

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

3 2010 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: Curtis S. Bramble

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 ▶ defines serious bodily injury;
- 15 ▶ increases the penalty from a class A misdemeanor to a third degree felony for a
16 person who violates the requirement to stop the vehicle at the scene of an accident
17 and remain at the scene of the accident until the operator has fulfilled certain
18 requirements if the accident resulted in serious bodily injury or death of a person
19 and regardless of whether the person has previously been convicted of certain
20 violations; and
- 21 ▶ makes technical changes.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-6a-401.3**, as last amended by Laws of Utah 2009, Chapter 281

29 **41-6a-401.5**, as last amended by Laws of Utah 2009, Chapter 281

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

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

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

(1) As used in this section, "serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

~~[(1)]~~ (2) The operator of a vehicle involved in an accident resulting in injury to a person shall:

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

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

~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)]~~ (3)(b), a person who violates the provisions of Subsection ~~[(1)]~~ (2) is guilty of a class A misdemeanor and shall be fined not less than \$750.

(b) A person who violates the provisions of Subsection ~~[(1)]~~ (2):

(i) is guilty of a third degree felony if[-:] the accident resulted in serious bodily injury to a person; and

(ii) shall be fined not less than \$750.

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

~~[(B) the prior conviction described in Subsection (2)(b)(i)(A) is within 10 years of the commission of the offense upon which the current conviction is based; or]~~

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

~~[(A) automobile homicide under Section 76-5-207;]~~

58 ~~[(B) a felony violation of Section 41-6a-502 or a statute previously in effect in this~~
59 ~~state that would constitute a violation of Section 41-6a-502; or]~~

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

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

63 **41-6a-401.5. Accident involving death -- Stop at accident -- Penalty.**

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

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

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

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

73 ~~[(b) A person who violates the provisions of Subsection (1) is guilty of a third degree~~
74 ~~felony if:]~~

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

76 ~~[(B) the prior conviction described in Subsection (2)(b)(i)(A) is within 10 years of the~~
77 ~~commission of the offense upon which the current conviction is based; or]~~

78 ~~[(ii) the conviction for a violation of this section is at any time after a conviction of:]~~

79 ~~[(A) automobile homicide under Section 76-5-207;]~~

80 ~~[(B) a felony violation of Section 41-6a-502 or a statute previously in effect in this~~
81 ~~state that would constitute a violation of Section 41-6a-502; or]~~

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