

TRAFFIC VIOLATION EXEMPTIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill provides an exemption to a person who has received a citation related to a motor vehicle if the person provides evidence that the person was not the owner of the relevant vehicle at the time of the alleged violation.

Highlighted Provisions:

This bill:

- ▶ provides an exemption to a person who has received a citation related to a motor vehicle if the person provides evidence that the person was not the owner of the relevant vehicle at the time of the alleged violation; and
- ▶ allows a person to provide a bill of sale to the court clerk as evidence that the person was not the owner of the vehicle at the time of the alleged violation.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-202, as last amended by Laws of Utah 2015, Chapter 412

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

H.B. 375



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

29 **41-6a-202. Violations of chapter -- Penalties -- Acceptance of plea of guilty.**

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

31 (2) A violation of any provision of this chapter is an infraction, unless otherwise
32 provided.

33 (3) A violation of any provision of Part 2, Applicability and Obedience to Traffic
34 Laws, Part 11, Bicycles and Other Vehicles, Regulation of Operation, Part 17, Miscellaneous
35 Rules, and Part 18, Motor Vehicle Safety Belt Usage Act, of this chapter is an infraction,
36 unless otherwise provided.

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

42 (i) in open court;

43 (ii) in writing; or

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

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

50 (5) (a) If a person receives a citation for a violation described in Subsection (5)(b), the
51 person is not guilty of an infraction and is not required to pay a fee or fine if the person
52 presents to the court clerk evidence that the person did not own the vehicle at the time of the
53 alleged violation.

54 (b) Subsection (5)(a) applies to a person accused of a violation under this chapter or a
55 violation of a traffic ordinance of a political subdivision for which the sole method of
56 identifying the person alleged to be responsible for the violation is through registration or title
57 records of the Division of Motor Vehicles.

58 (c) The court shall consider a bill of sale for the vehicle in question as evidence

59 described in Subsection (5)(a) if the bill of sale:
60 (i) is executed by both the buyer and the seller; and
61 (ii) indicates that the vehicle was sold on a date before the date of the citation
62 described in Subsection (5)(a).