

1 **TRAFFIC VIOLATIONS BY DIPLOMATS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: David L. Hogue**

5
6 **LONG TITLE**

7 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines diplomat to mean an individual who has a driver license issued by the
13 United States Department of State or who claims certain diplomatic immunities or
14 privileges for moving traffic violations or operating a motor vehicle while
15 committing certain other serious criminal offenses;
- 16 ▶ requires a law enforcement officer who has probable cause to believe that a
17 diplomat has committed a moving traffic violation or certain other criminal offenses
18 while operating a motor vehicle to:
 - 19 • contact the United States Department of State to verify the driver's status and
20 immunity;
 - 21 • record all relevant information from any driver license or identification card;and
- 22 • forward all citations, reports, or other charging documentation to the
23 Department of Public Safety within five working days after the date the officer
24 stops the driver;
- 25 ▶ requires the Department of Public Safety to file each document and send a copy to
26 the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States
27



28 Department of State; and

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

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 ENACTS:

37 **41-6a-1901**, Utah Code Annotated 1953



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

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

41 **Part 19. Traffic Violations by Diplomats**

42 **41-6a-1901. Applicability -- Law enforcement officer duties -- Documents and**
43 **records -- Notice to Department of State.**

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

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

46 (b) claims immunities or privileges under 22 U.S.C. Sections 254a through 258a with
47 respect to:

48 (i) a moving traffic violation under this title or a moving traffic violation of an
49 ordinance of a local authority; or

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

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

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

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

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

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

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

57 believe that the driver is a diplomat that has committed a violation described under Subsection

58 (1)(b)(i) or (ii) shall:

- 59 (a) as soon as practicable, contact the United States Department of State in order to
60 verify the driver's status and immunity, if any;
- 61 (b) record all relevant information from any driver license or identification card,
62 including a driver license or identification card issued by the United States Department of
63 State; and
- 64 (c) within five working days after the date the officer stops the driver, forward all of
65 the following to the Department of Public Safety:
- 66 (i) if the driver is involved in a vehicle accident, the vehicle accident report;
67 (ii) if a citation or other charging document was issued to the driver, a copy of the
68 citation or other charging document; and
- 69 (iii) if a citation or other charging document was not issued to the driver, a written
70 report of the incident.
- 71 (3) The Department of Public Safety shall:
- 72 (a) file each vehicle accident report, citation or other charging document, and incident
73 report that the Department of Public Safety receives under this section;
- 74 (b) keep convenient records or make suitable notations showing each:
- 75 (i) conviction;
76 (ii) finding of responsibility; and
77 (iii) vehicle accident; and
- 78 (c) within five working days after receipt, send a copy of each document and record
79 described in Subsection (3) to the Bureau of Diplomatic Security, Office of Foreign Missions,
80 of the United States Department of State.
- 81 (4) This section does not prohibit or limit the application of any law to a criminal or
82 motor vehicle violation committed by a diplomat.

Legislative Review Note
as of 1-6-05 2:55 PM

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

Fiscal Note
Bill Number HB0212

Traffic Violations By Diplomats

25-Jan-05

1:06 PM

State Impact

Provisions of this bill can be implemented within existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst