

30 authority or the failure to exercise the authority to remove a vehicle, cargo, or personal
31 property; and

32 ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **41-6a-401**, as last amended by Laws of Utah 2007, Chapter 132

40 ENACTS:

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



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

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

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

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

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

51 (i) may move the vehicle as soon as possible off the roadway or freeway main lines,
52 shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a
53 frontage road, the nearest suitable cross street, or other suitable location that does not obstruct
54 traffic; and

55 [~~(b)~~] (ii) shall remain at the scene of the accident or the location described in
56 Subsection (1)(a)(i) until the operator has fulfilled the requirements of this section.

57 (b) Moving a vehicle as required under Subsection (1)(a)(i) does not affect the

58 determination of fault for an accident.

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

62 (a) give to the persons involved:

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

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

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

68 (i) any investigating peace officer present;

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

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

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

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

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

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

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

86 information to other persons required under this section.

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

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

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

92 **41-6a-401.9. Authority to remove and dispose of vehicles and cargoes of vehicles**
93 **involved in accidents.**

94 (1) As a result of a motor vehicle accident, a law enforcement agency with jurisdiction
95 may, without the consent of the owner or carrier, remove a vehicle, cargo, or other personal
96 property that:

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

99 (b) is blocking the roadway; or

100 (c) is otherwise endangering public safety.

101 (2) The Department of Transportation or a law enforcement agency shall not be held
102 responsible for any damages or claims that result from exercising any authority or the failure
103 to exercise any authority granted under this section provided they are acting in good faith.