

1 **TRAFFIC CODE MODIFICATIONS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Eric K. Hutchings**

5 Senate Sponsor: Daniel W. Thatcher

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the safe operation of a vehicle.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends provisions related to the safe operation of a vehicle to leave the roadway if a  
13 collision occurs;

14 ▶ amends provisions related to safe operation of a vehicle, speed, and surrounding  
15 circumstances; and

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-6a-401**, as last amended by Laws of Utah 2018, Chapter 272

24 **41-6a-601**, as last amended by Laws of Utah 2016, Chapter 303

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

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

28 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**  
29 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

30 (1) As used in this section:

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

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

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

39 (i) may move the vehicle as soon as possible;

40 (A) out of the travel lanes on any roadway to an adjacent shoulder, the nearest suitable  
41 cross street, or other suitable location that does not obstruct traffic; or

42 (B) off the [~~roadway or~~] freeway main lines, shoulders, medians, or adjacent areas to  
43 the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross  
44 street, or other suitable location that does not obstruct 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~~] \$2,500 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) An operator of a vehicle that has reason to believe that the operator may have  
82 been involved in an accident and fails to comply with the provisions of this section is guilty of  
83 a class C misdemeanor.

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

86 misdemeanor.

87 Section 2. Section 41-6a-601 is amended to read:

88 **41-6a-601. Speed regulations -- Safe and appropriate speeds at certain locations**  
89 **-- Prima facie speed limits -- Emergency power of the governor.**

90 (1) A person may not operate a vehicle at a speed greater than is reasonable and  
91 prudent under the existing conditions, giving regard to the actual and potential hazards then  
92 existing, including when:

- 93 (a) approaching and crossing an intersection or railroad grade crossing;
- 94 (b) approaching and going around a curve;
- 95 (c) approaching a hill crest;
- 96 (d) traveling upon any narrow or winding roadway; [~~and~~]
- 97 (e) traveling in, through, or approaching other hazards that exist due to pedestrians,  
98 other traffic, weather, or highway conditions[-]; and
- 99 (f) the speed causes the person to fail to maintain control of the vehicle or stay within a  
100 single lane of travel.

101 (2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the  
102 following speeds are lawful:

- 103 (a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;
- 104 (b) 25 miles per hour in any urban district; and
- 105 (c) 55 miles per hour in other locations.

106 (3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided  
107 in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence  
108 that the speed is not reasonable or prudent and that it is unlawful.

109 (4) A violation of Subsection (1) is an infraction.

110 (5) The governor by proclamation in time of war or emergency may change the speed  
111 limits on the highways of the state.