

TRAFFIC ACCIDENT RESPONSE

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions authorizing a peace officer to move a vehicle in certain circumstances.

Highlighted Provisions:

This bill:

- ▶ requires a peace officer to use the quickest available means to remove or cause to be removed a vehicle from the highway that is causing a safety hazard, traffic delays, and will result in significant delays to the traveling public; **§ [and] §**

- ▶ requires the Department of Public Safety to make rules to implement these provisions **§ ;**

- ▶ **REQUIRES THE DEPARTMENT OF TRANSPORTATION TO MAKE AN ANNUAL REPORT TO A COMMITTEE OR TASK FORCE DESIGNATED BY THE LEGISLATIVE MANAGEMENT COMMITTEE ON THE IMPLEMENTATION OF THESE PROVISIONS AND THE RULES MADE UNDER THESE PROVISIONS; AND**

- ▶ **MAKES TECHNICAL CHANGES § .**

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6-102, as last amended by Chapter 202, Laws of Utah 2001

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

Section 1. Section **41-6-102** is amended to read:

41-6-102. Peace officer authorized to move vehicle.



28 (1) If a peace officer finds a vehicle in violation of Section 41-6-101, the officer may
 29 move the vehicle, cause the vehicle to be moved, or require the driver or other person
 30 responsible for the vehicle to move the vehicle to a safe position off the highway.

31 (2) A peace officer may remove or cause to be removed to a place of safety any
 32 unattended vehicle left standing upon any highway in violation of this article or in a position or
 33 under circumstances that the vehicle obstructs the normal movement of traffic.

34 (3) In accordance with Section 41-6-102.5, a peace officer may remove or cause to be
 35 removed to the nearest garage or other place of safety any vehicle found upon a highway when:

36 (a) the vehicle has been reported stolen or taken without the consent of its owner;

37 (b) the person responsible for the vehicle is unable to provide for its custody or
 38 removal; or

39 (c) the person operating the vehicle is arrested for an alleged offense for which the
 40 peace officer is required by law to take the person arrested before a proper magistrate without
 41 unnecessary delay.

42 (4) (a) If a peace officer determines that a vehicle must be removed either as a result of
 43 a crash or otherwise in accordance with this chapter, the peace officer shall remove or cause the
 44 vehicle to be removed by the quickest available § SAFE § means if:

45 (i) the incident is causing a safety hazard;

46 (ii) the incident is causing traffic delays; and

47 (iii) the traffic volume adjacent to the incident would result in significant delays to the
 48 traveling public if the vehicle is not removed by the quickest available § SAFE § means.

49 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
 50 department shall make rules for the implementation of this Subsection (4) in a uniform manner
 51 throughout the state. The rules shall:

52 (i) provide strict response time performance standards for tow truck motor carriers
 53 contacted in accordance with this Subsection (4);

54 (ii) provide an exception to any rules for the rotation of tow truck motor carriers in
 55 conflict with this Subsection (4); § [and] §

56 (iii) allow a qualified tow truck in the proximity of the incident to respond if necessary § [;] ;

56a (iv) REQUIRE THE PEACE OFFICER TO MAKE A RECORD OF THE REASONS FOR THE
 56b QUICKEST AVAILABLE REMOVAL UNDER THIS SUBSECTION (4) AND THE TOW TRUCK MOTOR
 56c CARRIER USED FOR THE REMOVAL AND

56d (V) PROVIDE THAT IF A TOW TRUCK MOTOR CARRIER IS USED:

56e (A) THE PEACE OFFICER SHALL MAKE THE REQUEST FOR THE TOW TRUCK MOTOR
 56f CARRIER THROUGH A PUBLIC SAFETY DISPATCHER; AND

56g (B) ANY RULES FOR THE ROTATION OF TOW TRUCK MOTOR CARRIERS SHALL
 56h REQUIRE THAT THE USE OF A TOW TRUCK MOTOR CARRIER UNDER THIS SUBSECTION (4) IS
 56i CONSIDERED A TURN FOR PURPOSES OF ANY ROTATION OF TOW TRUCK MOTOR CARRIERS. §

56j § (5) THE DEPARTMENT OF TRANSPORTATION SHALL MAKE AN ANNUAL REPORT PRIOR TO
56k THE NOVEMBER MEETING TO A COMMITTEE OR TASK FORCE DESIGNATED BY THE LEGISLATIVE
56l MANAGEMENT COMMITTEE ON THE IMPLEMENTATION OF THESE PROVISIONS AND ON THE
56m RULES MADE UNDER SUBSECTION (4) INCLUDING STATISTICAL INFORMATION ON THE USE OF A
56n TOW TRUCK MOTOR CARRIER OUT OF ROTATION AND THE NUMBER OF REMOVALS ORDERED
56o UNDER THE PROVISIONS OF SUBSECTION (4). §

Legislative Review Note
as of 12-9-03 9:42 AM

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 HB0212

Traffic Accident Response

23-Jan-04

5:05 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst