

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

MOTOR VEHICLES CODE REVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Sheldon L. Killpack

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending certain provisions for motor vehicle accidents and motor vehicle owner's or operator's security.

Highlighted Provisions:

This bill:

- ▶ modifies motor vehicle accident provisions by moving provisions for accidents resulting in fatalities or injuries into new sections of the Utah Code;
- ▶ permits a court to waive a portion of a fine for not maintaining owner's and operator's security in certain instances; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-401, as renumbered and amended by Chapter 2 and last amended by Chapter 26, Laws of Utah 2005

41-12a-302, as last amended by Chapter 35, Laws of Utah 1998

53-3-414, as last amended by Chapter 18, Laws of Utah 2006

ENACTS:

41-6a-401.3, Utah Code Annotated 1953

30 **41-6a-401.5**, Utah Code Annotated 1953

31 **41-6a-401.7**, Utah Code Annotated 1953



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

34 Section 1. Section **41-6a-401** is amended to read:

35 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**
36 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

37 (1) The operator of a vehicle involved in an accident resulting [~~in injury to or death of~~
38 ~~a person or~~] only in damage to another vehicle or other property shall:

39 (a) immediately stop the vehicle at the scene of the accident or as close as possible
40 without obstructing traffic more than is necessary; and

41 (b) remain at the scene of the accident until the operator has fulfilled the requirements
42 of this section.

43 (2) Except as provided under Subsection [~~(6)~~] (5), if the vehicle or other property is
44 operated, occupied, or attended by any person or if the owner of the vehicle or property is
45 present, the operator of the vehicle involved in the accident shall:

46 (a) give to the persons involved:

47 (i) the operator's name, address, and the registration number of the vehicle being
48 operated; and

49 (ii) the name of the insurance provider covering the vehicle being operated including
50 the phone number of the agent or provider; and

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

52 (i) any investigating peace officer present;

53 [~~(ii) the person struck;~~]

54 [~~(iii)~~] (ii) the operator, occupant of, or person attending the vehicle or other property
55 damaged in the accident; and

56 [~~(iv)~~] (iii) the owner of property damaged in the accident, if present[~~;~~and].

57 [~~(c) render to any person injured in the accident reasonable assistance, including~~

58 ~~transporting or making arrangements for transporting, of the injured person to a physician or~~
59 ~~hospital for medical treatment if:]~~

60 ~~[(i) it is apparent that treatment is necessary; or]~~

61 ~~[(ii) transportation is requested by the injured person.]~~

62 (3) The operator of a vehicle involved in an accident shall immediately and by the
63 quickest means of communication available give notice or cause to give notice of the accident
64 to the nearest office of a law enforcement agency if the accident resulted in ~~[(a) injury or~~
65 ~~death of any person; or (b)]~~ property damage to an apparent extent of \$1,000 or more.

66 ~~[(4) The occupant of a vehicle involved in an accident who is not the operator of the~~
67 ~~vehicle shall give or cause to give the immediate notice required under Subsection (3) if:]~~

68 ~~[(a) the operator of a vehicle involved in an accident is physically incapable of giving~~
69 ~~the notice; and]~~

70 ~~[(b) the occupant is capable of giving an immediate notice.]~~

71 ~~[(5)]~~ (4) Except as provided under Subsection ~~[(6)]~~ (5), if the vehicle or other property
72 damaged in the accident is unattended, the operator of the vehicle involved in the accident
73 shall:

74 (a) locate and notify the operator or owner of the vehicle or the owner of other property
75 damaged in the accident of the operator's name, address, and the registration number of the
76 vehicle causing the damage; or

77 (b) attach securely in a conspicuous place on the vehicle or other property a written
78 notice giving the operator's name, address, and the registration number of the vehicle causing
79 the damage.

80 ~~[(6)]~~ (5) The operator of a vehicle that provides the information required under this
81 section to an investigating peace officer at the scene of the accident is exempt from providing
82 the information to other persons required under this section.

83 ~~[(7) (a) A person who violates the provisions of Subsection (1) is guilty of a class A~~
84 ~~misdemeanor and shall be fined not less than \$750 if the accident results in injury or death of a~~
85 ~~person.]~~

86 ~~[(b)] (6) (a)~~ A person who violates the provisions of Subsection (1) is guilty of a class
87 B misdemeanor ~~[if the accident results only in damage to a vehicle or other property].~~

88 ~~[(c)] (b)~~ A person who violates the provision of Subsection ~~[(5)] (4)~~ is guilty of a class
89 B misdemeanor.

90 Section 2. Section ~~41-6a-401.3~~ is enacted to read:

91 **41-6a-401.3. Accident involving injury -- Stop at accident -- Penalty.**

92 (1) The operator of a vehicle involved in an accident resulting in injury to a person
93 shall:

94 (a) immediately stop the vehicle at the scene of the accident or as close to it as possible
95 without obstructing traffic more than is necessary; and

96 (b) remain at the scene of the accident until the operator has fulfilled the requirements
97 of Section 41-6a-401.7.

98 (2) A person who violates the provisions of Subsection (1) is guilty of a class A
99 misdemeanor and shall be fined not less than \$750.

100 Section 3. Section ~~41-6a-401.5~~ is enacted to read:

101 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

102 (1) The operator of a vehicle involved in an accident resulting in the death of a person
103 shall:

104 (a) immediately stop the vehicle at the scene of the accident or as close to it as possible
105 without obstructing traffic more than is necessary; and

106 (b) remain at the scene of the accident until the operator has fulfilled the requirements
107 of Section 41-6a-401.7.

108 (2) A person who violates the provisions of Subsection (1) is guilty of a class A
109 misdemeanor and shall be fined not less than \$750.

110 Section 4. Section ~~41-6a-401.7~~ is enacted to read:

111 **41-6a-401.7. Accident involving injury, death, or property damage -- Duties of**
112 **operator, occupant, and owner -- Exchange of information -- Notification of law**
113 **enforcement -- Penalties.**

114 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
115 41-6a-401.5 shall:

116 (a) give to the persons involved:

117 (i) the operator's name, address, and the registration number of the vehicle being
118 operated; and

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

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

122 (i) any investigating peace officer present;

123 (ii) the person struck;

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

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

127 (c) render to any person injured in the accident reasonable assistance, including
128 transporting or making arrangements for transporting, of the injured person to a physician or
129 hospital for medical treatment if:

130 (i) it is apparent that treatment is necessary; or

131 (ii) transportation is requested by the injured person.

132 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
133 41-6a-401.5 shall immediately and by the quickest means of communication available give
134 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.

135 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or
136 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate
137 notice required under Subsection (2) if:

138 (a) the operator of a vehicle involved in an accident is physically incapable of giving
139 the notice; and

140 (b) the occupant is capable of giving an immediate notice.

141 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in

142 the accident is unattended, the operator of the vehicle involved in the accident shall:

143 (a) locate and notify the operator or owner of the vehicle or the owner of other property
144 damaged in the accident of the operator's name, address, and the registration number of the
145 vehicle causing the damage; or

146 (b) attach securely in a conspicuous place on the vehicle or other property a written
147 notice giving the operator's name, address, and the registration number of the vehicle causing
148 the damage.

149 (5) The operator of a vehicle that provides the information required under this section
150 to an investigating peace officer at the scene of the accident is exempt from providing the
151 information to other persons required under this section.

152 (6) A person who violates Subsection (4) is guilty of a class B misdemeanor.

153 Section 5. Section **41-12a-302** is amended to read:

154 **41-12a-302. Operating motor vehicle without owner's or operator's security --**

155 **Penalty.**

156 (1) ~~[Any]~~ (a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on
157 which owner's or operator's security is required under Section 41-12a-301, who operates ~~[his]~~
158 the owner's vehicle or permits it to be operated on a highway in this state without owner's
159 security being in effect is guilty of a class B misdemeanor, and the fine shall be not less than:

160 ~~[(a)]~~ (i) \$400 for a first offense; and

161 ~~[(b)]~~ (ii) \$1,000 for a second and subsequent offense within three years of a previous
162 conviction or bail forfeiture.

163 (b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle
164 under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required
165 under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.

166 (2) (a) Except as provided under Subsection (2)(b), any other person who operates a
167 motor vehicle upon a highway in Utah with the knowledge that the owner does not have
168 owner's security in effect for the motor vehicle is also guilty of a class B misdemeanor, and the
169 fine shall be not less than:

170 (i) \$400 for a first offense; and
171 (ii) \$1,000 for a second and subsequent offense within three years of a previous
172 conviction or bail forfeiture.

173 (b) A person that has in effect owner's security on a Utah-registered motor vehicle or
174 its equivalent that covers the operation, by the person, of the motor vehicle in question is
175 exempt from this Subsection (2).

176 Section 6. Section **53-3-414** is amended to read:

177 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**

178 **Procedure.**

179 (1) A person who holds or is required to hold a CDL is disqualified from driving a
180 commercial motor vehicle for a period of not less than one year if convicted of a first offense
181 of:

182 (a) driving a motor vehicle while under the influence of alcohol, drugs, a controlled
183 substance, or more than one of these;

184 (b) driving a commercial motor vehicle while the concentration of alcohol in the
185 person's blood, breath, or urine is .04 grams or more;

186 (c) leaving the scene of an accident involving a motor vehicle the person was driving;

187 (d) failing to provide reasonable assistance or identification when involved in an
188 accident resulting in [~~death or personal injury in accordance with Section 41-6a-401.3;~~];

189 (i) death in accordance with Section 41-6a-401.5; or

190 (ii) personal injury in accordance with Section 41-6a-401.3;

191 (e) using a motor vehicle in the commission of a felony;

192 (f) refusal to submit to a test to determine the concentration of alcohol in the person's
193 blood, breath, or urine;

194 (g) driving a commercial motor vehicle while the person's commercial driver license is
195 disqualified, suspended, canceled, or revoked; or

196 (h) operating a commercial motor vehicle in a negligent manner causing the death of
197 another including the offenses of automobile homicide under Section 76-5-207, manslaughter

198 under Section 76-5-205, or negligent homicide under Section 76-5-206.

199 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
200 hazardous material required to be placarded, the driver is disqualified for not less than three
201 years.

202 (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds
203 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if
204 convicted of two or more of any of the offenses under Subsection (1) arising from two or more
205 separate incidents.

206 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

207 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under
208 this section may apply to the division for reinstatement of the driver's CDL if the driver:

209 (i) has both voluntarily enrolled in and successfully completed an appropriate
210 rehabilitation program that:

211 (A) meets the standards of the division; and

212 (B) complies with 49 C.F.R. Part 383.51;

213 (ii) has served a minimum disqualification period of ten years; and

214 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving
215 privileges established by rule of the division.

216 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
217 under this section, the driver is permanently disqualified for life and is ineligible to again apply
218 for a reduction of the lifetime disqualification.

219 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified
220 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
221 commission of any felony involving the manufacturing, distributing, or dispensing of a
222 controlled substance, or possession with intent to manufacture, distribute, or dispense a
223 controlled substance.

224 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds
225 or is required to hold a CDL is disqualified for not less than:

226 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
227 serious traffic violations; and

228 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

229 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
230 violations:

231 (i) occur within three years of each other;

232 (ii) arise from separate incidents; and

233 (iii) involve the use or operation of a commercial motor vehicle.

234 (7) A driver of a commercial motor vehicle who is convicted of violating an
235 out-of-service order while driving a commercial motor vehicle is disqualified from driving a
236 commercial motor vehicle for a period not less than:

237 (a) 90 days but not more than one year if the driver is convicted of a first violation;

238 (b) one year but not more than five years if, during any ten-year period, the driver is
239 convicted of two violations of out-of-service orders in separate incidents;

240 (c) three years but not more than five years if, during any ten-year period, the driver is
241 convicted of three or more violations of out-of-service orders in separate incidents;

242 (d) 180 days but not more than two years if the driver is convicted of a first violation of
243 an out-of-service order while transporting hazardous materials required to be placarded or
244 while operating a motor vehicle designed to transport 16 or more passengers, including the
245 driver; or

246 (e) three years but not more than five years if, during any ten-year period, the driver is
247 convicted of two or more violations, in separate incidents, of an out-of-service order while
248 transporting hazardous materials required to be placarded or while operating a motor vehicle
249 designed to transport 16 or more passengers, including the driver.

250 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
251 disqualified for not less than 60 days if the division determines, in its check of the driver's
252 driver license status, application, and record prior to issuing a CDL or at any time after the
253 CDL is issued, that the driver has falsified information required to apply for a CDL in this

254 state.

255 (9) A driver of a commercial motor vehicle who is convicted of violating a
256 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
257 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period
258 not less than:

- 259 (a) 60 days if the driver is convicted of a first violation;
- 260 (b) 120 days if, during any three-year period, the driver is convicted of a second
261 violation in separate incidents; or
- 262 (c) one year if, during any three-year period, the driver is convicted of three or more
263 violations in separate incidents.

264 (10) (a) The division shall update its records and notify the CDLIS within ten days of
265 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

266 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,
267 the division shall notify the licensing authority of the issuing state or other jurisdiction and the
268 CDLIS within ten days after the action is taken.

269 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
270 state, the division shall notify the CDLIS within ten days after the action is taken.

271 (11) (a) The division may immediately suspend or disqualify the CDL of a driver
272 without a hearing or receiving a record of the driver's conviction when the division has reason
273 to believe that the:

- 274 (i) CDL was issued by the division through error or fraud;
- 275 (ii) applicant provided incorrect or incomplete information to the division;
- 276 (iii) applicant cheated on any part of a CDL examination;
- 277 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 278 (v) driver poses an imminent hazard.

279 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with
280 Section 53-3-221.

281 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the

282 suspension order or cancel the CDL.

283 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
284 required to hold a CDL is disqualified for not less than:

285 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
286 serious traffic violations; and

287 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

288 (b) The disqualifications under Subsection (12)(a) are effective only if the serious
289 traffic violations:

290 (i) occur within three years of each other;

291 (ii) arise from separate incidents; and

292 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
293 privilege from at least one of the violations.

294 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no
295 contest to a violation of a disqualifying offense described in this section which plea is held in
296 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,
297 cancel, or revoke the person's CDL for the period required under this section for a conviction of
298 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in
299 accordance with the plea in abeyance agreement.

300 (b) The division shall report the plea in abeyance to the CDLIS within ten days of
301 taking the action under Subsection (13)(a).

302 (c) A plea which is held in abeyance may not be removed from a person's driving
303 record for ten years from the date of the plea in abeyance agreement, even if the charge is:

304 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or

305 (ii) expunged under Section 77-18-11.