

Andrew Stoddard proposes the following substitute bill:

Access to Traffic Accident Evidence

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Michael K. McKell

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
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) As used in this section:

- 29 (a)(i) "Accident report" means the written report required of the investigating peace
30 officer, including accompanying data and any later supplements, which describes
31 the site, location, and manner of occurrence of an accident, the persons and
32 vehicles involved, and any other pertinent data that may be useful in the
33 determination of the causes of the accident.
- 34 (ii) "Accident report" may include:
- 35 (A) a police report;
36 (B) a motor vehicle collision report;
37 (C) a reportable accident report;
38 (D) a driving under the influence report;
39 (E) an animal control report;
40 (F) any witness statement or witness recording;
41 (G) an ambulance medical record or bill;
42 (H) any accompanying photograph, body camera video, dash camera video, and
43 supplemental report; and
44 (I) other information, recording, and drawing generated in the investigation of an
45 accident.
- 46 [(a)] (b) "Accompanying data" means all materials gathered by the investigating peace
47 officer in an accident investigation including:
- 48 (i) the identity of witnesses and, if known, contact information;
49 (ii) witness statements;
50 (iii) photographs[-and videotapes];
51 (iv) surveillance, body camera, dash camera, and any other video footage;
52 [(iv)] (v) diagrams; and
53 [(v)] (vi) field notes.
- 54 [(b)] (c) "Agent" means:
- 55 (i) a person's attorney that has been formally engaged in anticipation of litigation or
56 trial, or in active litigation or trial, whether the representation is for a civil or
57 criminal matter;
58 (ii) a person's insurer;
59 (iii) a general acute hospital, as defined in Section 26B-2-201, that:
60 (A) has an emergency room; and
61 (B) is providing or has provided emergency services to the person in relation to
62 the accident; or

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

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

66 (e) "Unredacted accident report" means an accident report for which the accident report,
67 accompanying data, written material, audio recording, video recording, photograph,
68 or any other portion of the accident report has not been redacted, blacked out,
69 blurred, cropped, clipped, or otherwise modified.

70 (2)(a) Except as provided in Subsections (3) and [~~(7)~~] (8), all accident reports required in
71 this part to be filed with the department:

72 (i) are without prejudice to the reporting individual;

73 (ii) are protected and for the confidential use of the department or other state, local,
74 or federal agencies having use for the records for official governmental statistical,
75 investigative, and accident prevention purposes; and

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

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

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

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

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

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

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

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

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

95 (vii) a licensed private investigator who:

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

- 97 (B) demonstrates that the representation of the individual described in Subsections
98 (3)(a)(i) through (iii) is directly related to the accident that is the subject of the
99 accident report.
- 100 (b) The responsible law enforcement agency employing the peace officer that
101 investigated the accident:
- 102 (i) shall in compliance with Subsection (3)(a):
- 103 (A) disclose an accident report; or
104 (B) upon written request disclose an accident report and its accompanying data
105 within 10 business days from receipt of a written request for disclosure;
- 106 (ii) may withhold an accident report, and any of its accompanying data if disclosure
107 would jeopardize an ongoing criminal investigation or criminal prosecution; or
108 (iii) may redact an individual's phone number or address from the accident report, if
109 the disclosure of the information may endanger the life or physical safety of the
110 individual, including when the individual is under witness protection.
- 111 (c) In accordance with Subsection (3)(a), the department or the responsible law
112 enforcement agency employing the investigating peace officer shall disclose whether
113 any person or vehicle involved in an accident reported under this section was covered
114 by a vehicle insurance policy, and the name of the insurer.
- 115 (d) Information provided to a member of the press or broadcast news media under
116 Subsection (3)(a)(iv) may only include:
- 117 (i) the name, age, sex, and city of residence of each person involved in the accident;
118 (ii) the make and model year of each vehicle involved in the accident;
119 (iii) whether or not each person involved in the accident was covered by a vehicle
120 insurance policy;
121 (iv) the location of the accident; and
122 (v) a description of the accident that excludes personal identifying information not
123 listed in Subsection (3)(d)(i).
- 124 (e) The department shall disclose to any requesting person the following vehicle
125 accident history information, excluding personal identifying information, in bulk
126 electronic form:
- 127 (i) any vehicle identifying information that is electronically available, including the
128 make, model year, and vehicle identification number of each vehicle involved in
129 an accident;
130 (ii) the date of the accident; and

- 131 (iii) any electronically available data which describes the accident, including a
 132 description of any physical damage to the vehicle.
- 133 (f) The department may establish a fee under Section 63J-1-504 based on the fair market
 134 value of the information for providing bulk vehicle accident history information
 135 under Subsection (3)(e).
- 136 (4)(a) Except as provided in Subsection (4)(b), accident reports filed under this section
 137 may not be used as evidence in any civil or criminal trial arising out of an accident.
- 138 (b)(i) Upon demand of any party to the trial or upon demand of any court, the
 139 department shall furnish a certificate showing that a specified accident report has
 140 or has not been made to the department in compliance with law.
- 141 (ii) If the report has been made, the certificate furnished by the department shall
 142 show:
- 143 (A) the date, time, and location of the accident;
- 144 (B) subject to Subsections (4)(b)(iv) and (v), the name, phone number, and
 145 address of each person involved in the accident, including a witness of the
 146 accident;
- 147 (C) the owners of the vehicles involved; and
- 148 (D) the investigating peace officers.
- 149 (iii) The reports may be used as evidence when necessary to prosecute charges filed
 150 in connection with a violation of Subsection [~~(5)~~] (6).
- 151 (iv) If a witness requests that the witness's address and phone number be excluded
 152 from the accident report, the investigating officer shall:
- 153 (A) exclude the witness's address and phone number from the accident report; and
- 154 (B) create a separate record of the witness's address and phone number.
- 155 (v) The record described in Subsection (4)(b)(iv) is discoverable in a lawsuit by a
 156 party that was involved in the accident if the lawsuit arises from the accident.
- 157 (5)(a) Except as provided in Subsections (5)(c) and (d), for an agent that requests a
 158 protected record that is part of an accident report that is relevant to that civil or
 159 criminal matter to which the accident report pertains, the responsible law
 160 enforcement agency shall provide the protected record in unredacted form if the
 161 attorney agent:
- 162 (i) requests the protected record in writing;
- 163 (ii) provides a letter or representation stating that:
- 164 (A) the attorney has been engaged to represent the individual in a matter relevant

- 165 to the accident report; and
- 166 (B) the protected record will only be used as evidence in an active matter in
- 167 anticipation of litigation or trial, or in active litigation or trial related to the
- 168 accident report; and
- 169 (iii) pays the relevant fees required by the responsible law enforcement agency.
- 170 (b) An attorney described in Subsection (5)(a) that releases a protected record for any
- 171 purpose not described in Subsection (5)(a)(ii)(B) is liable for the unlawful disclosure
- 172 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
- 174 responsible law enforcement agency may redact video data that is not relevant to the
- 175 accident report.
- 176 (d) A law enforcement agency is not required to disclose as part of an accident report
- 177 any information for which disclosure is prohibited under Section 53-10-108.
- 178 ~~[(5)]~~ (6) A person who gives information in reports as required in this part knowing or
- 179 having reason to believe that the information is false is guilty of a class A misdemeanor.
- 180 ~~[(6)]~~ (7) The department and the responsible law enforcement agency employing the
- 181 investigating peace officer may charge a reasonable fee determined by the department
- 182 under Section 63J-1-504 for the cost incurred in disclosing an accident report or an
- 183 accident report and any of its accompanying data under Subsections (3)(a) and (b).
- 184 ~~[(7)]~~ (8)(a) The Office of State Debt Collection, the Division of Risk Management, and
- 185 the Department of Transportation may, in the performance of the regular duties of
- 186 each respective division or department, disclose an accident report to:
- 187 (i) a person involved in the accident, excluding a witness to the accident;
- 188 (ii) an owner of a vehicle involved in the accident;
- 189 (iii) an agent, parent, or legal guardian of a person described in Subsection ~~[(7)(a)(i)]~~
- 190 (8)(a)(i) or (ii); or
- 191 (iv) an insurer that provides motor vehicle insurance to a person described in
- 192 Subsection ~~[(7)(a)(i)]~~ (8)(a)(i) or (iii).
- 193 (b) A disclosure under Subsection ~~[(7)(a)]~~ (8)(a) does not change the classification of the
- 194 record as a protected record under Section 63G-2-305.
- 195 ~~[(8)]~~ (9)(a) A person may not knowingly obtain an accident report described in this part
- 196 if the person is not described in Subsection (3).
- 197 (b) A person may not knowingly use information in an accident report to market
- 198 services, including marketing for legal representation.

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

200 Section 2. **Effective Date.**

201 This bill takes effect on May 7, 2025.