

1 **TRAFFIC ACCIDENT CLEARANCE**

2 **AMENDMENTS**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Eric K. Hutchings**

6 Senate Sponsor: Jon J. Greiner

7

8 **LONG TITLE**

9 **Committee Note:**

10 The Transportation Interim Committee recommended this bill.

11 **General Description:**

12 This bill modifies the Motor Vehicles Code by amending provisions relating to a
13 vehicle operator's responsibilities for certain traffic accidents.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ provides that an operator of a vehicle involved in an accident resulting only in
17 damage to another vehicle or property may move the vehicle as soon as possible off
18 the roadway or freeway main lines, shoulders, medians, or adjacent areas to a
19 location on an exit ramp shoulder, a frontage road, the nearest suitable cross street,
20 or other suitable location that does not obstruct traffic;
- 21 ▶ increases the property damage limit from \$1,000 to \$2,000 for requiring an operator
22 of a vehicle to give notice of an accident to the nearest office of a law enforcement
23 agency;
- 24 ▶ provides that moving a vehicle does not affect the determination of fault for an
25 accident;
- 26 ▶ authorizes the Department of Transportation or a law enforcement agency to remove
27 a vehicle, cargo, or other personal property that has been damaged or spilled within



28 the right-of-way of a roadway on the state highway system, is blocking the roadway, or is
29 endangering public safety;

30 ▶ provides that the Department of Transportation shall not be held responsible for any
31 damages or claims that result from the failure to exercise the authority to remove a
32 vehicle, cargo, or personal property;

33 ▶ requires the owner and carrier, if any, of the vehicle, cargo, or personal property
34 removed or disposed of to reimburse the Department of Transportation or other law
35 enforcement agency for all costs incurred in removing and subsequently disposing
36 of the property; and

37 ▶ makes technical changes.

38 **Monies Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **41-6a-401**, as last amended by Laws of Utah 2007, Chapter 132

45 ENACTS:

46 **41-6a-401.9**, Utah Code Annotated 1953



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

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

50 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**
51 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

52 (1) (a) The operator of a vehicle involved in an accident resulting only in damage to
53 another vehicle or other property [~~shall~~] may:

54 [~~(a) immediately stop the vehicle at the scene of the accident or as close as possible~~
55 ~~without obstructing traffic more than is necessary; and]~~

56 (i) move the vehicle as soon as possible off the roadway or freeway main lines,
57 shoulders, medians, or adjacent areas to a location on an exit ramp shoulder, a frontage road,
58 the nearest suitable cross street, or other suitable location that does not obstruct traffic; and

59 ~~[(b)]~~ (ii) remain at the ~~[scene of the accident]~~ location described in Subsection (1)(a)(i)
60 until the operator has fulfilled the requirements of this section.

61 (b) Moving a vehicle as required under Subsection (1)(a)(i) does not affect the
62 determination of fault for an accident.

63 (2) Except as provided under Subsection (5), if the vehicle or other property is
64 operated, occupied, or attended by any person or if the owner of the vehicle or property is
65 present, the operator of the vehicle involved in the accident shall:

66 (a) give to the persons involved:

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

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

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

72 (i) any investigating peace officer present;

73 (ii) the operator, occupant of, or person attending the vehicle or other property
74 damaged in the accident; and

75 (iii) the owner of property damaged in the accident, if present.

76 (3) The operator of a vehicle involved in an accident shall immediately and by the
77 quickest means of communication available give notice or cause to give notice of the accident
78 to the nearest office of a law enforcement agency if the accident resulted in property damage to
79 an apparent extent of ~~[\$1,000]~~ \$2,000 or more.

80 (4) Except as provided under Subsection (5), if the vehicle or other property damaged
81 in the accident is unattended, the operator of the vehicle involved in the accident shall:

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

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

88 (5) The operator of a vehicle that provides the information required under this section
89 to an investigating peace officer at the scene of the accident is exempt from providing the

90 information to other persons required under this section.

91 (6) (a) A person who violates the provisions of Subsection (1) is guilty of a class B
92 misdemeanor.

93 (b) A person who violates the provision of Subsection (4) is guilty of a class B
94 misdemeanor.

95 Section 2. Section **41-6a-401.9** is enacted to read:

96 **41-6a-401.9. Authority to remove and dispose of vehicles and cargoes of vehicles**
97 **involved in accidents.**

98 (1) As a result of a motor vehicle accident, the Department of Transportation or a law
99 enforcement agency may, without the consent of the owner or carrier, remove a vehicle, cargo,
100 or other personal property that:

101 (a) has been damaged or spilled within the right-of-way or any portion of a roadway on
102 the state highway system;

103 (b) is blocking the roadway; or

104 (c) is otherwise endangering public safety.

105 (2) The Department of Transportation or a law enforcement agency shall not be held
106 responsible for any damages or claims that result from the failure to exercise any authority
107 granted under this section provided they are acting in good faith.

108 (3) The owner and carrier, if any, of the vehicle, cargo, or personal property removed
109 or disposed of in accordance with this section shall reimburse the Department of
110 Transportation or other law enforcement agency for all costs incurred in the removal and
111 subsequent disposition of the vehicle, cargo, or personal property.

Legislative Review Note
as of 11-19-08 2:19 PM

Office of Legislative Research and General Counsel

H.B. 24 - Traffic Accident Clearance Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
