

Representative Jim Nielson proposes the following substitute bill:

BOATING REVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Stuart C. Reid

LONG TITLE

General Description:

This bill modifies the State Boating Act by amending provisions relating to boating.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ provides that the operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting in property damage or injury to or the death of a person shall:
 - immediately stop the vessel at the scene of the accident or as close to it as safely possible; and
 - remain at the scene of the accident until the operator has fulfilled certain requirements;
- ▶ provides that if the operator of a vessel has reason to believe the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with certain requirements;
- ▶ provides penalties for a person who violates the requirement to stop a vessel at the scene of an accident and remain at the scene until the operator has fulfilled certain requirements if the accident resulted in property damage or injury to or the death of



26 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 **73-18-13**, as last amended by Laws of Utah 2005, Chapter 2

35 ENACTS:

36 **73-18-13.1**, Utah Code Annotated 1953

37 **73-18-13.2**, Utah Code Annotated 1953

38 **73-18-13.3**, Utah Code Annotated 1953



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

41 Section 1. Section **73-18-13** is amended to read:

42 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
43 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

44 (1) As used in this section, "agent" has the same meaning as provided in Section
45 41-6a-404.

46 (2) (a) It is the duty of the operator of a vessel involved in an accident, if [~~he~~] the
47 operator can do so without seriously endangering [~~his~~] the operator's own vessel, crew, or
48 passengers, to render aid to those affected by the accident as may be practicable.

49 (b) The operator shall also give [~~his~~] the operator's name, address, and identification of
50 [~~his~~] the operator's vessel in writing to:

51 (i) any person injured; or [~~to~~]

52 (ii) the owner of any property damaged in the accident.

53 (3) (a) The board shall adopt rules governing the notification and reporting procedure
54 for vessels involved in accidents.

55 (b) The rules shall be consistent with federal requirements.

56 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

57 (i) are protected and shall be for the confidential use of the division or other state,
58 local, or federal agencies having use for the records for official governmental statistical,
59 investigative, and accident prevention purposes; and

60 (ii) may be disclosed only in a statistical form that protects the privacy of any person
61 involved in the accident.

62 (b) The division shall disclose a written accident report and its accompanying data to:

63 (i) a person involved in the accident, excluding a witness to the accident;

64 (ii) a person suffering loss or injury in the accident;

65 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
66 and (ii);

67 (iv) a member of the press or broadcast news media;

68 (v) a state, local, or federal agency that uses the records for official governmental,
69 investigative, or accident prevention purposes;

70 (vi) law enforcement personnel when acting in their official governmental capacity;
71 and

72 (vii) a licensed private investigator.

73 (c) Information provided to a member of the press or broadcast news media under
74 Subsection (4)(b)(iv) may only include:

75 (i) the name, age, sex, and city of residence of each person involved in the accident;

76 (ii) the make and model year of each vehicle involved in the accident;

77 (iii) whether or not each person involved in the accident was covered by a vehicle
78 insurance policy;

79 (iv) the location of the accident; and

80 (v) a description of the accident that excludes personal identifying information not
81 listed in Subsection (4)(c)(i).

82 (5) (a) Except as provided in Subsection (5)(~~b~~)(c), an accident report may not be used
83 as evidence in any civil or criminal trial, arising out of an accident.

84 (b) Upon demand of any person who has, or claims to have, made the report, or upon
85 demand of any court, the division shall furnish a certificate showing that a specified accident
86 report has or has not been made to the division solely to prove a compliance or a failure to
87 comply with the requirement that a report be made to the division.

88 (c) Accident reports may be used as evidence when necessary to prosecute charges
89 filed in connection with a violation of Subsection (6).

90 (6) Any person who gives false information, knowingly or having reason to believe it is
91 false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

92 Section 2. Section **73-18-13.1** is enacted to read:

93 **73-18-13.1. Accident involving property damage -- Duties of operator, occupant,**
94 **and owner -- Penalties.**

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

97 (2) (a) The operator of a vessel who has reason to believe that the operator may have
98 been involved in an accident resulting only in damage to another vessel or other property shall
99 remain at the scene of the accident until the operator has fulfilled the requirements of Section
100 73-18-13.

101 (b) If the operator has reason to believe that the operator may have been involved in an
102 accident resulting in damage to another vessel or other property only after leaving the scene of
103 the accident, the operator shall immediately comply as nearly as possible with the requirements
104 of Section 73-18-13.

105 (3) A person who violates the provisions of this section is guilty of a class B
106 misdemeanor.

107 Section 3. Section **73-18-13.2** is enacted to read:

108 **73-18-13.2. Accident involving injury -- Stop at accident -- Penalty.**

109 (1) As used in this section:

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

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

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

117 (i) immediately stop the vessel at the scene of the accident or as close to it as safely
118 possible; and

119 (ii) remain at the scene of the accident until the operator has fulfilled the requirements
120 of Section 73-18-13.

121 (b) If the operator of a vessel has reason to believe the operator may have been
122 involved in an accident only after leaving the scene of the accident, the operator shall
123 immediately comply as nearly as possible with the requirements of Section 73-18-13.

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

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

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

129 (b) A person who violates the provisions of Subsection (2):

130 (i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a
131 person; and

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

133 Section 4. Section **73-18-13.3** is enacted to read:

134 **73-18-13.3. Accident involving death -- Stop at accident -- Penalty.**

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

137 (2) (a) The operator of a vessel who has reason to believe that the operator may have
138 been involved in an accident resulting in the death of a person shall:

139 (i) immediately stop the vessel at the scene of the accident or as close to it as safely
140 possible; and

141 (ii) remain at the scene of the accident until the operator has fulfilled the requirements
142 of Section 73-18-13.

143 (b) If the operator of a vessel has reason to believe the operator may have been
144 involved in an accident only after leaving the scene of the accident, the operator shall
145 immediately comply as nearly as possible with the requirements of Section 73-18-13.

146 (3) A person who violates the provisions of Subsection (2) is guilty of a third degree
147 felony and shall be fined not less than \$750.