

1 **TRAFFIC SAFETY AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lee B. Perry**

5 Senate Sponsor: Don L. Ipson

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to traffic and motor vehicles.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ removes the requirement to carry proof of motor vehicle registration in some
- 13 circumstances;
- 14 ▶ increases from \$1,500 to \$2,500 the apparent property damage value threshold at
- 15 which an individual is required to file a report with the Department of Public Safety
- 16 after an accident;
- 17 ▶ allows the use of lane markings to indicate which types of vehicles are allowed to
- 18 operate in certain lanes of traffic;
- 19 ▶ amends provisions related to operation of a motor vehicle in the vicinity of an
- 20 emergency or maintenance vehicle with flashing lights, whether moving or
- 21 stationary, including when an operator is required to change lanes or prohibit from
- 22 passing;
- 23 ▶ amends provisions related to lane filtering and the operation of a motor vehicle
- 24 between lanes of traffic; and
- 25 ▶ makes technical changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-1a-1305**, as renumbered and amended by Laws of Utah 1992, Chapter 1

33 **41-6a-402**, as last amended by Laws of Utah 2015, Chapter 412

34 **41-6a-702**, as last amended by Laws of Utah 2019, Chapter 431

35 **41-6a-904**, as last amended by Laws of Utah 2018, Chapter 417

36 **41-6a-1502**, as last amended by Laws of Utah 2015, Chapter 412



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

39 Section 1. Section **41-1a-1305** is amended to read:

40 **41-1a-1305. License plate and registration card violations -- Class C**

41 **misdemeanor.**

42 It is a class C misdemeanor:

43 (1) to break, injure, interfere with, or remove from any vehicle any seal, lock, or device  
44 on it for holding or displaying any license plate or registration card attached for denoting  
45 registration and identity of the vehicle;

46 (2) to remove from any registered vehicle the license plate or registration card issued or  
47 attached to it for its registration;

48 (3) to place or display any license plate or registration card upon any other vehicle than  
49 the one for which it was issued by the division;

50 (4) to use or permit the use or display of any license plate, registration card, or permit  
51 upon or in the operation of any vehicle other than that for which it was issued;

52 (5) to operate upon any highway of this state any vehicle required by law to be  
53 registered without having the license plate or plates securely attached, [~~and the registration card~~  
54 ~~issued by the division carried in the vehicle,~~] except that the registration card issued by the  
55 division to all trailers and semitrailers shall be carried in the towing vehicle;

56 (6) for any weighmaster to knowingly make any false entry in his record of weights of  
57 vehicles subject to registration or to knowingly report to the commission or division any false

58 information regarding the weights;

59 (7) for any inspector, officer, agent, employee, or other person performing any of the  
60 functions required for the registration or operation of vehicles subject to registration, to do,  
61 permit, cause, connive at, or permit to be done any act with the intent, or knowledge that the  
62 probable effect of the act would be to injure any person, deprive him of his property, or to  
63 injure or defraud the state with respect to its revenues relating to title or registration of  
64 vehicles;

65 (8) for any person to combine or conspire with another to do, attempt to do, or cause or  
66 allow any of the acts in this chapter classified as a misdemeanor;

67 (9) to operate any motor vehicle with a camper mounted on it upon any highway  
68 without displaying a current decal in clear sight upon the rear of the camper, issued by the  
69 county assessor of the county in which the camper has situs for taxation;

70 (10) to manufacture, use, display, or sell any facsimile or reproduction of any license  
71 plate issued by the division or any article that would appear to be a substitute for a license  
72 plate; or

73 (11) to fail to return to the division any registration card, license plate or plates, decal,  
74 permit, or title that has been canceled, suspended, voided, or revoked.

75 Section 2. Section **41-6a-402** is amended to read:

76 **41-6a-402. Accident reports -- Duty of operator and investigative officer to file.**

77 (1) The department may require any operator of a vehicle involved in an accident  
78 resulting in injury to or death of any person or total property damage to the apparent extent of  
79 [~~\$1,500~~] \$2,500 or more to file within 10 days after the request:

80 (a) a report of the accident to the department in a manner specified by the department;  
81 and

82 (b) a supplemental report when the original report is insufficient in the opinion of the  
83 department.

84 (2) The department may require witnesses of accidents to file reports to the department.

85 (3) (a) An accident report is not required under this section from any person who is

86 physically incapable of making a report, during the period of incapacity.

87 (b) If the operator is physically incapable of making an accident report under this  
88 section and the operator is not the owner of the vehicle, the owner of the vehicle involved in  
89 the accident shall within 15 days after becoming aware of the accident make the report required  
90 of the operator under this section.

91 (4) (a) The department shall, upon request, supply to law enforcement agencies, justice  
92 court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident  
93 reports required under this part.

94 (b) A request for an accident report form under Subsection (4)(a) shall be made in a  
95 manner specified by the division.

96 (c) The accident reports shall:

97 (i) provide sufficient detail to disclose the cause, conditions then existing, and the  
98 persons and vehicles involved in the accident; and

99 (ii) contain all of the information required that is available.

100 (5) (a) A person shall file an accident report if required under this section.

101 (b) The department shall suspend the license or permit to operate a motor vehicle and  
102 any nonresident operating privileges of any person failing to file an accident report in  
103 accordance with this section.

104 (c) The suspension under Subsection (5)(b) shall be in effect until the report has been  
105 filed except that the department may extend the suspension not to exceed 30 days.

106 (6) (a) A peace officer who, in the regular course of duty, investigates a motor vehicle  
107 accident described under Subsection (1) shall file an electronic copy of the report of the  
108 accident with the department within 10 days after completing the investigation.

109 (b) The accident report shall be made either at the time of and at the scene of the  
110 accident or later by interviewing participants or witnesses.

111 (7) The accident reports required to be filed with the department under this section and  
112 the information in them are protected and confidential and may be disclosed only as provided  
113 in Section [41-6a-404](#).

114 (8) (a) In addition to the reports required under this part, a local highway authority  
115 may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator  
116 of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall  
117 file with the local law enforcement agency a report of the accident or a copy of any report  
118 required to be filed with the department under this part.

119 (b) All reports are for the confidential use of the municipal department and are subject  
120 to the provisions of Section 41-6a-404.

121 (9) A violation of this section is an infraction.

122 Section 3. Section 41-6a-702 is amended to read:

123 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**  
124 **Penalties.**

125 (1) As used in this section and Section 41-6a-704, "general purpose lane" means a  
126 highway lane open to vehicular traffic but does not include a designated:

127 (a) high occupancy vehicle (HOV) lane; or

128 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway  
129 off-ramp.

130 (2) On a freeway or section of a freeway which has three or more general purpose lanes  
131 in the same direction, a person may not operate a vehicle in the left most general purpose lane  
132 if the person's vehicle or combination of vehicles has a gross vehicle weight rating of [~~12,001~~  
133 18,001 or more pounds.

134 (3) Subsection (2) does not apply to a person operating a vehicle who is:

135 (a) preparing to turn left or taking a different highway split or an exit on the left;

136 (b) responding to emergency conditions;

137 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or  
138 merging lane; or

139 (d) following direction signs that direct use of a designated lane.

140 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type  
141 of vehicle on a highway or portion of a highway under its jurisdiction for the:

- 142 (i) safety of the public;
- 143 (ii) efficient maintenance of a highway; or
- 144 (iii) use of high occupancy vehicles.

145 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs or  
146 roadway markings giving notice are erected on the highway or portion of the highway.

147 (5) (a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a)(iii)  
148 shall allow a vehicle with a clean fuel vehicle decal issued in accordance with Section 72-6-121  
149 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of  
150 occupants as permitted by federal law or federal regulation.

151 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
152 the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle  
153 decal to travel in lanes designated for the use of high occupancy vehicles regardless of the  
154 number of occupants as permitted by federal law or federal regulation.

155 (ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may  
156 not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.

157 (iii) The Department of Transportation may, through rules made under Subsection  
158 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section  
159 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will  
160 allow the Department of Transportation to continue to meet its goals for operational  
161 management of the lane designated under Subsection (4)(a)(iii).

162 (6) A public transportation vehicle may operate in a lane designated under Subsection  
163 (4)(a)(iii) regardless of the number of occupants as permitted by federal law and regulation.

164 (7) A person who operates a vehicle in violation of Subsection (2) or in violation of the  
165 restrictions made under Subsection (4) is guilty of an infraction.

166 Section 4. Section 41-6a-904 is amended to read:

167 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**  
168 **emergency vehicle -- Duties of respective operators.**

169 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon

170 the immediate approach of an authorized emergency vehicle using audible or visual signals  
171 under Section 41-6a-212 or 41-6a-1625, shall:

172 (a) yield the right-of-way and immediately move to a position parallel to, and as close  
173 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

174 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

175 (2) (a) The operator of a vehicle, upon approaching a stationary authorized emergency  
176 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

177 (i) reduce the speed of the vehicle;

178 (ii) provide as much space as practical to the stationary authorized emergency vehicle;

179 and

180 (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if  
181 practical, with due regard to safety and traffic conditions, make a lane change into a lane not  
182 adjacent to the authorized emergency vehicle.

183 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a  
184 stationary authorized emergency vehicle that is displaying alternately flashing red, red and  
185 white, or red and blue lights, the requirements in Subsection (2)(a) apply.

186 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary  
187 authorized emergency vehicle that is displaying alternately flashing red, red and white, or red  
188 and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane  
189 change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

190 (3) (a) The operator of a vehicle, upon approaching a stationary tow truck or highway  
191 maintenance vehicle that is displaying flashing amber lights, shall:

192 (i) reduce the speed of the vehicle; ~~and~~

193 (ii) provide as much space as practical to the stationary tow truck or highway  
194 maintenance vehicle~~[-]; and~~

195 (iii) if traveling in a lane adjacent to the stationary tow truck or highway maintenance  
196 vehicle, if practical and with due regard to safety and traffic conditions, make a lane change  
197 into a lane not adjacent to the tow truck or highway maintenance vehicle.

198 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a  
199 stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights,  
200 the requirements in Subsection (3)(a) apply.

201 ~~[(b)]~~ (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a  
202 stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights,  
203 shall, if practical, with due regard to safety and traffic conditions, make a lane change out of  
204 the HOV lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

205 (4) When an authorized emergency vehicle is using audible or visual signals under  
206 Section 41-6a-212 or 41-6a-1625, the operator of a vehicle may not:

207 (a) follow closer than 500 feet behind the authorized emergency vehicle;

208 (b) pass the authorized emergency vehicle, if the authorized emergency vehicle is  
209 moving; or

210 (c) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a  
211 fire alarm.

212 ~~[(4)]~~ (5) This section does not relieve the operator of an authorized emergency vehicle,  
213 tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of  
214 all persons using the highway.

215 ~~[(5)]~~ (6) (a) (i) In addition to the penalties prescribed under Subsection ~~[(7)]~~ (8), a  
216 person who violates this section shall attend a four hour live classroom defensive driving  
217 course approved by:

218 (A) the Driver License Division; or

219 (B) a court in this state.

220 (ii) Upon completion of the four hour live classroom course under Subsection ~~[(5)]~~  
221 (6)(a)(i), the person shall provide to the Driver License Division a certificate of attendance of  
222 the classroom course.

223 (b) The Driver License Division shall suspend a person's driver license for a period of  
224 90 days if the person:

225 (i) violates a provision of Subsections (1) through (3); and



226 (ii) fails to meet the requirements of Subsection ~~[(5)]~~ (6)(a)(i) within 90 days of  
227 sentencing for or pleading guilty to a violation of this section.

228 (c) Notwithstanding the provisions of Subsection ~~[(5)]~~ (6)(b), the Driver License  
229 Division shall shorten the 90-day suspension period imposed under Subsection ~~[(5)]~~ (6)(b)  
230 effective immediately upon receiving a certificate of attendance of the four hour live classroom  
231 course required under Subsection ~~[(5)]~~ (6)(a)(i) if the certificate of attendance is received  
232 before the completion of the suspension period.

233 (d) A person whose license is suspended under Subsection ~~[(5)]~~ (6)(b) and a person  
234 whose suspension is shortened as described under Subsection ~~[(5)]~~ (6)(c) shall pay the license  
235 reinstatement fees under Subsection 53-3-105~~[(24)]~~(26).

236 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
237 Act, the Driver License Division shall make rules to implement the provisions of this part.

238 ~~[(7)]~~ (8) A violation of Subsection (1), (2), or (3) is an infraction.

239 Section 5. Section 41-6a-1502 is amended to read:

240 **41-6a-1502. Motorcycles, motor-driven cycles, or all-terrain type I vehicles --**  
241 **Operation on public highways.**

242 (1) (a) A motorcycle or a motor-driven cycle is entitled to full use of a lane.

243 (b) ~~[A person]~~ An individual may not operate a motor vehicle in a manner that deprives  
244 a motorcycle or motor-driven cycle of the full use of a lane.

245 (c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated  
246 two abreast in a single lane.

247 (2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in  
248 the same lane occupied by the vehicle being overtaken.

249 (3) (a) ~~[A person]~~ Except as described in Subsection (3)(b), an individual may not  
250 operate a motorcycle or motor-driven cycle between:

251 ~~[(a)]~~ (i) lanes of traffic; or

252 ~~[(b)]~~ (ii) adjacent lines or rows of vehicles.

253 (b) Subsection (3)(a) does not apply to an individual operating a motorcycle engaging

254 in lane filtering as described in Section [41-6a-704](#).

255 (4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a  
256 single lane.

257 (5) Subsections (2) and (3)(a) do not apply to peace officers acting in the peace  
258 officers' official capacities.

259 (6) The provisions of this section also apply to all-terrain type I vehicles.

260 (7) A violation of this section is an infraction.