

### **Part 3 Highway Damage Liability**

#### **72-7-301 Liability for damage to highway, highway equipment, or highway sign -- Liability for damage to highway from illegal operation of oversize or overweight vehicles -- Recovery.**

- (1) A person who by any means willfully or negligently injures or damages any highway, highway equipment, or highway sign is liable for the damage.
- (2) A person who operates or moves any vehicle or object on any highway is liable for all damage that the highway sustains from:
  - (a) any illegal operation or movement of a vehicle or object; and
  - (b) any vehicle or object that exceeds the maximum size, weight, or load limitations specified by law, with or without authority of an oversize or overweight permit.
- (3)
  - (a) Except under Subsection (3)(b), if the operator is not the owner of the vehicle or object but is operating or moving the vehicle or object with the express or implied permission of the owner, the owner and operator are jointly and severally liable under Subsection (2) for any damage caused to a highway by the operation or movement of the vehicle or object.
  - (b) An operator who is not the owner of the vehicle or object and who under an express or implied condition of his employment or any privilege related to his employment is required to operate or move a vehicle or object in violation of Part 4, Vehicle Size, Weight, and Load Limitations, is not liable for any damage caused to a highway by the illegal operation or movement of the vehicle or object.
- (4) The value of the property damaged may be recovered in a civil action brought by the highway authority having jurisdiction over the property damaged.

Renumbered and Amended by Chapter 270, 1998 General Session

#### **72-7-302 Damage to signs, warnings, or barriers -- Penalty.**

- (1) A person is guilty of a class B misdemeanor who willfully and unlawfully removes, defaces, or interferes with any highway sign, signal, notice, warning, or barrier.
- (2) A person who commits an offense under Subsection (1) that results in an injury to a person or damage to property is guilty of a class A misdemeanor.

Amended by Chapter 140, 2008 General Session

#### **72-7-303 Escaping water and other obstructions -- Injuring or obstructing highway -- Penalty for violations.**

- (1) A person may not willfully or carelessly:
  - (a) obstruct or damage any public highway by causing or permitting flow or seepage of water;
  - (b) permit water under the person's control to escape in any manner that results in damage to a public highway;
  - (c) place or leave, or cause to be placed or left, anything upon a public highway in a way that obstructs travel or that endangers property or persons passing on the highway.
- (2) A person who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-7-304 Injury to trees on highways -- Penalty for violations.**

- (1) A person may not dig up, cut down, or otherwise willfully damage or destroy any shade, ornamental, or other tree, planted and standing on any public highway in conformity to law.
- (2) A person who violates this section is guilty of a class B misdemeanor and is liable to the owner of the tree for treble the amount of damages sustained.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-7-305 Driving animals over highways -- Liability for damages.**

- (1) Except for a livestock highway, a person who drives a herd of domestic animals over a public highway is liable for any damage done by the animals in destroying the banks or rolling rocks into or upon the highway.
- (2) The damage may be recovered in a civil action brought by a highway authority having jurisdiction over the highway.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-7-306 Limited highways -- Penalty for driving animals over.**

- (1) A highway authority may declare a public highway that is laid out through improved lands that are not protected by fences along the lines of the highway passing through it, to be limited highways. A notice to that effect shall be posted at each end of a limited highway.
- (2) A person who willfully drives any band or herd of domestic animals over a limited highway except during the time that the abutting lands are thrown open to the public by the owners for grazing purposes, is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session