

1 **ACCIDENT RESPONSIBILITY AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **Committee Note:**

9 The Transportation Interim Committee recommended this bill.

10 **General Description:**

11 This bill modifies the Motor Vehicles Code by amending provisions relating to accident
12 responsibilities.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ provides definitions;
- 16 ▶ clarifies that an operator of a vehicle who has reason to believe that the operator has
17 been involved in an accident shall stop the vehicle at the scene of the accident and
18 fulfill certain requirements;
- 19 ▶ provides that if an operator of a vehicle has reason to believe that the operator has
20 been involved in a motor vehicle accident only after leaving the scene of the
21 accident, the operator shall immediately comply as nearly as possible with certain
22 requirements;
- 23 ▶ clarifies that a person is guilty of a class A misdemeanor if the person does not
24 comply with the accident responsibility requirements and the accident resulted in
25 injury to any person;
- 26 ▶ clarifies that a person is guilty of a felony if the person does not comply with certain
27 accident responsibility requirements and the accident resulted in serious bodily



28 injury to a person or the death of a person; and

29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **41-6a-401.3**, as last amended by Laws of Utah 2010, Chapter 128

37 **41-6a-401.7**, as enacted by Laws of Utah 2007, Chapter 132

38 **53-3-414**, as last amended by Laws of Utah 2010, Chapters 196 and 283

39 REPEALS:

40 **41-6a-401.5**, as last amended by Laws of Utah 2010, Chapter 128



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

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

44 **41-6a-401.3. Accident involving injury or death -- Stop at accident -- Penalty.**

45 (1) As used in this section[;]:

46 (a) "Reason to believe" means information from which a reasonable person would
47 believe that the person may have been involved in an accident.

48 (b) "Serious bodily injury" means bodily injury which involves a substantial risk of
49 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or
50 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

51 (2) (a) The operator of a vehicle who has reason to believe that the operator may have
52 been involved in an accident [resulting in injury to a person] shall:

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

55 [~~(b)~~] (ii) remain at the scene of the accident until the operator has fulfilled the
56 requirements of Section 41-6a-401.7.

57 (b) If the operator has reason to believe that the operator may have been involved in an
58 accident only after leaving the scene of the accident, the operator shall immediately comply as

59 nearly as possible with the requirements of Section 41-6a-401.7.

60 (3) (a) Except as provided in Subsection (3)(b), a person who violates the provisions of
61 Subsection (2):

62 (i) is guilty of a class A misdemeanor if the accident resulted in injury to any person;

63 and

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

65 (b) A person who violates the provisions of Subsection (2):

66 (i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a
67 person or the death of a person; and

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

69 Section 2. Section ~~41-6a-401.7~~ is amended to read:

70 **41-6a-401.7. Accident involving injury, death, or property damage -- Duties of**
71 **operator, occupant, and owner -- Exchange of information -- Notification of law**
72 **enforcement -- Penalties.**

73 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
74 ~~41-6a-401.5~~] shall:

75 (a) give to the persons involved:

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

78 (ii) the name of the insurance provider covering the vehicle being operated including
79 the phone number of the agent or provider;

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

81 (i) any investigating peace officer present;

82 (ii) the person struck;

83 (iii) the operator, occupant of, or person attending the vehicle or other property
84 damaged in the accident; and

85 (iv) the owner of property damaged in the accident, if present; and

86 (c) render to any person injured in the accident reasonable assistance, including
87 transporting or making arrangements for transporting, of the injured person to a physician or
88 hospital for medical treatment if:

89 (i) it is apparent that treatment is necessary; or

90 (ii) transportation is requested by the injured person.

91 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
92 ~~41-6a-401.5~~] shall immediately and by the quickest means of communication available give
93 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.

94 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
95 ~~41-6a-401.5~~] who is not the operator of the vehicle shall give or cause to give the immediate
96 notice required under Subsection (2) if:

97 (a) the operator of a vehicle involved in an accident is physically incapable of giving
98 the notice; and

99 (b) the occupant is capable of giving an immediate notice.

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

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

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

108 (5) The operator of a vehicle that provides the information required under this section
109 to an investigating peace officer at the scene of the accident is exempt from providing the
110 information to other persons required under this section.

111 (6) A person who violates Subsection (4) is guilty of a class B misdemeanor.

112 Section 3. Section **53-3-414** is amended to read:

113 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**

114 **Procedure.**

115 (1) A person who holds or is required to hold a CDL is disqualified from driving a
116 commercial motor vehicle for a period of not less than one year if convicted of a first offense
117 of:

118 (a) driving a motor vehicle while under the influence of alcohol, drugs, a controlled
119 substance, or more than one of these;

120 (b) driving a commercial motor vehicle while the concentration of alcohol in the

- 121 person's blood, breath, or urine is .04 grams or more;
- 122 (c) leaving the scene of an accident involving a motor vehicle the person was driving;
- 123 (d) failing to provide reasonable assistance or identification when involved in an
- 124 accident resulting in:
- 125 (i) death in accordance with Section [~~41-6a-401.5~~] 41-6a-401.3; or
- 126 (ii) personal injury in accordance with Section 41-6a-401.3;
- 127 (e) using a motor vehicle in the commission of a felony;
- 128 (f) refusal to submit to a test to determine the concentration of alcohol in the person's
- 129 blood, breath, or urine;
- 130 (g) driving a commercial motor vehicle while the person's commercial driver license is
- 131 disqualified in accordance with the provisions of this section for violating an offense described
- 132 in this section; or
- 133 (h) operating a commercial motor vehicle in a negligent manner causing the death of
- 134 another including the offenses of automobile homicide under Section 76-5-207, manslaughter
- 135 under Section 76-5-205, or negligent homicide under Section 76-5-206.
- 136 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
- 137 hazardous material required to be placarded, the driver is disqualified for not less than three
- 138 years.
- 139 (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds
- 140 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if
- 141 convicted of or administrative action is taken for two or more of any of the offenses under
- 142 Subsection (1), (5), or (14) arising from two or more separate incidents.
- 143 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 144 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under
- 145 this section may apply to the division for reinstatement of the driver's CDL if the driver:
- 146 (i) has both voluntarily enrolled in and successfully completed an appropriate
- 147 rehabilitation program that:
- 148 (A) meets the standards of the division; and
- 149 (B) complies with 49 C.F.R. Part 383.51;
- 150 (ii) has served a minimum disqualification period of 10 years; and
- 151 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving

152 privileges established by rule of the division.

153 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
154 under this section, the driver is permanently disqualified for life and is ineligible to again apply
155 for a reduction of the lifetime disqualification.

156 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified
157 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
158 commission of any felony involving the manufacturing, distributing, or dispensing of a
159 controlled substance, or possession with intent to manufacture, distribute, or dispense a
160 controlled substance and is ineligible to apply for a reduction of the lifetime disqualification
161 under Subsection (4).

162 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds
163 or is required to hold a CDL is disqualified for not less than:

164 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
165 serious traffic violations; and

166 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

167 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
168 violations:

169 (i) occur within three years of each other;

170 (ii) arise from separate incidents; and

171 (iii) involve the use or operation of a commercial motor vehicle.

172 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
173 disqualified from driving a commercial motor vehicle and the division receives notice of a
174 subsequent conviction for a serious traffic violation that results in an additional disqualification
175 period under this Subsection (6), the subsequent disqualification period is effective beginning
176 on the ending date of the current serious traffic violation disqualification period.

177 (7) (a) A driver of a commercial motor vehicle who is convicted of violating an
178 out-of-service order while driving a commercial motor vehicle is disqualified from driving a
179 commercial motor vehicle for a period not less than:

180 (i) 180 days if the driver is convicted of a first violation;

181 (ii) two years if, during any 10 year period, the driver is convicted of two violations of
182 out-of-service orders in separate incidents;

183 (iii) three years but not more than five years if, during any 10 year period, the driver is
184 convicted of three or more violations of out-of-service orders in separate incidents;

185 (iv) 180 days but not more than two years if the driver is convicted of a first violation
186 of an out-of-service order while transporting hazardous materials required to be placarded or
187 while operating a motor vehicle designed to transport 16 or more passengers, including the
188 driver; or

189 (v) three years but not more than five years if, during any 10 year period, the driver is
190 convicted of two or more violations, in separate incidents, of an out-of-service order while
191 transporting hazardous materials required to be placarded or while operating a motor vehicle
192 designed to transport 16 or more passengers, including the driver.

193 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
194 out-of-service order is subject to a civil penalty of not less than \$2,500.

195 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
196 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

197 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
198 disqualified for not less than 60 days if the division determines, in its check of the driver's
199 driver license status, application, and record prior to issuing a CDL or at any time after the
200 CDL is issued, that the driver has falsified information required to apply for a CDL in this
201 state.

202 (9) A driver of a commercial motor vehicle who is convicted of violating a
203 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
204 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period
205 not less than:

206 (a) 60 days if the driver is convicted of a first violation;

207 (b) 120 days if, during any three-year period, the driver is convicted of a second
208 violation in separate incidents; or

209 (c) one year if, during any three-year period, the driver is convicted of three or more
210 violations in separate incidents.

211 (10) (a) The division shall update its records and notify the CDLIS within 10 days of
212 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

213 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,

214 the division shall notify the licensing authority of the issuing state or other jurisdiction and the
215 CDLIS within 10 days after the action is taken.

216 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
217 state, the division shall notify the CDLIS within 10 days after the action is taken.

218 (11) (a) The division may immediately suspend or disqualify the CDL of a driver
219 without a hearing or receiving a record of the driver's conviction when the division has reason
220 to believe that the:

- 221 (i) CDL was issued by the division through error or fraud;
- 222 (ii) applicant provided incorrect or incomplete information to the division;
- 223 (iii) applicant cheated on any part of a CDL examination;
- 224 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 225 (v) driver poses an imminent hazard.

226 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with
227 Section 53-3-221.

228 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
229 suspension order or cancel the CDL.

230 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
231 required to hold a CDL is disqualified for not less than:

- 232 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
233 serious traffic violations; and
- 234 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

235 (b) The disqualifications under Subsection (12)(a) are effective only if the serious
236 traffic violations:

- 237 (i) occur within three years of each other;
- 238 (ii) arise from separate incidents; and
- 239 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
240 privilege from at least one of the violations.

241 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
242 from driving a commercial motor vehicle and the division receives notice of a subsequent
243 conviction for a serious traffic violation that results in an additional disqualification period
244 under this Subsection (12), the subsequent disqualification period is effective beginning on the

245 ending date of the current serious traffic violation disqualification period.

246 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no
247 contest to a violation of a disqualifying offense described in this section which plea is held in
248 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,
249 cancel, or revoke the person's CDL for the period required under this section for a conviction of
250 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in
251 accordance with the plea in abeyance agreement.

252 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of
253 taking the action under Subsection (13)(a).

254 (c) A plea which is held in abeyance may not be removed from a person's driving
255 record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

- 256 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
- 257 (ii) expunged under Section 77-40-105.

258 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of
259 Section 41-6a-502 when administrative action is taken against the operator's driving privilege
260 pursuant to Section 53-3-223 for a period of:

- 261 (a) one year; or
- 262 (b) three years if the violation occurred while transporting hazardous materials.

263 (15) The division may concurrently impose any disqualification periods that arise
264 under this section while a driver is disqualified by the Secretary of the United States
265 Department of Transportation under 49 C.F.R. 383.52 for posing an imminent hazard.

266 Section 4. **Repealer.**

267 This bill repeals:

268 Section **41-6a-401.5, Accident involving death -- Stop at accident -- Penalty.**

Legislative Review Note
as of 9-21-10 4:39 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 20, 2011 General Session

SHORT TITLE: **Accident Responsibility Amendments**

SPONSOR: **Herrod, C.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

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

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.