

**TRAFFIC VIOLATIONS AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeremy A. Peterson**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines serious bodily injury;
- ▶ provides that if a person has received a citation for a moving traffic violation that resulted in a collision and any person involved in the collision sustained serious bodily injury or death as a proximate result of the collision, a court may not accept a plea of guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to the plea;
- ▶ requires a peace officer that issues a citation for a moving traffic violation to record on the citation whether the moving traffic violation resulted in a collision in which any person involved in the collision sustained serious bodily injury or death as a proximate result of the traffic collision; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

30 **41-6a-202**, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

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

34 **41-6a-202. Violations of chapter -- Penalties -- Acceptance of plea of guilty.**

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

36 ~~[(1)]~~ (2) A violation of any provision of this chapter is a class C misdemeanor, unless  
37 otherwise provided.

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

40 (4) (a) If a person has received a citation for a moving traffic violation under this  
41 chapter that resulted in a collision and any person involved in the collision sustained serious  
42 bodily injury or death as a proximate result of the collision, a court may not accept a plea of  
43 guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to  
44 the plea:

45 (i) in open court;

46 (ii) in writing; or

47 (iii) by another means of communication which the court finds adequate to record the  
48 prosecutor's agreement.

49 (b) A peace officer that issues a citation for a moving traffic violation under this  
50 chapter shall record on the citation whether the moving traffic violation resulted in a collision  
51 in which any person involved in the collision sustained serious bodily injury or death as a  
52 proximate result of the traffic collision.