

**TRAFFIC VIOLATIONS BY DIPLOMATS**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David L. Hogue**

Senate Sponsor: Dan R. Eastman

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by enacting provisions related to traffic violations by diplomats.

**Highlighted Provisions:**

This bill:

- ▶ defines diplomat to mean an individual who has a driver license issued by the United States Department of State or who claims certain diplomatic immunities or privileges for moving traffic violations or operating a motor vehicle while committing certain other serious criminal offenses;
- ▶ requires a law enforcement officer who has probable cause to believe that a diplomat has committed a moving traffic violation or certain other criminal offenses while operating a motor vehicle to:
  - contact the United States Department of State to verify the driver's status and immunity;
  - record all relevant information from any driver license or identification card;and
  - forward all citations, reports, or other charging documentation to the Department of Public Safety within five working days after the date the officer stops the driver;
- ▶ requires the Department of Public Safety to file each document and send a copy to the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States Department of State; and

▸ provides that this bill does not prohibit or limit the application of any law to a criminal or motor vehicle violation by a diplomat.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**41-6a-1901**, Utah Code Annotated 1953

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

Section 1. Section **41-6a-1901** is enacted to read:

**Part 19. Traffic Violations by Diplomats**

**41-6a-1901. Applicability -- Law enforcement officer duties -- Documents and records -- Notice to Department of State.**

(1) As used in this section, "diplomat" means an individual who:

(a) has a driver license issued by the United States Department of State; or

(b) claims immunities or privileges under 22 U.S.C. Sections 254a through 258a with

respect to:

(i) a moving traffic violation under this title or a moving traffic violation of an ordinance

of a local authority; or

(ii) operating a motor vehicle while committing any of the following offenses:

(A) automobile homicide under Section 76-5-207;

(B) manslaughter under Section 76-5-205;

(C) negligent homicide under Section 76-5-206;

(D) aggravated assault under Section 76-5-103; or

(E) reckless endangerment under Section 76-5-112.

(2) A law enforcement officer who stops a motor vehicle and has probable cause to

believe that the driver is a diplomat that has committed a violation described under Subsection (1)(b)(i) or (ii) shall:

(a) as soon as practicable, contact the United States Department of State in order to verify the driver's status and immunity, if any;

(b) record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and

(c) within five working days after the date the officer stops the driver, forward all of the following to the Department of Public Safety:

(i) if the driver is involved in a vehicle accident, the vehicle accident report;

(ii) if a citation or other charging document was issued to the driver, a copy of the citation or other charging document; and

(iii) if a citation or other charging document was not issued to the driver, a written report of the incident.

(3) The Department of Public Safety shall:

(a) file each vehicle accident report, citation or other charging document, and incident report that the Department of Public Safety receives under this section;

(b) keep convenient records or make suitable notations showing each:

(i) conviction;

(ii) finding of responsibility; and

(iii) vehicle accident; and

(c) within five working days after receipt, send a copy of each document and record described in Subsection (3) to the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States Department of State.

(4) This section does not prohibit or limit the application of any law to a criminal or motor vehicle violation committed by a diplomat.