

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.

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 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 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.

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

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