

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

3                                   2009 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Christopher N. Herrod**

6                                   Senate Sponsor: Daniel R. Liljenquist

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8                   **LONG TITLE**

9                   **General Description:**

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

12                   **Highlighted Provisions:**

13                   This bill:

14                   ▶ increases the penalty from a class A misdemeanor to a third degree felony for a  
15                   person who violates the requirement to stop the vehicle at the scene of an accident  
16                   and remain at the scene of the accident until the operator has fulfilled certain  
17                   requirements if the accident resulted in the injury or death of a person and the  
18                   person has previously been convicted of certain violations that were committed on  
19                   or after May 12, 2009; and

20                   ▶ makes technical changes.

21                   **Monies Appropriated in this Bill:**

22                   None

23                   **Other Special Clauses:**

24                   None

25                   **Utah Code Sections Affected:**

26                   AMENDS:

27                   **41-6a-401.3**, as enacted by Laws of Utah 2007, Chapter 132

28                   **41-6a-401.5**, as enacted by Laws of Utah 2007, Chapter 132

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

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

32 **41-6a-401.3. Accident involving injury -- Stop at accident -- Penalty.**

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

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

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

39 (2) [~~A~~] (a) Except as provided in Subsection (2)(b), a person who violates the  
40 provisions of Subsection (1) is guilty of a class A misdemeanor and shall be fined not less than  
41 \$750.

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

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

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

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

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

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

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

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

56 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

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

58 shall:

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

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

63 (2) ~~(A)~~ (a) Except as provided in Subsection (2)(b), a person who violates the  
64 provisions of Subsection (1) is guilty of a class A misdemeanor and shall be fined not less than  
65 \$750.

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

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

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

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

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

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

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