

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

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; 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); and

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

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

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

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

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

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

53 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

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

56 (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.