

**Representative Christopher N. Herrod** proposes the following substitute bill:

**CRIMINAL PENALTIES AMENDMENTS -  
LEAVING THE SCENE OF AN ACCIDENT**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: Daniel R. Liljenquist

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to leaving the scene of a motor vehicle traffic accident.

**Highlighted Provisions:**

This bill:

- increases the penalty from a class A misdemeanor to a third degree felony for a person who violates the requirement to stop the vehicle at the scene of an accident and remain at the scene of the accident until the operator has fulfilled certain requirements if the accident resulted in the injury or death of a person and the person has previously been convicted of certain violations ~~H~~→ that were committed on or after

May 12, 2009 ←H ; and

- makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 **41-6a-401.3**, as enacted by Laws of Utah 2007, Chapter 132

27 **41-6a-401.5**, as enacted by Laws of Utah 2007, Chapter 132



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

30 Section 1. Section **41-6a-401.3** is amended to read:

31 **41-6a-401.3. Accident involving injury -- Stop at accident -- Penalty.**

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

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

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

38 (2) ~~[A]~~ (a) Except as provided in Subsection (2)(b), a person who violates the  
39 provisions of Subsection (1) is guilty of a class A misdemeanor and shall be fined not less than  
40 \$750.

41 (b) A person who violates the provisions of Subsection (1) is guilty of a third degree  
42 felony if:

43 (i) (A) the person has a prior conviction as defined in Subsection 41-6a-501(2) ~~H~~→ for a  
44 violation that was committed on or after May 12, 2009 ~~H~~ ; and

45 (B) the prior conviction described in Subsection (2)(b)(i)(A) is within ten years of the  
46 commission of the offense upon which the current conviction is based; or

47 (ii) the conviction for a violation of this section is at any time after a conviction ~~H~~→ for a  
48 violation that was committed on or after May 12, 2009 ~~H~~ of:

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

50 (B) a felony violation of Section 41-6a-502 or a statute previously in effect in this state  
51 that would constitute a violation of Section 41-6a-502; or

52 (C) any conviction described in Subsection (2)(b)(ii)(A) or (B) which judgment of  
53 conviction is reduced under Section 76-3-402.

54 Section 2. Section **41-6a-401.5** is amended to read:

55 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

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

(a) immediately stop the vehicle at the scene of the accident or as close to it as possible

57 without obstructing traffic more than is necessary; and

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

60 (2) ~~(A)~~ (a) Except as provided in Subsection (2)(b), a person who violates the  
61 provisions of Subsection (1) is guilty of a class A misdemeanor and shall be fined not less than  
62 \$750.

63 (b) A person who violates the provisions of Subsection (1) is guilty of a third degree  
64 felony if:

65 (i) (A) the person has a prior conviction as defined in Subsection 41-6a-501(2); and

66 (B) the prior conviction described in Subsection (2)(b)(i)(A) is within ten years of the  
67 commission of the offense upon which the current conviction is based; or

68 (ii) the conviction for a violation of this section is at any time after a conviction of:

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

70 (B) a felony violation of Section 41-6a-502 or a statute previously in effect in this state  
71 that would constitute a violation of Section 41-6a-502; or

72 (C) any conviction described in Subsection (2)(b)(ii)(A) or (B) which judgment of  
73 conviction is reduced under Section 76-3-402.

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**Fiscal Note****H.B. 237 1st Sub. (Buff) - Criminal Penalties Amendments - Leaving the Scene of an Accident - As Amended**

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**State Impact**

The Department of Corrections will require General Fund appropriations of \$29,100 in FY 2012 and \$31,500 for FY 2013 and each fiscal year thereafter. The Courts will require \$2,600 per year from the General Fund beginning FY 2011.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$0	\$2,600	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.