1,000~~] ~~Ĥ→~~ [~~\$2,000~~] \$1,500 ~~←Ĥ~~ or more.

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

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

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

88            (5) The operator of a vehicle that provides the information required under this section  
89 to an investigating peace officer at the scene of the accident is exempt from providing the

90 information to other persons required under this section.

91 (6) (a) A person who violates the provisions of Subsection (1) is guilty of a class B  
92 misdemeanor.

93 (b) A person who violates the provision of Subsection (4) is guilty of a class B  
94 misdemeanor.

95 Section 2. Section 41-6a-401.9 is enacted to read:

96 **41-6a-401.9. Authority to remove and dispose of vehicles and cargoes of vehicles**  
97 **involved in accidents.**

98 (1) As a result of a motor vehicle accident, ~~H→ [the Department of Transportation or] ←H~~ a  
98a law

99 enforcement agency ~~H→ with jurisdiction ←H~~ may, without the consent of the owner or carrier,  
99a remove a vehicle, cargo,

100 or other personal property that:

101 (a) has been damaged or spilled within the right-of-way or any portion of a roadway on  
102 the state highway system;

103 (b) is blocking the roadway; or

104 (c) is otherwise endangering public safety.

105 (2) The Department of Transportation or a law enforcement agency shall not be held  
106 responsible for any damages or claims that result from ~~H→ exercising any authority or ←H~~ the  
106a failure to exercise any authority

107 granted under this section provided they are acting in good faith.

108 ~~H→ [(3) The owner and carrier, if any, of the vehicle, cargo, or personal property removed~~  
109 ~~or disposed of in accordance with this section shall reimburse the Department of~~  
110 ~~Transportation or other law enforcement agency for all costs incurred in the removal and~~  
111 ~~subsequent disposition of the vehicle, cargo, or personal property.] ←H~~

Legislative Review Note  
as of 11-19-08 2:19 PM

Office of Legislative Research and General Counsel

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**H.B. 24 - Traffic Accident Clearance Amendments**

**Fiscal Note**

2009 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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