

**Effective 7/1/2026**

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

- (1) As used in this section:
  - (a) "Bodily injury" means the same as that term is defined in Section 76-1-101.5.
  - (b) "Conviction" means the same as that term is defined in Section 77-38b-102.
  - (c) "Reason to believe" means information from which a reasonable individual would believe that the individual may have been involved in an accident.
  - (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) An operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in injury to 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) An operator who violates Subsection (2) is guilty of an offense punishable as described in Subsection (4).
- (4)
  - (a) Except as provided in Subsection (4)(b) or (4)(c), a violation of Subsection (2) is a class A misdemeanor if the accident resulted in injury to an individual.
  - (b) Except as provided in Subsection (4)(c), a violation of Subsection (2) is a third degree felony if:
    - (i) within 10 years before the day on which the operator committed the current violation, the operator was convicted of two or more previous violations of the offense described in Subsection (2);
    - (ii) the operator has previously been convicted of:
      - (A) a felony offense relating to the duty to stop and remain at an accident involving injury or death, described in this section;
      - (B) a felony offense relating to the duty to stop and remain at an accident involving injury or death, described in this section for which judgment of conviction is subsequently reduced under Section 76-3-402;
      - (C) an offense of driving under the influence described in Section 41-6a-502; or
      - (D) an offense described in Subsections 41-6a-501(2)(a)(i) through (x); or
    - (iii) the accident results in serious bodily injury to an individual.
  - (c) A violation of Subsection (2) is a second degree felony if:
    - (i)
      - (A) the accident results in serious bodily injury to an individual; and
      - (B) the operator has previously been convicted under this section;
    - (ii) within 10 years before the day on which the operator committed the current violation, the operator was convicted of two or more previous violations of the offense of driving under the influence described in Section 41-6a-502; or
    - (iii) the accident results in the death of an individual.
- (5)

- (a) Except as provided in Subsection (5)(b), but notwithstanding any other provision of this section, an enhancement under this section based on one or more prior convictions is not applicable if, no later than six hours after the accident occurred, the operator voluntarily reports the accident to a law enforcement agency having jurisdiction over the location where the accident occurred.
- (b) Subsection (5)(a) does not affect any enhancement or penalty based on the existence of bodily injury, serious bodily injury, or death.
- (6) In addition to any other factor authorized by law, the fact that an operator self-reported the accident to a law enforcement agency, regardless of the time elapsed since the accident, is a mitigating factor for purposes of sentencing.
- (7) When sentencing an operator convicted under Subsection (4), the court shall comply with Section 41-6a-401.8.
- (8) An operator is guilty of a separate offense for each victim who suffers injury or death because of the operator's violation of this section.

Amended by Chapter 337, 2026 General Session