

1                                   **ACCIDENT RESPONSIBILITY AMENDMENTS**

2   2011 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Christopher N. Herrod**

5   Senate Sponsor: Curtis S. Bramble

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7   **LONG TITLE**

8   **General Description:**

9               This bill modifies the Motor Vehicles Code by amending provisions relating to accident  
10 responsibilities.

11 **Highlighted Provisions:**

12               This bill:

- 13               ▶ provides definitions;
- 14               ▶ clarifies that an operator of a vehicle who has reason to believe that the operator has  
15 been involved in an accident shall stop the vehicle at the scene of the accident and  
16 fulfill certain requirements;
- 17               ▶ provides that if an operator of a vehicle has reason to believe that the operator has  
18 been involved in a motor vehicle accident only after leaving the scene of the  
19 accident, the operator shall immediately comply as nearly as possible with certain  
20 requirements;
- 21               ▶ clarifies that a person is guilty of a class A misdemeanor if the person does not  
22 comply with the accident responsibility requirements and the accident resulted in  
23 injury to any person;
- 24               ▶ clarifies that a person is guilty of a felony if the person does not comply with certain  
25 accident responsibility requirements and the accident resulted in serious bodily  
26 injury to a person or the death of a person; and
- 27               ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29               None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **41-6a-401**, as last amended by Laws of Utah 2009, Chapter 115

35 **41-6a-401.3**, as last amended by Laws of Utah 2010, Chapter 128

36 **41-6a-401.5**, as last amended by Laws of Utah 2010, Chapter 128



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

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

40 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**  
41 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

42 (1) As used in this section, "reason to believe" means information from which a  
43 reasonable person would believe that the person may have been involved in an accident.

44 [~~(1)~~] (2) (a) The operator of a vehicle who has reason to believe that the operator may  
45 have been involved in an accident resulting only in damage to another vehicle or other  
46 property:

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

51 (ii) shall remain at the scene of the accident or the location described in Subsection  
52 [~~(1)~~] (2)(a)(i) until the operator has fulfilled the requirements of this section.

53 (b) Moving a vehicle as required under Subsection [~~(1)~~] (2)(a)(i) does not affect the  
54 determination of fault for an accident.

55 (c) If the operator has reason to believe that the operator may have been involved in an  
56 accident resulting in damage to another vehicle or other property only after leaving the scene of  
57 the accident, the operator shall immediately comply as nearly as possible with the requirements

58 of this section.

59       ~~[(2)]~~ (3) Except as provided under Subsection ~~[(5)]~~ (6), if the vehicle or other property  
60 is 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)]~~ (4) 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 \$1,500 or more.

76       ~~[(4)]~~ (5) Except as provided under Subsection ~~[(5)]~~ (6), if the vehicle or other property  
77 damaged in the accident is unattended, the operator of the vehicle involved in the accident  
78 shall:

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

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

85       ~~[(5)]~~ (6) The operator of a vehicle that provides the information required under this

86 section to an investigating peace officer at the scene of the accident is exempt from providing  
87 the information to other persons required under this section.

88 ~~[(6)]~~ (7) (a) A person who violates the provisions of Subsection ~~[(1)]~~ (2) is guilty of a  
89 class B misdemeanor.

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

92 Section 2. Section **41-6a-401.3** is amended to read:

93 **41-6a-401.3. Accident involving injury -- Stop at accident -- Penalty.**

94 (1) As used in this section~~[;]~~:

95 (a) "Reason to believe" means information from which a reasonable person would  
96 believe that the person may have been involved in an accident.

97 (b) "Serious bodily injury" means bodily injury which involves a substantial risk of  
98 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or  
99 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

100 (2) (a) The operator of a vehicle who has reason to believe that the operator may have  
101 been involved in an accident resulting in injury to a person shall:

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

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

106 (b) If the operator has reason to believe that the operator may have been involved in an  
107 accident only after leaving the scene of the accident, the operator shall immediately comply as  
108 nearly as possible with the requirements of Section 41-6a-401.7.

109 (3) (a) Except as provided in Subsection (3)(b), a person who violates the provisions of  
110 Subsection (2):

111 (i) is guilty of a class A misdemeanor if the accident resulted in injury to any person;  
112 and

113 (ii) shall be fined not less than \$750.

114 (b) A person who violates the provisions of Subsection (2):  
115 (i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a  
116 person; and  
117 (ii) shall be fined not less than \$750.

118 Section 3. Section ~~41-6a-401.5~~ is amended to read:

119 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

120 (1) As used in this section, "reason to believe" means information from which a  
121 reasonable person would believe that the person may have been involved in an accident.

122 [~~(+)~~] (2) (a) The operator of a vehicle who has reason to believe that the operator may  
123 have been involved in an accident resulting in the death of a person shall:

124 [~~(a)~~] (i) immediately stop the vehicle at the scene of the accident or as close to it as  
125 possible without obstructing traffic more than is necessary; and

126 [~~(b)~~] (ii) remain at the scene of the accident until the operator has fulfilled the  
127 requirements of Section 41-6a-401.7.

128 (b) If the operator has reason to believe that the operator may have been involved in an  
129 accident only after leaving the scene of the accident, the operator shall immediately comply as  
130 nearly as possible with the requirements of Section 41-6a-401.7.

131 [~~(2)~~] (3) A person who violates the provisions of Subsection [~~(+)~~] (2) is guilty of a third  
132 degree felony and shall be fined not less than \$750.