

1 **TRAFFIC CODE AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: James A. Dunnigan**

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies the Motor Vehicles Code by amending traffic provisions related to
9 the exchange of insurance information, lighting requirements for slow moving vehicles,
10 aftermarket modifications to large vehicles, and nontransparent material on rear side
11 windows.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires the operator of a vehicle to provide insurance provider information to
15 persons involved in an accident;

15a **←H→ ▶ allows the operator of a vehicle to provide accident information to an investigating peace**
15b **officer in lieu of providing the information to persons involved in the accident; ←H**

16 ▶ repeals certain tail lamp and head lamp exceptions for motor vehicles operated at 20
17 miles per hour or less;

18 ▶ applies aftermarket limitations to adjustments to frame height, wheelbase, and
19 bumper height to all vehicles not just vehicles with a gross vehicle weight rating of
20 15,000 pounds or less;

21 ▶ clarifies that rear side windows may have nontransparent material on them; and

22 ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 41-6-31, as last amended by Chapter 85, Laws of Utah 2001

30 41-6-148.29, as last amended by Chapter 47, Laws of Utah 2001

31 41-6-148.33, as last amended by Chapter 47, Laws of Utah 2001

32 41-6-149, as last amended by Chapter 25, Laws of Utah 2002

33 REPEALS:

34 41-6-138, as enacted by Chapter 242, Laws of Utah 1979

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

37 Section 1. Section 41-6-31 is amended to read:

38 **41-6-31. Accident involving injury, death, or property damage -- Duties of**
39 **operator, occupant, and owner.**

40 (1) The operator of a vehicle involved in an accident resulting in injury to or death of
41 any person or damage to any vehicle or other property, if the vehicle or other property is
42 operated, occupied, or attended by any person or if the owner of the vehicle or property is
43 present, shall:

44 (a) ~~H~~→ except as provided under subsection (1)(d), ←~~H~~ give to the persons involved [~~his~~]:

45 (i) the operator's name, address, and the registration number of the vehicle [he is
46 operating;] being operated; and

47 (ii) the name of the insurance provider covering the vehicle being operated including
48 the phone number of the agent or provider;

49 (b) upon request and if available, exhibit his operator's license to:

50 (i) any investigating peace officer present;

51 (ii) the person struck;

52 (iii) the operator, occupant of, or person attending the vehicle or other property
53 damaged in the accident; and

54 (iv) the owner of property damaged in the accident, if present; and

55 (c) render to any person injured in the collision reasonable assistance, including the
56 transporting, or the making of arrangements for the transporting, of the person to a physician,
57 surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is
58 necessary or if the transporting is requested by the injured person.

59 **Ĥ→ (d) The operator of a vehicle that provides the information required under Subsection (1)(a) to**
 59a **an investigating peace officer at the scene of the accident is exempt from providing the information to**
 59b **persons involved in the accident. ←Ĥ**

59c (2) The operator of a vehicle involved in an accident resulting in injury to or death of
 60 any person or property damage to an apparent extent of \$1,000 or more shall immediately and
 61 by the quickest means of communication available give notice of the accident to the nearest
 62 office of a law enforcement agency.

63 (3) If the operator of a vehicle is physically incapable of giving an immediate notice of
 64 an accident as required in Subsections (1) and (2) and there is another occupant in the vehicle
 65 at the time of the accident capable of giving an immediate notice, the occupant shall give or
 66 cause to be given the notice required of the operator under this section.

67 (4) If the operator is physically incapable of making a report in a manner specified by
 68 the division of an accident when required under Section 41-6-35 and he is not the owner of the
 69 vehicle, then the owner of the vehicle involved in the accident shall within 15 days after
 70 becoming aware of the accident make the report required of the operator under this section.

71 Section 2. Section **41-6-148.29** is amended to read:

72 **41-6-148.29. Vehicles subject to Sections 41-6-148.29 through 41-6-148.33 --**

73 **Definitions.**

74 (1) Sections 41-6-148.29 through 41-6-148.33 apply to all motor vehicles [~~with an~~
 75 ~~original manufacturer's gross vehicle weight rating of 15,000 pounds or less~~] operated or
 76 parked on a highway within the state.

77 (2) As used in Sections 41-6-148.29 through 41-6-148.33:

78 (a) "Commissioner" means the commissioner of the Department of Public Safety.

79 (b) "Frame" means the main longitudinal structural members of the chassis of the
 80 vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural
 81 member of the body of the vehicle.

82 (c) "Frame height" means the vertical distance between the ground and the lowest point
 83 on the frame. The distance is measured when the vehicle is unladen and on a level surface.

84 (d) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross
 85 vehicle weight rating, whether or not the vehicle is modified by use of parts not originally
 86 installed by the original manufacturer.

87 (e) "Manufacturer" means any person engaged in manufacturing or assembling new
 88 motor vehicles utilizing new parts or components, or a person defined as a manufacturer in
 89 current applicable Federal Motor Vehicle Safety Standards (FMVSS).

90 (f) "Mechanical alteration" or "mechanical lift" means modification or alteration of the
91 axles, chassis, suspension, or body by any means, including tires and wheels, and excluding
92 any load, which affects the frame height of the motor vehicle.

93 (g) "O.E.M." means original equipment manufacturer.

94 (h) "Original equipment" means an item of motor vehicle equipment, including tires,
95 which were installed in or on a motor vehicle or available as an option for the particular vehicle
96 from the original manufacturer at the time of its delivery to the first purchaser.

97 (i) "Wheel track" means the shortest distance between the center of the tire treads on
98 the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is
99 used for all calculations.

100 (3) The provisions of Sections 41-6-148.29 through 41-6-148.33 do not apply to the
101 following vehicles:

102 (a) implements of husbandry;

103 (b) farm tractors;

104 (c) road machinery;

105 (d) road rollers; and

106 (e) historical vehicles or horseless carriages that have been restored as near to original
107 condition as is reasonably possible.

108 Section 3. Section **41-6-148.33** is amended to read:

109 **41-6-148.33. Bumpers.**

110 (1) Every motor vehicle shall be equipped with a bumper on both front and rear of the
111 vehicle, except those that were not originally designed or manufactured with a bumper or
112 bumpers.

113 (2) (a) On all motor vehicles [~~under 15,000 GVWR;~~] required to have bumpers under
114 Subsection (1), bumpers shall be:

115 (i) at least 4.5 inches in vertical height;

116 (ii) centered on the vehicle's center line; and

117 (iii) extend no less than the width of the respective wheel track distance.

118 (b) Bumpers shall be securely mounted, horizontal load bearing, and attached to the
119 vehicle's frame to effectively transfer impact when engaged.

120 (3) When any motor vehicle is originally or later equipped with bumpers, the bumpers

121 shall be maintained in operational condition and shall comply with this section.

122 Section 4. Section **41-6-149** is amended to read:

123 **41-6-149. Windshields and windows -- Tinting -- Obstructions reducing visibility**
124 **-- Wipers -- Prohibitions.**

125 (1) Except as provided in Subsections (2) and (3), a person may not operate a motor
126 vehicle with:

127 (a) a windshield that allows less than 70% light transmittance;

128 (b) a front side window that allows less than 43% light transmittance;

129 (c) any windshield or window that is composed of, covered by, or treated with any
130 material or component that presents a metallic or mirrored appearance; or

131 (d) any sign, poster, or other nontransparent material on the windshield, sidewings, or
132 front side windows of the motor vehicle except:

133 (i) a certificate or other paper required to be so displayed by law; or

134 (ii) the vehicle's identification number displayed or etched in accordance with rules
135 made by the department.

136 (2) Nontransparent materials may be used:

137 (a) along the top edge of the windshield if the materials do not extend downward more
138 than four inches from the top edge of the windshield or beyond the AS-1 line whichever is
139 lowest;

140 (b) in the lower left-hand corner of the windshield provided they do not extend more
141 than three inches to the right of the left edge or more than four inches above the bottom edge of
142 the windshield; or

143 (c) on the rear windows including rear side windows located behind the vehicle
144 operator.

145 (3) A windshield or other window is considered to comply with the requirements of
146 Subsection (1) if the windshield or other window meets the federal statutes and regulations for
147 motor vehicle window composition, covering, light transmittance, and treatment.

148 (4) Except for material used on the windshield in compliance with Subsections (2)(a)
149 and (b), a motor vehicle with tinting or nontransparent material on any window shall be
150 equipped with rear-view mirrors mounted on the left side and on the right side of the motor
151 vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

152 (5) (a) The windshield on every motor vehicle shall be equipped with a device for
153 cleaning rain, snow, or other moisture from the windshield. The device shall be constructed to
154 be operated by the driver.

155 (b) Every windshield wiper on a motor vehicle shall be maintained in good working
156 order.

157 (6) (a) A person may not have for sale, sell, offer for sale, install, cover, or treat a
158 windshield or window in violation of this section.

159 (b) A person who violates this section is guilty of a class C misdemeanor.

160 (7) Notwithstanding this section, any person subject to the federal Motor Vehicle
161 Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and
162 repair businesses, shall comply with the federal standards on motor vehicle window tinting.

163 **Section 5. Repealer.**

164 This bill repeals:

165 **Section 41-6-138, Requirements for slow-moving vehicles.**

Legislative Review Note
as of 12-7-04 8:44 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-08-04 11:49 AM

The Transportation Interim Committee recommended this bill.

Fiscal Note
Bill Number HB0024

Traffic Code Amendments

12-Jan-05

3:07 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst