

HB0222S01 compared with HB0222

{Omitted text} shows text that was in HB0222 but was omitted in HB0222S01

inserted text shows text that was not in HB0222 but was inserted into HB0222S01

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Access to Traffic Accident Evidence

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to accident reports and other related records and the disclosure of those records to an attorney representing a person involved in the accident.

Highlighted Provisions:

This bill:

- ▶ amends definitions and defines terms;
- ▶ provides for disclosure of certain records and certain unredacted records relevant to an accident to an attorney representing a person involved in the accident;
- ▶ provides for the disclosure of certain protected records to an attorney representing a person involved in a relevant accident and defines liability if such a record is unlawfully shared publicly;and
- ▶ ~~{limits the amount of certain fees related to the disclosure of records; and}~~
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

None

HB0222 compared with HB0222S01

21 AMENDS:

22 **41-6a-404** , as last amended by Laws of Utah 2023, Chapters 328, 402 and 522 , as last amended by
Laws of Utah 2023, Chapters 328, 402 and 522

24 ~~{63G-2-203 , as last amended by Laws of Utah 2022, Chapter 128 , as last amended by Laws
of Utah 2022, Chapter 128}~~

25 ~~{63J-1-504 , as last amended by Laws of Utah 2023, Chapter 428 , as last amended by Laws
of Utah 2023, Chapter 428}~~

23

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

25 Section 1. Section **41-6a-404** is amended to read:

26 **41-6a-404. Accident reports -- When confidential -- Insurance policy information -- Use as
evidence -- Penalty for false information.**

31 (1) As used in this section:

32 (a)

(i) "Accident report" means the written report required of the investigating peace officer, including
accompanying data and any later supplements, which describes the site, location, and manner of
occurrence of an accident, the persons and vehicles involved, and any other pertinent data that may
be useful in the determination of the causes of the accident.

37 (ii) "Accident report" may include:

38 (A) a police report;

39 (B) a motor vehicle collision report;

40 (C) a reportable accident report;

41 (D) a driving under the influence report;

42 (E) an animal control report;

43 (F) any witness statement or witness recording;

44 (G) an ambulance medical record or bill;

45 (H) any accompanying photograph, body camera video, dash camera video, and supplemental report;
and

47 (I) other information, recording, and drawing generated in the investigation of an accident.

49 [(a)] (b) "Accompanying data" means all materials gathered by the investigating peace officer in an
accident investigation including:

HB0222 compared with HB0222S01

- 51 (i) the identity of witnesses and, if known, contact information;
- 52 (ii) witness statements;
- 53 (iii) photographs~~[-and videotapes]~~;
- 54 (iv) surveillance, body camera, dash camera, and any other video footage;
- 55 ~~[(iv)]~~ (v) diagrams; and
- 56 ~~[(v)]~~ (vi) field notes.
- 57 ~~[(b)]~~ (c) "Agent" means:
- 58 (i) a person's attorney that has been formally engaged in anticipation of litigation or trial, or in active
litigation or trial, whether the representation is for a civil or criminal matter;
- 61 (ii) a person's insurer;
- 62 (iii) a general acute hospital, as defined in Section 26B-2-201, that:
- 63 (A) has an emergency room; and
- 64 (B) is providing or has provided emergency services to the person in relation to the accident; or
- 66 (iv) any other individual or entity with signed permission from the person to receive the person's
accident report.
- 68 ~~{(d)}~~ {(d)} "Government entity" means the same as that term is defined in Section 63G-2-103.}
- 69 ~~{(e)}~~ (d) "Protected record" means the same as that term is defined in Section 63G-2-305.
- 70 ~~{(f)}~~ (e) "Unredacted accident report" means an accident report for which the accident report,
accompanying data, written material, audio recording, video recording, photograph, or any other
portion of the accident report has not been redacted, blacked out, blurred, cropped, clipped, or
otherwise modified.
- 74 (2)
- . (a) Except as provided in Subsections (3) and ~~[(7)]~~ (8), all accident reports required in this part to be
filed with the department:
- 76 (i) are without prejudice to the reporting individual;
- 77 (ii) are protected and for the confidential use of the department or other state, local, or federal
agencies having use for the records for official governmental statistical, investigative, and
accident prevention purposes; and
- 80 (iii) may be disclosed only in a statistical form that protects the privacy of any person involved in
the accident.

82

HB0222 compared with HB0222S01

(b) An investigating peace officer shall include in an accident report an indication as to whether the accident occurred on a highway designated as a livestock highway in accordance with Section 72-3-112 if the accident resulted in the injury or death of livestock.

86 (3)

(a) Subject to the provisions of this section, the department or the responsible law enforcement agency employing the peace officer that investigated the accident shall disclose an unredacted accident report, containing the information described in Subsection 41-6a-402(4)(c), to:

90 (i) a person involved in the accident, excluding a witness to the accident;

91 (ii) a person suffering loss or injury in the accident;

92 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and (ii);

94 (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;

95 (v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;

97 (vi) law enforcement personnel when acting in their official governmental capacity; and

99 (vii) a licensed private investigator who:

100 (A) represents an individual described in Subsections (3)(a)(i) through (iii); and

101 (B) demonstrates that the representation of the individual described in Subsections (3)(a)(i) through (iii) is directly related to the accident that is the subject of the accident report.

104 (b) The responsible law enforcement agency employing the peace officer that investigated the accident:

106 (i) shall in compliance with Subsection (3)(a):

107 (A) disclose an accident report; or

108 (B) upon written request disclose an accident report and its accompanying data within 10 business days from receipt of a written request for disclosure;

110 (ii) may withhold an accident report, and any of its accompanying data if disclosure would jeopardize an ongoing criminal investigation or criminal prosecution; or

112 (iii) may redact an individual's phone number or address from the accident report, if the disclosure of the information may endanger the life or physical safety of the individual, including when the individual is under witness protection.

115 (c) In accordance with Subsection (3)(a), the department or the responsible law enforcement agency employing the investigating peace officer shall disclose whether any person or vehicle involved in

HB0222 compared with HB0222S01

an accident reported under this section was covered by a vehicle insurance policy, and the name of the insurer.

- 119 (d) Information provided to a member of the press or broadcast news media under Subsection (3)(a)(iv)
may only include:
- 121 (i) the name, age, sex, and city of residence of each person involved in the accident;
122 (ii) the make and model year of each vehicle involved in the accident;
123 (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
125 (iv) the location of the accident; and
126 (v) a description of the accident that excludes personal identifying information not listed in Subsection
(3)(d)(i).
- 128 (e) The department shall disclose to any requesting person the following vehicle accident history
information, excluding personal identifying information, in bulk electronic form:
- 131 (i) any vehicle identifying information that is electronically available, including the make, model year,
and vehicle identification number of each vehicle involved in an accident;
134 (ii) the date of the accident; and
135 (iii) any electronically available data which describes the accident, including a description of any
physical damage to the vehicle.
- 137 (f) The department may establish a fee under Section 63J-1-504 based on the fair market value of the
information for providing bulk vehicle accident history information under Subsection (3)(e).
- 140 (4)
- . (a) Except as provided in Subsection (4)(b), accident reports filed under this section may not be used as
evidence in any civil or criminal trial arising out of an accident.
- 142 (b)
- . (i) Upon demand of any party to the trial or upon demand of any court, the department shall furnish a
certificate showing that a specified accident report has or has not been made to the department in
compliance with law.
- 145 (ii) If the report has been made, the certificate furnished by the department shall show:
- 147 (A) the date, time, and location of the accident;
148 (B) subject to Subsections (4)(b)(iv) and (v), the name, phone number, and address of each person
involved in the accident, including a witness of the accident;
151 (C) the owners of the vehicles involved; and

HB0222 compared with HB0222S01

- 152 (D) the investigating peace officers.
- 153 (iii) The reports may be used as evidence when necessary to prosecute charges filed in connection with
a violation of Subsection [~~(5)~~] (6).
- 155 (iv) If a witness requests that the witness's address and phone number be excluded from the accident
report, the investigating officer shall:
- 157 (A) exclude the witness's address and phone number from the accident report; and
- 158 (B) create a separate record of the witness's address and phone number.
- 159 (v) The record described in Subsection (4)(b)(iv) is discoverable in a lawsuit by a party that was
involved in the accident if the lawsuit arises from the accident.
- 161 (5)
- . (a) ~~{For}~~ Except as provided in Subsections (5)(c) and (d), for an agent that ~~{is the attorney for a
person who is party to a civil or criminal matter that }~~ requests a protected record that is part of an
accident report that is relevant to that civil or criminal matter to which the accident report pertains,
the ~~{government entity}~~ responsible law enforcement agency shall provide the protected record in
unredacted form if the attorney agent:
- 165 (i) requests the protected record in writing; ~~{and}~~
- 163 (ii) provides a letter or representation stating that:
- 164 (A) the attorney has been engaged to represent the individual in a matter relevant to the accident report;
and
- 166 ~~{(ii)}~~ (B) {provides a letter or representation stating that } the protected record will only be used as
evidence in an active matter in anticipation of litigation or trial, or in active litigation or trial ~~{:}~~
related to the accident report; and
- 169 (iii) pays the relevant fees required by the responsible law enforcement agency.
- 169 (b) An attorney described in Subsection (5)(a) that releases a protected record for any purpose not
described in Subsection ~~{(5)(a)}~~ (5)(a)(ii)(B) is liable for the unlawful disclosure and subject to the
penalties described in Section 63G-2-801.
- 173 (c) For a protected record that is part of an accident report that contains video data, the responsible law
enforcement agency may redact video data that is not relevant to the accident report.
- 176 (d) A law enforcement agency is not required to disclose as part of an accident report any information
for which disclosure is prohibited under Section 53-10-108.

172

HB0222 compared with HB0222S01

[(5)] (6) A person who gives information in reports as required in this part knowing or having reason to believe that the information is false is guilty of a class A misdemeanor.

174 [(6)] (7) The department and the responsible law enforcement agency employing the investigating peace officer may charge a reasonable fee determined by the department under Section 63J-1-504 for the cost incurred in disclosing an accident report or an accident report and any of its accompanying data under Subsections (3)(a) and (b).

178 [(7)] (8)

. (a) The Office of State Debt Collection, the Division of Risk Management, and the Department of Transportation may, in the performance of the regular duties of each respective division or department, disclose an accident report to:

181 (i) a person involved in the accident, excluding a witness to the accident;

182 (ii) an owner of a vehicle involved in the accident;

183 (iii) an agent, parent, or legal guardian of a person described in Subsection [(7)(a)(i)] (8)(a)(i) or (ii); or

185 (iv) an insurer that provides motor vehicle insurance to a person described in Subsection [(7)(a)(i)] (8)(a)(i) or (iii).

187 (b) A disclosure under Subsection [(7)(a)] (8)(a) does not change the classification of the record as a protected record under Section 63G-2-305.

189 [(8)] (9)

. (a) A person may not knowingly obtain an accident report described in this part if the person is not described in Subsection (3).

191 (b) A person may not knowingly use information in an accident report to market services, including marketing for legal representation.

193 (c) A person who violates this Subsection [(8)] (9) is guilty of a class A misdemeanor.

194 {Section 2. ~~Section 63G-2-203 is amended to read: }~~

195 **63G-2-203. Fees.**

196 (1)

. (a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record.

198 (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's executive officer.

200 (2)

HB0222 compared with HB0222S01

- . (a) When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the actual costs under this section may include the following:
- 203 (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;
- 206 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and
- 208 (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii).
- 213 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.
- 216 (3)
- . (a) Fees shall be established as provided in this Subsection (3).
- 217 (b) A governmental entity with fees established by the Legislature:
- 218 (i) shall establish the fees defined in Subsection (2), or other actual costs associated with this section through the budget process; and
- 220 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature establishes fees through the budget process.
- 222 (c) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.
- 224 (d) The judiciary shall establish fees by rules of the judicial council.
- 225 (4) A governmental entity may fulfill a record request without charge and is encouraged to do so if it determines that:
- 227 (a) releasing the record primarily benefits the public rather than a person;
- 228 (b) the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2); or
- 230 (c) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
- 232 (5)

HB0222 compared with HB0222S01

- . (a) As used in this Subsection (5), "media representative":
- 233 (i) means a person who requests a record to obtain information for a story or report for publication
or broadcast to the general public; and
- 235 (ii) does not include a person who requests a record to obtain information for a blog, podcast, social
media account, or other means of mass communication generally available to a member of the
public.
- 238 (b) A governmental entity may not charge a fee for:
- 239 (i) reviewing a record to determine whether it is subject to disclosure, except as permitted by Subsection
(2)(a)(ii);
- 241 (ii) inspecting a record; or
- 242 (iii) the first quarter hour of staff time spent in responding to a request under Section 63G-2-204.
- 244 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from charging a fee
for the first quarter hour of staff time spent in responding to a request under Section 63G-2-204 if
the person who submits the request:
- 247 (i) is not a Utah media representative; and
- 248 (ii) previously submitted a separate request within the 10-day period immediately before the date of the
request to which the governmental entity is responding.
- 250 (6)
- . (a) A person who believes that there has been an unreasonable denial of a fee waiver under Subsection
(4) may appeal the denial in the same manner as a person appeals when inspection of a public record
is denied under Section 63G-2-205.
- 253 (b) The adjudicative body hearing the appeal:
- 254 (i) shall review the fee waiver de novo, but shall review and consider the governmental entity's denial of
the fee waiver and any determination under Subsection (4); and
- 257 (ii) has the same authority when a fee waiver or reduction is denied as it has when the inspection of a
public record is denied.
- 259 (7)
- . (a) All fees received under this section by a governmental entity subject to Subsection (3)(b) shall be
retained by the governmental entity as a dedicated credit.
- 261 (b) Those funds shall be used to recover the actual cost and expenses incurred by the governmental
entity in providing the requested record or record series.

HB0222 compared with HB0222S01

- 263 (8)
- . (a) A governmental entity may require payment of past fees and future estimated fees before beginning to process a request if:
- 265 (i) fees are expected to exceed \$50; or
- 266 (ii) the requester has not paid fees from previous requests.
- 267 (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- 268 (9) This section does not alter, repeal, or reduce fees established by other statutes or legislative acts.
- 270 (10)
- . (a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be set as provided in this Subsection (10).
- 272 (b) The lieutenant governor shall:
- 273 (i) after consultation with county clerks, establish uniform fees for voter registration and voter history records that meet the requirements of this section; and
- 275 (ii) obtain legislative approval of those fees by following the procedures and requirements of Section 63J-1-504.
- 277 (11) Notwithstanding Subsections (2)(a) and (b), a governmental entity may not charge more than \$100 for a protected record described in Section 63G-2-305 that is requested by a represented party's attorney pursuant to Section 41-6a-404.
- 280 ~~{Section 3. Section 63J-1-504 is amended to read: }~~
- 281 **63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and assessing fees without legislative approval -- Report summarizing fees.**
- 283 (1) As used in this section:
- 284 (a)
- . (i) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- 287 (ii) "Agency" does not include:
- 288 (A) the Legislature or a committee or staff office of the Legislature; or
- 289 (B) the Judiciary, as that term is defined in Section 78A-2-310.
- 290

HB0222 compared with HB0222S01

- (b) "Agency's cost" means all of a fee agency's direct and indirect costs and expenses for providing the goods or service for which the fee agency charges a fee or for regulating the industry in which the persons paying the fee operate, including:
- 293 (i) salaries, benefits, contracted labor costs, travel expenses, training expenses, equipment and material
costs, depreciation expense, utility costs, and other overhead costs; and
- 296 (ii) costs and expenses for administering the fee.
- 297 (c) "Fee agency" means an agency that is authorized to establish and charge a service fee or a regulatory
fee.
- 299 (d) "Fee schedule" means the complete list of service fees and regulatory fees charged by a fee agency
and the amount of those fees.
- 301 (e) "Regulatory fee" means a fee that a fee agency charges to cover the agency's cost of regulating the
industry in which the persons paying the fee operate.
- 303 (f) "Service fee" means a fee that a fee agency charges to cover the agency's cost of providing the goods
or service for which the fee is charged.
- 305 (2)
- . (a) A fee agency that charges or intends to charge a service fee or regulatory fee shall adopt a fee
schedule.
- 307 (b) A service fee or regulatory fee that a fee agency charges shall:
- 308 (i) be reasonable and fair;
- 309 (ii) reflect and be based on the agency's cost for the fee; and
- 310 (iii) be established according to a cost formula determined by the executive director of the Governor's
Office of Planning and Budget and the director of the Division of Finance in conjunction with the
fee agency seeking to establish the fee.
- 313 (3) Except as provided in Subsection (7), a fee agency may not:
- 314 (a) set fees by rule; or
- 315 (b) create, change, or collect any fee unless the fee has been established according to the procedures and
requirements of this section.
- 317 (4) Each fee agency that is proposing a new fee or proposing to change a fee shall:
- 318 (a) present each proposed fee at a public hearing, subject to the requirements of Title 52, Chapter 4,
Open and Public Meetings Act;
- 320 (b) increase, decrease, or affirm each proposed fee based on the results of the public hearing;

HB0222 compared with HB0222S01

- 322 (c) except as provided in Subsection (8), submit the fee schedule to the Legislature as part of the
agency's annual appropriations request; and
- 324 (d) modify the fee schedule as necessary to implement the Legislature's actions.
- 325 (5)
- . (a) No later than November 30, 2022, the Governor's Office of Planning and Budget and the Division
of Finance shall submit a report to the Infrastructure and General Government Appropriations
Subcommittee of the Legislature.
- 328 (b) A report under Subsection (5)(a) shall:
- 329 (i) provide a summary of:
- 330 (A) the types of service fees and regulatory fees included in the fee schedules of all fee agencies;
- 332 (B) the methods used by fee agencies to determine the amount of fees;
- 333 (C) each estimated agency's cost related to each fee;
- 334 (D) whether a fee is intended to cover the agency's cost related to the fee;
- 335 (E) whether the fee agency intends to subsidize the fee to cover the agency's cost related to the fee and,
if so, the fee agency's justification for the subsidy; and
- 337 (F) whether the fee agency set the fee at an amount that exceeds the agency's cost related to the fee and,
if so, the fee agency's justification for the excess fee; and
- 339 (ii) include any recommendations for improving the process described in this section.
- 340 (6)
- . (a) A fee agency shall submit the fee agency's fee schedule to the Legislature for the Legislature's
approval on an annual basis.
- 342 (b) The Legislature may approve, increase or decrease and approve, or reject any fee submitted to it by
a fee agency.
- 344 (7) After conducting the public hearing required by this section, a fee agency may establish and assess
fees without first obtaining legislative approval if:
- 346 (a)
- . (i) the Legislature creates a new program that is to be funded by fees to be set by the Legislature;
- 348 (ii) the new program's effective date is before the Legislature's next annual general session; and
- 350 (iii) the fee agency submits the fee schedule for the new program to the Legislature for its approval
at a special session, if allowed in the governor's call, or at the next annual general session of the
Legislature, whichever is sooner; or

HB0222 compared with HB0222S01

- 353 (b)
- . (i) the fee agency proposes to increase or decrease an existing fee for the purpose of adding or removing a transactional fee that is charged or assessed by a non-governmental third party but is included as part of the fee charged by the fee agency;
- 357 (ii) the amount of the increase or decrease in the fee is equal to the amount of the transactional fee charged or assessed by the non-governmental third party; and
- 359 (iii) the increased or decreased fee is submitted to the Legislature for the Legislature's approval at a special session, if allowed in the governor's call, or at the next annual session of the Legislature, whichever is sooner.
- 362 (8)
- . (a) A fee agency that intends to change any fee shall submit to the governor, as part of the agency's annual appropriation request a list that identifies:
- 364 (i) the title or purpose of the fee;
- 365 (ii) the present amount of the fee;
- 366 (iii) the proposed new amount of the fee;
- 367 (iv) the percent that the fee will have increased if the Legislature approves the higher fee;
- 369 (v) the estimated total annual revenue and total estimated annual revenue change that will result from the changed fee;
- 371 (vi) the account or fund into which the fee will be deposited;
- 372 (vii) the reason for the change in the fee;
- 373 (viii) the estimated number of persons to be charged the fee;
- 374 (ix) the estimated agency's cost related to the fee;
- 375 (x) whether the fee is a service fee or a regulatory fee;
- 376 (xi) whether the fee is intended to cover the agency's cost related to the fee;
- 377 (xii) whether the fee agency intends to subsidize the fee to cover the agency's cost related to the fee and, if so, the fee agency's justification for the subsidy; and
- 379 (xiii) whether the fee agency set the fee at an amount that exceeds the agency's cost related to the fee and, if so, the fee agency's justification for the excess fee.
- 381 (b)
- . (i) The governor may review and approve, modify and approve, or reject the fee increases.
- 383

HB0222 compared with HB0222S01

(ii) The governor shall transmit the list required by Subsection (8)(a), with any modifications, to the legislative fiscal analyst with the governor's budget recommendations.

386 (c) Bills approving any fee change shall be filed before the beginning of the Legislature's annual general session, if possible.

388 (9)

(a) Except as provided in Subsection (9)(b), the School and Institutional Trust Lands Administration, established in Section 53C-1-201, is exempt from the requirements of this section.

391 (b) The following fees of the School and Institutional Trust Lands Administration are subject to the requirements of this section: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing nonuse, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

396 (10) An agency may not charge more than \$100 for an accident report or unredacted accident report, as those terms are defined in Section 41-6a-404, that is requested by a represented party's attorney pursuant to Section 41-6a-404.

200 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

1-30-25 10:19 AM