

1 **MOTOR VEHICLE OPERATOR FLEEING A**
2 **PEACE OFFICER**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Ty McCartney**

6 **This act modifies the Motor Vehicle Code by clarifying the fleeing from a peace officer**
7 **provisions. This act clarifies that after a signal from a peace officer to stop a vehicle, a**
8 **separate offense exists for either operating a vehicle in willful disregard of the signal**
9 **while endangering others or for attempting to flee a peace officer.**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **41-6-13.5**, as last amended by Chapter 216, Laws of Utah 1999

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

14 Section 1. Section **41-6-13.5** is amended to read:

15 **41-6-13.5. Failure to respond to officer's signal to stop -- Fleeing -- Causing**
16 **property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle**
17 **-- Penalties.**

18 (1) (a) An operator who receives a visual or audible signal from a peace officer to bring
19 [his] the vehicle to a stop may not:

20 (i) operate [his] the vehicle in willful or wanton disregard of the signal so as to
21 interfere with or endanger the operation of any vehicle or person ~~[and may not]~~; or

22 (ii) attempt to flee or elude a peace officer by vehicle or other means.

23 (b) A person who violates Subsection (1)(a) is guilty of a felony of the third degree.

24 The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than
25 \$1,000.

26 (2) (a) An operator who violates Subsection (1) and while so doing causes death or
27 serious bodily injury to another person, under circumstances not amounting to murder or



28 aggravated murder, is guilty of a felony of the second degree.

29 (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of
30 not less than \$5,000.

31 (3) (a) In addition to the penalty provided under this section or any other section, a
32 person who violates Subsection (1)(a) or (2)(a) shall have [~~his driver's~~] the person's driver
33 license revoked [~~pursuant to~~] under Subsection 53-3-220(1)(a)(ix) for a period of one year.

34 (b) The court shall forward the report of the conviction to the division. If the person is
35 the holder of a [~~driver's~~] driver license from another jurisdiction, the court shall notify the
36 division and the division shall notify the appropriate officials in the licensing state.

Legislative Review Note
as of 12-3-02 1:14 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0173

Motor Vehicle Operator Fleeing a Peace Officer

11-Jan-03
4:05 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst