

1 **SHARING DRIVER INFORMATION AT THE SCENE OF AN**
2 **ACCIDENT**

3 2013 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Traffic Code by amending provisions relating to sharing driver
11 information at the scene of an accident.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that an operator of a vehicle involved in an accident shall give to the
15 persons involved:
- 16 • the vehicle identification number of the vehicle being operated; and
 - 17 • the applicable insurance policy number;
- 18 ▶ provides that an investigating peace officer may provide certain information to an
19 operator at the scene of an accident if:
- 20 • the operator was involved in the accident; and
 - 21 • another operator is exempt from providing the information to the operator; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **41-6a-401**, as last amended by Laws of Utah 2011, Chapter 241

30 **41-6a-401.7**, as enacted by Laws of Utah 2007, Chapter 132



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

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

34 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**
35 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

36 (1) As used in this section, "reason to believe" means information from which a
37 reasonable person would believe that the person may have been involved in an accident.

38 (2) (a) The operator of a vehicle who has reason to believe that the operator may have
39 been involved in an accident resulting 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 reason to believe that the operator may have been involved in an
49 accident resulting in damage to another vehicle or other property only after leaving the scene of
50 the accident, the operator shall immediately comply as nearly as possible with the requirements
51 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[;] and address[; ~~and~~];

57 (ii) the registration number and vehicle identification number of the vehicle being
58 operated; and

59 ~~(ii)~~ (iii) the name of the insurance provider covering the vehicle being operated
60 including the phone number of the agent or provider and applicable policy number; 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) (a) The operator of a vehicle that provides the information required under this
79 section to an investigating peace officer at the scene of the accident is exempt from providing
80 the information to other persons required under this section.

81 (b) An investigating peace officer may provide the information under Subsection (3)(a)
82 to an operator at the scene of an accident if:

83 (i) the operator was involved in the accident; and

84 (ii) another operator is exempt under Subsection (6)(a) from providing the information
85 to the operator.

86 (7) (a) A person who violates the provisions of Subsection (2) is guilty of a class B
87 misdemeanor.

88 (b) A person who violates the provision of Subsection (5) is guilty of a class B
89 misdemeanor.

90 Section 2. Section **41-6a-401.7** is amended to read:

91 **41-6a-401.7. Accident involving injury, death, or property damage -- Duties of**
92 **operator, occupant, and owner -- Exchange of information -- Notification of law**
93 **enforcement -- Penalties.**

94 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
95 41-6a-401.5 shall:

96 (a) give to the persons involved:

97 (i) the operator's name[;] and address[~~;~~and];

98 (ii) the registration number and vehicle identification number of the vehicle being
99 operated; and

100 [~~(ii)~~] (iii) the name of the insurance provider covering the vehicle being operated
101 including the phone number of the agent or provider and applicable policy number;

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

103 (i) any investigating peace officer present;

104 (ii) the person struck;

105 (iii) the operator, occupant of, or person attending the vehicle or other property
106 damaged in the accident; and

107 (iv) the owner of property damaged in the accident, if present; and

108 (c) render to any person injured in the accident reasonable assistance, including
109 transporting or making arrangements for transporting, of the injured person to a physician or
110 hospital for medical treatment if:

111 (i) it is apparent that treatment is necessary; or

112 (ii) transportation is requested by the injured person.

113 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
114 41-6a-401.5 shall immediately and by the quickest means of communication available give
115 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.

116 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or
117 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate
118 notice required under Subsection (2) if:

119 (a) the operator of a vehicle involved in an accident is physically incapable of giving
120 the notice; and

- 121 (b) the occupant is capable of giving an immediate notice.
- 122 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in
123 the accident is unattended, the operator of the vehicle involved in the accident shall:
- 124 (a) locate and notify the operator or owner of the vehicle or the owner of other property
125 damaged in the accident of the operator's name, address, and the registration number of the
126 vehicle causing the damage; or
- 127 (b) attach securely in a conspicuous place on the vehicle or other property a written
128 notice giving the operator's name, address, and the registration number of the vehicle causing
129 the damage.
- 130 (5) (a) The operator of a vehicle that provides the information required under this
131 section to an investigating peace officer at the scene of the accident is exempt from providing
132 the information to other persons required under this section.
- 133 (b) An investigating peace officer may provide the information under Subsection (1)(a)
134 to an operator at the scene of an accident if:
- 135 (i) the operator was involved in the accident; and
- 136 (ii) another operator is exempt under Subsection (5)(a) from providing the information
137 to the operator.
- 138 (6) A person who violates Subsection (4) is guilty of a class B misdemeanor.

Legislative Review Note
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Office of Legislative Research and General Counsel