

**Representative Steve Eliason** proposes the following substitute bill:

**HIT AND RUN AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

► modifies the penalty for a hit and run accident involving property damage to a class B misdemeanor for an operator that:

- has knowledge that the operator was involved in an accident and fails to comply with the statutory requirements; or

- has reason to believe 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

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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 off the roadway or freeway main lines,  
40 shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a  
41 frontage road, the nearest suitable cross street, or other suitable location that does not obstruct  
42 traffic; and

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

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

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

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

54 (a) give to the persons involved:

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

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

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

60 (i) any investigating peace officer present;

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

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

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

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

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

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

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

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

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