

TRAFFIC VIOLATIONS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to issuing a citation for certain traffic violations.

Highlighted Provisions:

This bill:

- ▶ defines serious bodily injury;
- ▶ provides that a peace officer may not issue a citation for certain moving traffic

violations if:

- the moving traffic violation resulted in an accident; and
- ~~H→ [another peace officer was involved in the accident or]~~ ←H any person

involved in the

accident sustained serious bodily injury or death as a proximate result of the accident;

- ▶ requires a peace officer who does not issue a citation to forward the peace officer's accident report to the prosecuting attorney for screening; ~~H→ [and]~~

▶ provides that the failure of a peace officer to comply with the requirements does not create a private right of action; and ←H

- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **41-6a-202**, as renumbered and amended by Laws of Utah 2005, Chapter 2

30

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

32 Section 1. Section **41-6a-202** is amended to read:

33 **41-6a-202. Violations of chapter -- Penalties.**

34 (1) As used in this section, "serious bodily injury" is as defined in Section 41-6a-401.3.

35 ~~[(+)]~~ (2) A violation of any provision of this chapter is a class C misdemeanor, unless
36 otherwise provided.

37 ~~[(2)]~~ (3) A violation of any provision of Parts 2, 11, 17, and 18 of this chapter is an
38 infraction, unless otherwise provided.

39 (4) (a) A peace officer may not issue a citation for a moving traffic violation

39a ~~H→~~ at the traffic collision scene ~~←H~~ under this
40 chapter if:

41 (i) the moving traffic violation resulted in an accident; and

42 (ii) ~~H→~~ ~~[(A)]~~ ~~←H~~ any person involved in the accident sustained serious bodily injury
42a or death as a

43 proximate result of the accident ~~H→~~ ~~or~~

44 ~~(B) another peace officer was involved in the accident.~~ ~~←H~~

45 (b) A peace officer that does not issue a citation as required under this Subsection (4)
46 shall forward the peace officer's accident report to the prosecuting attorney for screening in
47 accordance with Title 77, Chapter 2, Prosecution, Screening, and Diversion.

47a ~~H→~~ (c) The failure of a peace officer to comply with the requirements of this Subsection (4)
47b does not create a private right of action. ~~←H~~

Legislative Review Note
as of 1-28-13 1:29 PM

Office of Legislative Research and General Counsel