

Traffic Code Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Scott H. Chew

LONG TITLE

General Description:

This bill addresses open range livestock collisions on a highway.

Highlighted Provisions:

This bill:

- creates a rebuttable presumption in a highway collision between a driver and open range livestock; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-407, as last amended by Laws of Utah 2015, Chapter 412

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

Section 1. Section **41-6a-407** is amended to read:

41-6a-407 . Livestock on highway -- Restrictions -- Collision, action for damages.

(1) As used in this section, "open range" means the same as that term is defined in Section 4-24-102.

[(1)] (2)(a) A person who owns or is in possession or control of any livestock may not willfully or negligently permit any of the livestock to stray or remain unaccompanied on a highway, if both sides of the highway are separated from adjoining property by a fence, wall, hedge, sidewalk, curb, lawn, or building.

(b) Subsection [(1)](a) does not apply to open range [stock] livestock drifting onto

any highway moving to or from their accustomed ranges.

[(2)] (3)(a) A person may not drive any livestock upon, over, or across any highway during the period from half an hour after sunset to half an hour before sunrise.

(b) Subsection [(2)(a)] (3)(a) does not apply if the person has a sufficient number of herders with warning lights on continual duty to open the road to permit the passage of vehicles.

[(3)] (4) A violation of Subsection [(1) or (2) or (3)] is an infraction.

[(4)] (5) In any civil action brought for damages caused by collision with any domestic animal or livestock on a highway, there is no presumption that the collision was due to negligence on behalf of the owner or the person in possession of the domestic animal or livestock.

(6) In any civil action brought for damages caused by a collision with open range livestock on a highway, where open range livestock drift onto any highway to or from the open range livestock's accustomed range, there is a rebuttable presumption that the collision was due to the negligence of the driver.

(7) In an action described in Subsection (6), damages for livestock are limited to the replacement cost of the livestock.

Section 2. **Effective Date.**

This bill takes effect on May 7, 2025.