

Hit and Run Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Steve Eliason
Senate Sponsor:

LONG TITLE

General Description:

This bill increases the penalty for leaving the scene of an accident.

Highlighted Provisions:

This bill:

- defines terms;
- increases penalties for convictions of leaving the scene of an accident with property damage or injury if the operator has been previously convicted of:
 - the same offense; or
 - driving under the influence; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 41-1a-1101**, as last amended by Laws of Utah 2025, Chapter 220
- 41-6a-401**, as last amended by Laws of Utah 2019, Chapters 149, 383
- 41-6a-401.3**, as last amended by Laws of Utah 2011, Chapter 241
- 41-6a-401.7**, as last amended by Laws of Utah 2015, First Special Session, Chapter 1
- 41-6a-507**, as last amended by Laws of Utah 2025, Chapter 214
- 53-3-414**, as last amended by Laws of Utah 2025, Chapter 296
- 53-10-403**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 291

ENACTS:

- 41-6a-401.8**, Utah Code Annotated 1953

REPEALS:

- 41-6a-401.5**, as last amended by Laws of Utah 2011, Chapter 241

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

Section 1. Section **41-1a-1101** is amended to read:

41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.

(1) As used in this section:

(a)(i) "Criminal offense" means a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense.

(ii) "Criminal offense" includes:

(A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2, Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah Criminal Code; and

(B) a local ordinance that is a class B misdemeanor and is substantially similar to an offense listed in Subsection (1)(a)(ii)(A).

(b) "Operator" means the same as that term is defined in Section 41-6a-102.

(c) "Road rage event" means the commission of a criminal offense:

(i) by an operator of a vehicle;

(ii) in response to an incident that occurs or escalates upon a roadway; and

(iii) with the intent to endanger or intimidate an individual in another vehicle.

(d) "Roadway" means:

(i) a highway; or

(ii) a private road or driveway as defined in Section 41-6a-102.

(2) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:

(a) that the division or the peace officer has probable cause to believe has been stolen;

(b) on which any identification number has been defaced, altered, or obliterated;

(c) that has been abandoned in accordance with Section 41-6a-1408;

(d) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;

(e) that is placed on the water with improper registration;

(f) that is being operated on a highway:

(i) with registration that has been expired for more than three months;

(ii) having never been properly registered by the current owner; or

(iii) with registration that is suspended or revoked;

- 65 (g)(i) that the division or the peace officer has probable cause to believe has been
66 involved in an accident described in Section 41-6a-401[,-] or 41-6a-401.3[,-] ~~or~~
67 ~~41-6a-401.5~~; and
- 68 (ii) whose operator did not remain at the scene of the accident until the operator
69 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 70 (h) if the division or peace officer has probable cause to believe that the operator:
- 71 (i) failed to properly display the license plate on a motorcycle as described in Section
72 41-1a-404.1; or
- 73 (ii) used the motorcycle:
- 74 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
- 75 (B) to engage in lane splitting in violation of Section 41-6a-704.1.

76 (3)(a) The division or a peace officer shall seize and take possession of a vehicle,
77 without a warrant, when:

- 78 (i) the division or the peace officer has probable cause to believe that an operator of
79 the vehicle engaged in a road rage event; and
- 80 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
81 event.

82 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
83 to the registered owner of the vehicle if the registered owner is not the individual
84 subject to arrest under Subsection (3)(a) and is immediately available, at the location
85 of the arrest, to take possession of the vehicle.

86 (4)(a) Subject to the restriction in Subsection (4)(b), the division or any peace officer,
87 without a warrant:

- 88 (i) shall seize and take possession of any vehicle that is being operated on a highway
89 without owner's or operator's security in effect for the vehicle as required under
90 Section 41-12a-301 and the vehicle was involved in an accident; or
- 91 (ii) may seize and take possession of any vehicle that is being operated on a highway
92 without owner's or operator's security in effect for the vehicle as required under
93 Section 41-12a-301 after the division or any peace officer makes a reasonable
94 determination whether the vehicle would:
- 95 (A) present a public safety concern to the operator or any of the occupants in the
96 vehicle; or
- 97 (B) prevent the division or the peace officer from addressing other public safety
98 considerations.

- 99 (b) The division or any peace officer may not seize and take possession of a vehicle
100 under Subsection (4)(a):
- 101 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
102 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
103 peace officer verifies that owner's or operator's security is not in effect for the
104 vehicle through the Uninsured Motorist Identification Database created in
105 accordance with Section 41-12a-803; or
- 106 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
107 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
108 Identification Database created in accordance with Section 41-12a-803 indicates
109 that the owner's or operator's security is not in effect for the vehicle, unless the
110 division or a peace officer makes a reasonable attempt to independently verify that
111 owner's or operator's security is not in effect for the vehicle.
- 112 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to
113 transport and store the vessel.
- 114 (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor
115 under this section shall comply with the provisions of Section 41-6a-1406.
- 116 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
117 the commission shall make rules setting standards for public garages, impound lots,
118 and impound yards that may be used by peace officers and the division.
- 119 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
120 public garages, impound lots, or impound yards per geographical area.
- 121 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
122 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a
123 state impound yard set forth in this section and rules made in accordance with
124 Subsection (7)(a).
- 125 (d)(i) Rules made by the commission shall include a requirement that a state impound
126 yard have opaque fencing on any side of the state impound yard that has frontage
127 with a highway.
- 128 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link
129 fencing.
- 130 (8)(a) Except as provided under Subsection (8)(b), a person may not operate or allow to
131 be operated a vehicle stored in a public garage, impound lot, or impound yard
132 regulated under this part without prior written permission of the owner of the vehicle.

(b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (8)(a).

(9) A person who violates the provisions of Subsection (8) is guilty of a class C misdemeanor.

(10) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:

(a) the vehicle is equipped with an odometer; and

(b) the odometer reading is accessible to the division or the peace officer.

Section 2. Section **41-6a-401** is amended to read:

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

(1) As used in this section:

(a) "Drug" means the same as that term is defined in Section 41-6a-501.

(b) "Knowledge" or "with knowledge" means, with respect to an individual's own conduct or to circumstances surrounding an individual's conduct, that the individual is aware of the nature of the conduct or the existing circumstances.

~~[(b)]~~ (c) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

(2)(a) ~~[The]~~ An operator of a vehicle with knowledge that the operator was involved in, or who has reason to believe that the operator may have been involved in, an accident resulting only in damage to another vehicle or other property:

(i) may move the vehicle as soon as possible:

(A) out of the travel lanes on any roadway to an adjacent shoulder, the nearest suitable cross street, or other suitable location that does not obstruct traffic; or

(B) off the freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic; and

(ii) shall remain at the scene of the accident or the location described in Subsection

(2)(a)(i) until the operator has fulfilled the requirements of this section.

(b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for an accident.

(c) If the operator has knowledge that the operator was involved in, or reason to believe that the operator may have been involved in, an accident resulting in damage to

another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.

(3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:

(a) give to the persons involved:

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

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

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

(i) any investigating peace officer present;

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

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

(4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to an apparent extent of \$2,500 or more.

(5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:

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

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

(6) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.

(7) An operator of a vehicle that has knowledge or has reason to believe that the operator may have been involved in an accident and fails to comply with the provisions of this section is guilty[~~of a class B misdemeanor~~] of an offense punishable as described in

Subsection (8).

(8)(a) Except as provided in Subsection (8)(b) or (c), a violation of Subsection (7) is a class B misdemeanor.

(b) Except as provided in Subsection (8)(c), a violation of Subsection (7) is a class A misdemeanor if, within 10 years before the day on which the operator committed the current violation, the operator was convicted of:

(i) a violation of Subsection (7);

(ii) a misdemeanor offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;

(iii) a misdemeanor offense of driving under the influence described in Section 41-6a-502; or

(iv) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through (x).

(c) A violation of this section is a third degree felony if the operator, within 10 years before the day on which the operator committed the current violation:

(i) was convicted two or more times of:

(A) a violation of Subsection (7);

(B) a misdemeanor offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;

(C) driving under the influence described in Subsection 41-6a-502(2)(a) or (b); or

(D) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through (x); or

(ii) was convicted of:

(A) a felony offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;

(B) a class A misdemeanor under Subsection (8)(b), for which judgment of conviction is subsequently reduced under Section 76-3-402;

(C) a felony offense of driving under the influence, described in Section 41-6a-502; or

(D) a felony of an offense described in Subsections 41-6a-501(2)(a)(i) through (x).

(9) It is an affirmative defense to an enhanced charge under this section if the individual accused of a violation described in this section provides the court with proof of a:

(a) chemical test using the individual's breath, performed within 12 hours of the alleged time of the violation showing no evidence of alcohol or drugs in the individual's body; or

(b) chemical test using the individual's hair, performed within 30 days of the alleged date of the violation showing no evidence of alcohol or drugs in the individual's body.

(10) An individual charged with violating Subsection (7) who provides proof of a negative chemical test as described in Subsection (9) may only be charged with a class B misdemeanor under this section.

(11) When sentencing an operator for a conviction under Subsection (8)(b) or (c), the court shall follow the requirements described in Section 41-6a-401.8.

Section 3. Section **41-6a-401.3** is amended to read:

41-6a-401.3 . Accident involving injury or death -- Stop at accident -- Penalty.

(1) As used in this section:

(a) "Conviction" means the same as that term is defined in Section 77-38b-102.

(b) "Drug" means the same as that term is defined in Section 41-6a-501.

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

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

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

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

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.

(b) If the operator has reason to believe that 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 the requirements of Section 41-6a-401.7.

~~[(3)(a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):]~~

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

~~[(ii) shall be fined not less than \$750.]~~

~~[(b) A person who violates the provisions of Subsection (2):]~~

~~[(i) is guilty of a third degree felony if the accident resulted in serious bodily injury to~~

- 269 a person; and]
- 270 [(ii) shall be fined not less than \$750.]
- 271 (3) An operator who violates Subsection (2) is guilty of an offense punishable as described
- 272 in Subsection (4).
- 273 (4)(a) Except as provided in Subsection (4)(b) or (4)(c), a violation of Subsection (2) is a
- 274 class A misdemeanor.
- 275 (b) Except as provided in Subsection (4)(c), a violation of Subsection (2) is a third
- 276 degree felony if:
- 277 (i) within 10 years before the day on which the operator committed the current
- 278 violation, the operator was convicted of two or more previous violations of the
- 279 offense described in Subsection (2);
- 280 (ii) the operator has previously been convicted of:
- 281 (A) a felony offense relating to the duty to stop and remain at an accident
- 282 involving injury or death, described in this section;
- 283 (B) a felony offense relating to the duty to stop and remain at an accident
- 284 involving injury or death, described in this section for which judgment of
- 285 conviction is subsequently reduced under Section 76-3-402;
- 286 (C) an offense of driving under the influence described in Section 41-6a-502; or
- 287 (D) an offense described in Subsections 41-6a-501(2)(a)(i) through (x); or
- 288 (iii) the accident results in serious bodily injury to an individual.
- 289 (c) A violation of Subsection (2) is a second degree felony if:
- 290 (i)(A) the accident results in serious bodily injury to an individual; and
- 291 (B) the operator has previously been convicted under this section;
- 292 (ii) within 10 years before the day on which the operator committed the current
- 293 violation, the operator was convicted of two or more previous violations of the
- 294 offense of driving under the influence described in Section 41-6a-502; or
- 295 (iii) the accident results in the death of an individual.
- 296 (5) It is an affirmative defense to an enhanced charge under this section if the individual
- 297 accused of a violation described in this section provides the court with proof of a:
- 298 (a) chemical test using the individual's breath, performed within 12 hours of the alleged
- 299 time of the violation showing no evidence of alcohol or drugs in the individual's
- 300 body; or
- 301 (b) chemical test using the individual's hair, performed within 30 days of the alleged
- 302 date of the violation showing no evidence of alcohol or drugs in the individual's body.

- (6)(a) Except as provided in Subsection (6)(b), an individual charged with violating Subsection (2) who provides proof of a negative chemical test as described in Subsection (5) may only be charged with a class A misdemeanor under this section.
- (b) An individual who violates Subsection (2) and the accident results in death, shall be charged according to the provisions of this section, regardless of the result of the chemical test described in Subsection (5).
- (7) When sentencing an operator for a conviction under Subsection (4), the court shall follow the requirements described in Section 41-6a-401.8.
- (8) An operator is guilty of a separate offense for each victim suffering injury or death as a result of the operator's violation of this section.

Section 4. Section **41-6a-401.7** is amended to read:

41-6a-401.7 . Accident involving injury, death, or property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.

- (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3[~~or 41-6a-401.5~~] shall:
- (a) give to the persons involved:
- (i) the operator's name, address, and the registration number of the vehicle being operated; and
- (ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider;
- (b) upon request and if available, exhibit the operator's license to:
- (i) any investigating peace officer present;
- (ii) the person struck;
- (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
- (iv) the owner of property damaged in the accident, if present; and
- (c) render to any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting, of the injured person to a physician or hospital for medical treatment if:
- (i) it is apparent that treatment is necessary; or
- (ii) transportation is requested by the injured person.
- (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3[~~or 41-6a-401.5~~] shall immediately and by the quickest means of communication available

give notice or cause to give notice of the accident to the nearest office of a law enforcement agency.

- (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3[~~or 41-6a-401.5~~] who is not the operator of the vehicle shall give or cause to give the immediate notice required under Subsection (2) if:
- (a) the operator of a vehicle involved in an accident is physically incapable of giving the notice; and
 - (b) the occupant is capable of giving an immediate notice.
- (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
- (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
 - (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
- (5) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- (6) A violation of Subsection (4) is a class C misdemeanor.

Section 5. Section **41-6a-401.8** is enacted to read:

41-6a-401.8 . Sentencing requirements for a violation of operator duties at the scene of an accident violations.

- (1) As used in this section:

- (a) "24-7 sobriety program" means the same as that term is defined in Section 41-6a-515.5.
- (b) "Assessment" means the same as that term is defined in Section 41-6a-501.
- (c) "Screening" means the same as that term is defined in Section 41-6a-501.

- (2) As part of a sentence for a conviction of a class A misdemeanor offense described in Subsection 41-6a-401(8)(b) or 41-6a-401.3(4)(a):

- (a) the court shall:

- (i)(A) subject to Subsection (3), impose a jail sentence of not less than two days; or
- (B) require the individual to work in a compensatory-service work program for not less than 48 hours;

- 372 (ii) impose a fine of not less than \$700;
373 (iii)(A) order the individual to pay the administrative impound fee described in
374 Section 41-6a-1406; or
375 (B) if the administrative impound fee was paid by a party described in Subsection
376 41-6a-1406(6)(a), other than the individual sentenced, order the individual
377 sentenced to reimburse the party; and
378 (iv)(A) order the individual to pay the towing and storage fees described in
379 Section 72-9-603; or
380 (B) if the towing and storage fees were paid by a party described in Subsection
381 41-6a-1406(6)(a), other than the individual sentenced, order the individual
382 sentenced to reimburse the party; and
383 (b) the court may:
384 (i) order the individual to participate in a screening;
385 (ii) order the individual to participate in an assessment, if an assessment is found
386 appropriate by a screening under Subsection (2)(b)(i);
387 (iii) order the individual to obtain substance abuse treatment if the screening or
388 assessment described in Subsection (2)(b)(i) or (ii) determines that substance
389 abuse treatment is appropriate;
390 (iv) order the individual to participate in an educational series if the court does not
391 order substance abuse treatment under Subsection (2)(b)(iii);
392 (v) order probation for the individual in accordance with Section 41-6a-507; or
393 (vi) order the individual to participate in a 24-7 sobriety program if the individual is
394 21 years old or older.
395 (3)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
396 program, the court may suspend the jail sentence imposed under Subsection (2)(a).
397 (b) If an individual described in Subsection (3)(a) fails to successfully complete all of
398 the requirements of the 24-7 sobriety program, the court shall impose the sentence
399 suspended under Subsection (3)(a).
400 (4) As part of a sentence for a conviction of a third degree felony offense described in
401 Subsection 41-6a-401(8)(c) or 41-6a-401.3(4)(b):
402 (a) the court shall:
403 (i)(A) subject to Subsection (5), impose a jail sentence of not less than 10 days; or
404 (B) impose a jail sentence of not less than five days in addition to home
405 confinement of not fewer than 30 consecutive days through the use of

- 406 electronic monitoring that includes a substance abuse testing instrument in
407 accordance with Section 41-6a-506;
- 408 (ii) order the individual to participate in an educational series if the court does not
409 order substance abuse treatment under Subsection (4)(b)(iii);
- 410 (iii) impose a fine of not less than \$800;
- 411 (iv) order probation for the individual in accordance with Section 41-6a-507;
- 412 (v)(A) order the individual to pay the administrative impound fee described in
413 Section 41-6a-1406; or
- 414 (B) if the administrative impound fee was paid by a party described in Subsection
415 41-6a-1406(6)(a), other than the individual sentenced, order the individual
416 sentenced to reimburse the party; and
- 417 (vi)(A) order the individual to pay the towing and storage fees described in
418 Section 72-9-603; or
- 419 (B) if the towing and storage fees were paid by a party described in Subsection
420 41-6a-1406(6)(a), other than the individual sentenced, order the individual
421 sentenced to reimburse the party; and
- 422 (b) the court may:
- 423 (i) order the individual to participate in a screening;
- 424 (ii) order the individual to participate in an assessment, if an assessment is found
425 appropriate by a screening under Subsection (4)(b)(i);
- 426 (iii) order the individual to obtain substance abuse treatment if the screening or
427 assessment described in Subsection (4)(b)(i) or (ii) determines that substance
428 abuse treatment is appropriate; or
- 429 (iv) order the individual to participate in a 24-7 sobriety program if the individual is
430 21 years old or older.
- 431 (5)(a) If an individual described in Subsection (4) is participating in a 24-7 sobriety
432 program, the court may suspend the jail sentence imposed under Subsection (4)(a)
433 after the individual has served a minimum of:
- 434 (i) five days of the jail sentence for a second conviction; or
- 435 (ii) 10 days of the jail sentence for a third or subsequent conviction.
- 436 (b) If an individual described in Subsection (5)(a) fails to successfully complete all of
437 the requirements of the 24-7 sobriety program, the court shall impose the sentence
438 suspended under Subsection (5)(a).
- 439 (6) As part of a sentence for a conviction of a second degree felony offense described in

Subsection 41-6a-401.3(4)(c):

(a) the court shall:

(i) subject to Subsection (7):

(A) impose a jail sentence of not less than 20 days;

(B) impose a jail sentence of not less than 10 days in addition to home
confinement of not fewer than 60 consecutive days through the use of
electronic monitoring that includes a substance abuse testing instrument in
accordance with Section 41-6a-506; or

(C) impose a jail sentence of not less than 10 days in addition to ordering the
individual to obtain substance abuse treatment, if the court finds that substance
abuse treatment is more likely to reduce recidivism than imposing a jail
sentence and is in the interest of public safety;

(ii) order the individual to participate in an educational series if the court does not
order substance abuse treatment under Subsection (6)(b)(iii);

(iii) impose a fine of not less than \$800;

(iv) order probation for the individual in accordance with Section 41-6a-507;

(v)(A) order the individual to pay the administrative impound fee described in
Section 41-6a-1406; or

(B) if the administrative impound fee was paid by a party described in Subsection
41-6a-1406(6)(a), other than the individual sentenced, order the individual
sentenced to reimburse the party; and

(vi)(A) order the individual to pay the towing and storage fees described in
Section 72-9-603; or

(B) if the towing and storage fees were paid by a party described in Subsection
41-6a-1406(6)(a), other than the individual sentenced, order the individual
sentenced to reimburse the party; and

(b) the court may order the individual to:

(i) participate in a screening;

(ii) participate in an assessment, if an assessment is found appropriate by a screening
under Subsection (6)(b)(i);

(iii) obtain substance abuse treatment if the screening or assessment described in
Subsection (6)(b)(i) or (ii) determines that substance abuse treatment is
appropriate; or

(iv) participate in a 24-7 sobriety program if the individual is 21 years old or older.

- 474 (7)(a) If an individual described in Subsection (6) is participating in a 24-7 sobriety
475 program, the court may suspend the jail sentence imposed under Subsection (6)(a)
476 after the individual has served a minimum of:
- 477 (i) five days of the jail sentence for a second conviction; or
 - 478 (ii) 10 days of the jail sentence for a third or subsequent conviction.
- 479 (b) If an individual described in Subsection (7)(a) fails to successfully complete all of
480 the requirements of the 24-7 sobriety program, the court shall impose the sentence
481 suspended under Subsection (7)(a).

482 Section 6. Section **41-6a-507** is amended to read:

483 **41-6a-507 . Supervised probation for certain driving under the influence**
484 **violations.**

- 485 (1) If supervised probation is ordered under Section 41-6a-401.8, 41-6a-505, or 41-6a-517:
- 486 (a) the court shall specify the period of the probation;
 - 487 (b) the person shall pay all of the costs of the probation; and
 - 488 (c) the court may order any other conditions of the probation.
- 489 (2)(a) Subject to Subsection (2)(b), the court shall provide the probation described in this
490 section by contract with a probation monitoring agency or a private probation
491 provider.
- 492 (b) If a court determines that a person is subject to supervised probation provided by the
493 Division of Adult Probation and Parole created in Section 64-14-202 for an offense
494 other than the offense for which probation is ordered under Section 41-6a-505 or
495 41-6a-517, the court may order supervised probation to be provided by the Division
496 of Adult Probation and Parole.
- 497 (3) The probation provider described in Subsection (2) shall monitor the person's
498 compliance with all conditions of the person's sentence, conditions of probation, and
499 court orders received under this part and shall notify the court of any failure to comply
500 with or complete that sentence or those conditions or orders.
- 501 (4)(a) The court may waive all or part of the costs associated with probation if the
502 person is determined to be indigent by the court.
- 503 (b) The probation provider described in Subsection (2) shall cover the costs of waivers
504 by the court under Subsection (4)(a).

505 Section 7. Section **53-3-414** is amended to read:

506 **53-3-414 . CDL disqualification or suspension -- Grounds and duration --**
507 **Procedure.**

- (1)(a) An individual who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle for a period of not less than one year effective seven days from the date of notice to the driver if convicted of a first offense of:
- (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a controlled substance, or more than one of these;
 - (ii) driving a commercial motor vehicle while the concentration of alcohol in the individual's blood, breath, or urine is .04 grams or more;
 - (iii) leaving the scene of an accident involving a motor vehicle the individual was driving;
 - (iv) failing to provide reasonable assistance or identification when involved in an accident resulting in^[:] personal injury or death in accordance with Section 41-6a-401.3;
~~[(A) personal injury in accordance with Section 41-6a-401.3; or]~~
~~[(B) death in accordance with Section 41-6a-401.5;]~~
 - (v) using a motor vehicle in the commission of a felony;
 - (vi) refusal to submit to a test to determine the concentration of alcohol in the individual's blood, breath, or urine;
 - (vii) driving a commercial motor vehicle while the individual's commercial driver license is disqualified in accordance with the provisions of this section for violating an offense described in this section; or
 - (viii) operating a commercial motor vehicle in a negligent manner causing the death of another including the offenses of manslaughter under Section 76-5-205, negligent homicide under Section 76-5-206, or automobile homicide under Section 76-5-207.
- (b) The division shall subtract from any disqualification period under Subsection (1)(a)(i) the number of days for which a license was previously disqualified under Subsection (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which the record of conviction is based.
- (2) If any of the violations under Subsection (1) occur while the driver is transporting a hazardous material required to be placarded, the driver is disqualified for not less than three years.
- (3)(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if convicted of or administrative action is taken for two or more of any of the

542 offenses under Subsection (1) or (14) arising from two or more separate incidents.

543 (b) An individual who is convicted of or administrative action is taken for an offense
544 under Subsection (5):

545 (i) is disqualified for life from driving a commercial motor vehicle; and

546 (ii) may not be reinstated under Subsection (4).

547 (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

548 (4)(a) Any driver disqualified for life from driving a commercial motor vehicle under
549 this section may apply to the division for reinstatement of the driver's CDL if the
550 driver:

551 (i) has both voluntarily enrolled in and successfully completed an appropriate
552 rehabilitation program that:

553 (A) meets the standards of the division; and

554 (B) complies with 49 C.F.R. Sec. 383.51;

555 (ii) has served a minimum disqualification period of 10 years; and

556 (iii) has fully met the standards for reinstatement of commercial motor vehicle
557 driving privileges established by rule of the division.

558 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
559 under this section, the driver is permanently disqualified for life and is ineligible to
560 again apply for a reduction of the lifetime disqualification.

561 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for
562 life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
563 commission of any felony involving:

564 (a) the manufacturing, distributing, or dispensing of a controlled substance; or

565 (b) an act or practice of severe forms of trafficking in persons as defined and described
566 in 22 U.S.C. Sec. 7102(11).

567 (6)(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or
568 is required to hold a CDL is disqualified for not less than:

569 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
570 serious traffic violations; and

571 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

572 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
573 violations:

574 (i) occur within three years of each other;

575 (ii) arise from separate incidents; and

- 576 (iii) involve the use or operation of a commercial motor vehicle.
- 577 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
- 578 disqualified from driving a commercial motor vehicle and the division receives notice
- 579 of a subsequent conviction for a serious traffic violation that results in an additional
- 580 disqualification period under this Subsection (6), the subsequent disqualification
- 581 period is effective beginning on the ending date of the current serious traffic violation
- 582 disqualification period.
- 583 (7)(a) A driver of a commercial motor vehicle who is convicted of violating an
- 584 out-of-service order while driving a commercial motor vehicle is disqualified from
- 585 driving a commercial motor vehicle for a period not less than:
- 586 (i) 180 days if the driver is convicted of a first violation;
- 587 (ii) two years if, during any 10 year period, the driver is convicted of two violations
- 588 of out-of-service orders in separate incidents;
- 589 (iii) three years but not more than five years if, during any 10 year period, the driver
- 590 is convicted of three or more violations of out-of-service orders in separate
- 591 incidents;
- 592 (iv) 180 days but not more than two years if the driver is convicted of a first violation
- 593 of an out-of-service order while transporting hazardous materials required to be
- 594 placarded or while operating a motor vehicle designed to transport 16 or more
- 595 passengers, including the driver; or
- 596 (v) three years but not more than five years if, during any 10 year period, the driver is
- 597 convicted of two or more violations, in separate incidents, of an out-of-service
- 598 order while transporting hazardous materials required to be placarded or while
- 599 operating a motor vehicle designed to transport 16 or more passengers, including
- 600 the driver.
- 601 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
- 602 out-of-service order is subject to a civil penalty of not less than \$2,500.
- 603 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
- 604 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.
- 605 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
- 606 disqualified for not less than 60 days if the division determines, in its check of the
- 607 driver's driver license status, application, and record prior to issuing a CDL or at any
- 608 time after the CDL is issued, that the driver has falsified information required to apply
- 609 for a CDL in this state.

- (9) A driver of a commercial motor vehicle who is convicted of violating a railroad-highway grade crossing provision under Section 41-6a-1205, while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:
- (a) 60 days if the driver is convicted of a first violation;
 - (b) 120 days if, during any three-year period, the driver is convicted of a second violation in separate incidents; or
 - (c) one year if, during any three-year period, the driver is convicted of three or more violations in separate incidents.
- (10)(a) The division shall update its records and notify the CDLIS within 10 days of suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.
- (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the division shall notify the licensing authority of the issuing state or other jurisdiction and the CDLIS within 10 days after the action is taken.
- (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this state, the division shall notify the CDLIS within 10 days after the action is taken.
- (11)(a) The division may immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver's conviction when the division has reason to believe that the:
- (i) CDL was issued by the division through error or fraud;
 - (ii) applicant provided incorrect or incomplete information to the division;
 - (iii) applicant cheated on any part of a CDL examination;
 - (iv) driver no longer meets the fitness standards required to obtain a CDL; or
 - (v) driver poses an imminent hazard.
- (b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section 53-3-221.
- (c) If a hearing is held under Section 53-3-221, the division shall then rescind the suspension order or cancel the CDL.
- (12)(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for not less than:
- (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and
 - (ii) 120 days if the driver is convicted of three or more serious traffic violations.

(b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic violations:

- (i) occur within three years of each other;
- (ii) arise from separate incidents; and
- (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving privilege from at least one of the violations.

(c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle and the division receives notice of a subsequent conviction for a serious traffic violation that results in an additional disqualification period under this Subsection (12), the subsequent disqualification period is effective beginning on the ending date of the current serious traffic violation disqualification period.

(13)(a) Upon receiving a notice that an individual has entered into a plea of guilty or no contest to a violation of a disqualifying offense described in this section which plea is held in abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend, cancel, or revoke the individual's CDL for the period required under this section for a conviction of that disqualifying offense, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking the action under Subsection (13)(a).

(c) A plea which is held in abeyance may not be removed from an individual's driving record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

- (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
- (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.

(14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section 41-6a-502 when administrative action is taken against the operator's driving privilege pursuant to Section 53-3-223 for a period of:

- (a) one year; or
- (b) three years if the violation occurred while transporting hazardous materials.

(15) The division may concurrently impose any disqualification periods that arise under this section while a driver is disqualified by the Secretary of the United States Department of Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.

Section 8. Section **53-10-403** is amended to read:

53-10-403 . DNA specimen analysis -- Application to offenders, including minors.

- (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- (a) a person who has pled guilty to or has been convicted of any of the offenses under Subsection (2)(a) or (b) on or after July 1, 2002;
 - (b) a person who has pled guilty to or has been convicted by any other state or by the United States government of an offense which if committed in this state would be punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;
 - (c) a person who has been booked on or after January 1, 2011, through December 31, 2014, for any offense under Subsection (2)(c);
 - (d) a person who has been booked:
 - (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or
 - (ii) on or after January 1, 2015, for any felony offense; or
 - (e) a minor:
 - (i)(A) who is adjudicated by the juvenile court for an offense described in Subsection (2) that is within the jurisdiction of the juvenile court on or after July 1, 2002; or
 - (B) who is adjudicated by the juvenile court for an offense described in Subsection (2) and is in the legal custody of the Division of Juvenile Justice and Youth Services for the offense on or after July 1, 2002; and
 - (ii) who is 14 years old or older at the time of the commission of the offense described in Subsection (2).
- (2) Offenses referred to in Subsection (1) are:
- (a) any felony or class A misdemeanor under the Utah Code;
 - (b) any offense under Subsection (2)(a):
 - (i) for which the court enters a judgment for conviction to a lower degree of offense under Section 76-3-402; or
 - (ii) regarding which the court allows the defendant to enter a plea in abeyance as defined in Section 77-2a-1; or
 - (c)(i) any violent felony as defined in Section 53-10-403.5;
 - (ii) sale or use of body parts, Section 26B-8-315;

- (iii) failure to stop at an accident that resulted in death, Section ~~[41-6a-401.5]~~
41-6a-401.3;
- (iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- (v) a felony violation of enticing a minor, Section 76-5-417;
- (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- (vii) a felony violation of propelling a substance or object at a correctional officer, a peace officer, or an employee or a volunteer, including health care providers, Section 76-5-102.6;
- (viii) automobile homicide, Subsection 76-5-207(2)(b);
- (ix) aggravated human trafficking, Section 76-5-310, and aggravated human smuggling, Section 76-5-310.1;
- (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- (xiii) sale of a child, Section 76-7-203;
- (xiv) aggravated escape, Section 76-8-309.3;
- (xv) a felony violation of threatened or attempted assault on an elected official, Section 76-8-313;
- (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.2;
- (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.4;
- (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against

a family member of a judge or a member of the Board of Pardons and Parole,
Section 76-8-316.6;

(xx) advocating criminal syndicalism or sabotage, Section 76-8-902;

(xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;

(xxii) a felony violation of sexual battery, Section 76-5-418;

(xxiii) a felony violation of lewdness involving a child, Section 76-5-420;

(xxiv) a felony violation of abuse or desecration of a dead human body, Section
76-5-802;

(xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
76-15-302;

(xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
Section 76-15-303;

(xxvii) possession of a concealed firearm in the commission of a violent felony,
Subsection 76-11-202(3)(c);

(xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as
described in Subsection 76-9-1503(3)(b);

(xxix) aggravated commercial obstruction, Section 76-9-114;

(xxx) a felony violation of failure to register as a sex or kidnap offender, Section
53-29-305;

(xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or

(xxxii) violation of condition for release after arrest under Section 78B-7-802.

Section 9. Repealer.

This bill repeals:

Section 41-6a-401.5, Accident involving death -- Stop at accident -- Penalty.

Section 10. Effective Date.

This bill takes effect on May 6, 2026.