

1 **Access to Traffic Accident Evidence**
2 2025 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: Andrew Stoddard**

5
6
7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▸ amends definitions and defines terms;
- 14 ▸ provides for disclosure of certain records and certain unredacted records relevant to an
15 accident to an attorney representing a person involved in the accident;
- 16 ▸ provides for the disclosure of certain protected records to an attorney representing a
17 person involved in a relevant accident and defines liability if such a record is unlawfully
18 shared publicly;
- 19 ▸ limits the amount of certain fees related to the disclosure of records; and
- 20 ▸ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-6a-404**, as last amended by Laws of Utah 2023, Chapters 328, 402 and 522

28 **63G-2-203**, as last amended by Laws of Utah 2022, Chapter 128

29 **63J-1-504**, as last amended by Laws of Utah 2023, Chapter 428

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

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

32 **41-6a-404 . Accident reports -- When confidential -- Insurance policy**
33 **information -- Use as evidence -- Penalty for false information.**

34 (1) As used in this section:

32 (a)(i) "Accident report" means the written report required of the investigating peace
33 officer, including accompanying data and any later supplements, which describes
34 the site, location, and manner of occurrence of an accident, the persons and
35 vehicles involved, and any other pertinent data that may be useful in the
36 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
46 supplemental report; and

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

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

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
59 trial, or in active litigation or trial, whether the representation is for a civil or
60 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
65 the accident; or

66 (iv) any other individual or entity with signed permission from the person to receive
67 the person's accident report.

68 (d) "Government entity" means the same as that term is defined in Section 63G-2-103.

69 (e) "Protected record" means the same as that term is defined in Section 63G-2-305.

70 (f) "Unredacted accident report" means an accident report for which the accident report,
71 accompanying data, written material, audio recording, video recording, photograph,
72 or any other portion of the accident report has not been redacted, blacked out,
73 blurred, cropped, clipped, or otherwise modified.

74 (2)(a) Except as provided in Subsections (3) and [~~(7)~~] (8), all accident reports required in
75 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,
78 or federal agencies having use for the records for official governmental statistical,
79 investigative, and accident prevention purposes; and

80 (iii) may be disclosed only in a statistical form that protects the privacy of any person
81 involved in the accident.

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

86 (3)(a) Subject to the provisions of this section, the department or the responsible law
87 enforcement agency employing the peace officer that investigated the accident shall
88 disclose an unredacted accident report, containing the information described in
89 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)
93 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,
96 investigative, or accident prevention purposes;

97 (vi) law enforcement personnel when acting in their official governmental capacity;
98 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
102 (3)(a)(i) through (iii) is directly related to the accident that is the subject of the
103 accident report.
- 104 (b) The responsible law enforcement agency employing the peace officer that
105 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
109 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
111 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
113 the disclosure of the information may endanger the life or physical safety of the
114 individual, including when the individual is under witness protection.
- 115 (c) In accordance with Subsection (3)(a), the department or the responsible law
116 enforcement agency employing the investigating peace officer shall disclose whether
117 any person or vehicle involved in an accident reported under this section was covered
118 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
120 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
124 insurance policy;
125 (iv) the location of the accident; and
126 (v) a description of the accident that excludes personal identifying information not
127 listed in Subsection (3)(d)(i).
- 128 (e) The department shall disclose to any requesting person the following vehicle
129 accident history information, excluding personal identifying information, in bulk
130 electronic form:
- 131 (i) any vehicle identifying information that is electronically available, including the
132 make, model year, and vehicle identification number of each vehicle involved in
133 an accident;

- 134 (ii) the date of the accident; and
- 135 (iii) any electronically available data which describes the accident, including a
- 136 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
- 138 value of the information for providing bulk vehicle accident history information
- 139 under Subsection (3)(e).
- 140 (4)(a) Except as provided in Subsection (4)(b), accident reports filed under this section
- 141 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
- 143 department shall furnish a certificate showing that a specified accident report has
- 144 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
- 146 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
- 149 address of each person involved in the accident, including a witness of the
- 150 accident;
- 151 (C) the owners of the vehicles involved; and
- 152 (D) the investigating peace officers.
- 153 (iii) The reports may be used as evidence when necessary to prosecute charges filed
- 154 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
- 156 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
- 160 party that was involved in the accident if the lawsuit arises from the accident.
- 161 (5)(a) For an agent that is the attorney for a person who is party to a civil or criminal
- 162 matter that requests a protected record relevant to that civil or criminal matter, the
- 163 government entity shall provide the protected record in unredacted form if the
- 164 attorney:
- 165 (i) requests the protected record in writing; and
- 166 (ii) provides a letter or representation stating that the protected record will only be
- 167 used as evidence in an active matter in anticipation of litigation or trial, or in

168 active litigation or trial.

169 **(b)** An attorney described in Subsection (5)(a) that releases a protected record for any
 170 purpose not described in Subsection (5)(a) is liable for the unlawful disclosure and
 171 subject to the penalties described in Section 63G-2-801.

172 ~~[(5)]~~ **(6)** A person who gives information in reports as required in this part knowing or
 173 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
 175 investigating peace officer may charge a reasonable fee determined by the department
 176 under Section 63J-1-504 for the cost incurred in disclosing an accident report or an
 177 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
 179 the Department of Transportation may, in the performance of the regular duties of
 180 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)]~~
 184 (8)(a)(i) or (ii); or
- 185 (iv) an insurer that provides motor vehicle insurance to a person described in
 186 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
 188 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
 190 if the person is not described in Subsection (3).

191 **(b)** A person may not knowingly use information in an accident report to market
 192 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
 197 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
 199 executive officer.

200 **(2)(a)** When a governmental entity compiles a record in a form other than that normally
 201 maintained by the governmental entity, the actual costs under this section may

- 202 include the following:
- 203 (i) the cost of staff time for compiling, formatting, manipulating, packaging,
204 summarizing, or tailoring the record either into an organization or media to meet
205 the person's request;
 - 206 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for
207 complying with a request; and
 - 208 (iii) in the case of fees for a record that is the result of computer output other than
209 word processing, the actual incremental cost of providing the electronic services
210 and products together with a reasonable portion of the costs associated with
211 formatting or interfacing the information for particular users, and the
212 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
214 paid employee who, in the discretion of the custodian of records, has the necessary
215 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
219 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
221 establishes fees through the budget process.
 - 222 (c) Political subdivisions shall establish fees by ordinance or written formal policy
223 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
226 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
229 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,
231 and the requester is impecunious.
- 232 (5)(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
234 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,

236 podcast, social media account, or other means of mass communication generally
237 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
240 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
243 63G-2-204.

244 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from
245 charging a fee for the first quarter hour of staff time spent in responding to a request
246 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
249 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
251 under Subsection (4) may appeal the denial in the same manner as a person appeals
252 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
255 governmental entity's denial of the fee waiver and any determination under
256 Subsection (4); and

257 (ii) has the same authority when a fee waiver or reduction is denied as it has when the
258 inspection of a public record is denied.

259 (7)(a) All fees received under this section by a governmental entity subject to
260 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
262 governmental entity in providing the requested record or record series.

263 (8)(a) A governmental entity may require payment of past fees and future estimated fees
264 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
269 legislative acts.

- 270 (10)(a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be
 271 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
 274 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
 276 requirements of Section 63J-1-504.

277 (11) Notwithstanding Subsections (2)(a) and (b), a governmental entity may not charge
 278 more than \$100 for a protected record described in Section 63G-2-305 that is requested
 279 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**
 282 **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,
 285 institution, officer, corporation, fund, division, office, committee, authority,
 286 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 (b) "Agency's cost" means all of a fee agency's direct and indirect costs and expenses for
 291 providing the goods or service for which the fee agency charges a fee or for
 292 regulating the industry in which the persons paying the fee operate, including:
 293 (i) salaries, benefits, contracted labor costs, travel expenses, training expenses,
 294 equipment and material costs, depreciation expense, utility costs, and other
 295 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
 298 or a regulatory fee.
 299 (d) "Fee schedule" means the complete list of service fees and regulatory fees charged
 300 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
 302 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

- 304 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
306 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
311 of the Governor's Office of Planning and Budget and the director of the Division
312 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
316 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,
319 Chapter 4, Open and Public Meetings Act;
- 320 (b) increase, decrease, or affirm each proposed fee based on the results of the public
321 hearing;
- 322 (c) except as provided in Subsection (8), submit the fee schedule to the Legislature as
323 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
326 and the Division of Finance shall submit a report to the Infrastructure and General
327 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
331 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
336 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

- 338 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
- 341 Legislature's approval on an annual basis.
- 342 (b) The Legislature may approve, increase or decrease and approve, or reject any fee
- 343 submitted to it by a fee agency.
- 344 (7) After conducting the public hearing required by this section, a fee agency may establish
- 345 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
- 347 the Legislature;
- 348 (ii) the new program's effective date is before the Legislature's next annual general
- 349 session; and
- 350 (iii) the fee agency submits the fee schedule for the new program to the Legislature
- 351 for its approval at a special session, if allowed in the governor's call, or at the next
- 352 annual general session of the Legislature, whichever is sooner; or
- 353 (b)(i) the fee agency proposes to increase or decrease an existing fee for the purpose
- 354 of adding or removing a transactional fee that is charged or assessed by a
- 355 non-governmental third party but is included as part of the fee charged by the fee
- 356 agency;
- 357 (ii) the amount of the increase or decrease in the fee is equal to the amount of the
- 358 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
- 360 approval at a special session, if allowed in the governor's call, or at the next
- 361 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
- 363 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
- 368 fee;
- 369 (v) the estimated total annual revenue and total estimated annual revenue change that
- 370 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
378 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
380 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
382 increases.
- 383 (ii) The governor shall transmit the list required by Subsection (8)(a), with any
384 modifications, to the legislative fiscal analyst with the governor's budget
385 recommendations.
- 386 (c) Bills approving any fee change shall be filed before the beginning of the Legislature's
387 annual general session, if possible.
- 388 (9)(a) Except as provided in Subsection (9)(b), the School and Institutional Trust Lands
389 Administration, established in Section 53C-1-201, is exempt from the requirements
390 of this section.
- 391 (b) The following fees of the School and Institutional Trust Lands Administration are
392 subject to the requirements of this section: application, assignment, amendment,
393 affidavit for lost documents, name change, reinstatement, grazing nonuse, extension
394 of time, partial conveyance, patent reissue, collateral assignment, electronic payment,
395 and processing.
- 396 (10) An agency may not charge more than \$100 for an accident report or unredacted
397 accident report, as those terms are defined in Section 41-6a-404, that is requested by a
398 represented party's attorney pursuant to Section 41-6a-404.
- 399 **Section 4. Effective Date.**
- 400 This bill takes effect on May 7, 2025.