

**HIT AND RUN PENALTIES AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: Lee B. Perry

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**LONG TITLE**

**General Description:**

This bill amends provisions related to penalties for operators of a vehicle involved in a hit and run accident causing property damage.

**Highlighted Provisions:**

This bill:

- ▶ defines "knowledge" and "with knowledge" with respect to involvement in an accident;
- ▶ defines the penalty for an individual who has knowledge that the individual was involved in an accident causing property damage and flees the scene without complying with the requirements of the section, including exchange of information;
- and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-401**, as last amended by Laws of Utah 2015, Chapter 412

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

29 Section 1. Section **41-6a-401** is amended to read:

30 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**  
31 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

32 (1) As used in this section[7]:

33 (a) "Knowledge" or "with knowledge" means, with respect to an individual's own  
34 conduct or to circumstances surrounding an individual's conduct, that the individual is aware of  
35 the nature of the conduct or the existing circumstances.

36 (b) [~~"reason"~~] "Reason to believe" means information from which a reasonable person  
37 would believe that the person may have been involved in an accident.

38 (2) (a) The operator of a vehicle with knowledge that the operator was involved in, or  
39 who has reason to believe that the operator may have been involved in, an accident resulting  
40 only in damage to another vehicle or other property:

41 (i) may move the vehicle as soon as possible off the roadway or freeway main lines,  
42 shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a  
43 frontage road, the nearest suitable cross street, or other suitable location that does not obstruct  
44 traffic; and

45 (ii) shall remain at the scene of the accident or the location described in Subsection  
46 (2)(a)(i) until the operator has fulfilled the requirements of this section.

47 (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the  
48 determination of fault for an accident.

49 (c) If the operator has knowledge that the operator was involved in, or reason to believe  
50 that the operator may have been involved in, an accident resulting in damage to another vehicle  
51 or other property only after leaving the scene of the accident, the operator shall immediately  
52 comply as nearly as possible with the requirements of this section.

53 (3) Except as provided under Subsection (6), if the vehicle or other property is  
54 operated, occupied, or attended by any person or if the owner of the vehicle or property is  
55 present, the operator of the vehicle involved in the accident shall:

56 (a) give to the persons involved:

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

59 (ii) the name of the insurance provider covering the vehicle being operated including  
60 the phone number of the agent or provider; and

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

62 (i) any investigating peace officer present;

63 (ii) the operator, occupant of, or person attending the vehicle or other property  
64 damaged in the accident; and

65 (iii) the owner of property damaged in the accident, if present.

66 (4) The operator of a vehicle involved in an accident shall immediately and by the  
67 quickest means of communication available give notice or cause to give notice of the accident  
68 to the nearest office of a law enforcement agency if the accident resulted in property damage to  
69 an apparent extent of \$1,500 or more.

70 (5) Except as provided under Subsection (6), if the vehicle or other property damaged  
71 in the accident is unattended, the operator of the vehicle involved in the accident shall:

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

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

78 (6) The operator of a vehicle that provides the information required under this section  
79 to an investigating peace officer at the scene of the accident is exempt from providing the  
80 information to other persons required under this section.

81 [~~(7) A violation of this section is a class C misdemeanor.~~]

82 (7) (a) An operator of a vehicle that has reason to believe that the operator may have  
83 been involved in an accident and fails to comply with the provisions of this section is guilty of  
84 a class C misdemeanor.

85 (b) An operator of a vehicle that has knowledge that the operator was involved in an  
86 accident and fails to comply with the provisions of this section is guilty of a class B  
87 misdemeanor.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**