

HIT AND RUN AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the penalties for a hit and run accident involving property damage.

Highlighted Provisions:

This bill:

▶ changes the penalty for a hit and run offense from a class C misdemeanor to a class B misdemeanor if the operator has reason to believe that the operator may have been involved in an accident and fails to comply with the statutory requirements; and

▶ changes the penalty for a hit and run offense from a class B misdemeanor to a class A misdemeanor if the operator has knowledge that the operator was involved in an accident and fails to comply with the statutory requirements.

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 2018, Chapter 272

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



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

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

31 (1) As used in this section:

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

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

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

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

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

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

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

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

55 (a) give to the persons involved:

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

58 (ii) the name of the insurance provider covering the vehicle being operated including

59 the phone number of the agent or provider; and

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

61 (i) any investigating peace officer present;

62 (ii) the operator, occupant of, or person attending the vehicle or other property

63 damaged in the accident; and

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

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

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

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

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

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

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

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