

Scott D. Sandall proposes the following substitute bill:

**Traffic Code Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: Scott H. Chew

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**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

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*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.

[(+)] (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 [(+)](a) (2)(a) does not apply to open range [stœek] livestock drifting onto any highway moving to or from their accustomed ranges.

- 30 ~~[(2)]~~ (3)(a) A person may not drive any livestock upon, over, or across any highway  
31 during the period from half an hour after sunset to half an hour before sunrise.
- 32 (b) Subsection ~~[(2)(a)]~~ (3)(a) does not apply if the person has a sufficient number of  
33 herders with warning lights on continual duty to open the road to permit the passage  
34 of vehicles.
- 35 ~~[(3)]~~ (4) A violation of Subsection ~~[(1) or]~~ (2) or (3) is an infraction.
- 36 ~~[(4)]~~ (5) In any civil action brought for damages caused by collision with any domestic  
37 animal or livestock on a highway, there is no presumption that the collision was due to  
38 negligence on behalf of the owner or the person in possession of the domestic animal or  
39 livestock.
- 40 (6) In any civil action brought for damages caused by a collision with open range livestock  
41 on a highway, where open range livestock drift onto any highway to or from the open  
42 range livestock's accustomed range, there is a rebuttable presumption that the collision  
43 was due to the negligence of the driver.
- 44 (7) In an action described in Subsection (6), damages for livestock are limited to the  
45 replacement cost of the livestock.
- 46 Section 2. **Effective Date.**
- 47 This bill takes effect on May 7, 2025.