

Part 4 Accident Responsibilities

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

- (1) As used in this section:
 - (a) "Knowledge" or "with knowledge" means, with respect to an individual's own conduct or to circumstances surrounding an individual's conduct, that the individual is aware of the nature of the conduct or the existing circumstances.
 - (b) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
- (2)
 - (a) The operator of a vehicle with knowledge that the operator was involved in, or who has reason to believe that the operator may have been involved in, an accident resulting only in damage to another vehicle or other property:
 - (i) may move the vehicle as soon as possible:
 - (A) out of the travel lanes on any roadway to an adjacent shoulder, the nearest suitable cross street, or other suitable location that does not obstruct traffic; or
 - (B) off the freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic; and
 - (ii) shall remain at the scene of the accident or the location described in Subsection (2)(a)(i) until the operator has fulfilled the requirements of this section.
 - (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for an accident.
 - (c) If the operator has knowledge that the operator was involved in, or reason to believe that the operator may have been involved in, an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.
- (3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:
 - (a) give to the persons involved:
 - (i) the operator's name, address, and the registration number of the vehicle being operated; and
 - (ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider; and
 - (b) upon request and if available, exhibit the operator's license to:
 - (i) any investigating peace officer present;
 - (ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
 - (iii) the owner of property damaged in the accident, if present.
- (4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to an apparent extent of \$2,500 or more.
- (5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:

- (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
 - (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
- (6) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- (7) An operator of a vehicle that has knowledge or has reason to believe that the operator may have been involved in an accident and fails to comply with the provisions of this section is guilty of a class B misdemeanor.

Amended by Chapter 149, 2019 General Session

Amended by Chapter 383, 2019 General Session

41-6a-401.3 Accident involving injury -- Stop at accident -- Penalty.

- (1) As used in this section:
- (a) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
 - (b) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- (2)
- (a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in injury to a person shall:
 - (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
 - (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
 - (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.
- (3)
- (a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):
 - (i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and
 - (ii) shall be fined not less than \$750.
 - (b) A person who violates the provisions of Subsection (2):
 - (i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and
 - (ii) shall be fined not less than \$750.

Amended by Chapter 241, 2011 General Session

41-6a-401.5 Accident involving death -- Stop at accident -- Penalty.

- (1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
- (2)

- (a) The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in the death of a person shall:
 - (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
 - (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
- (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.
- (3) A person who violates the provisions of Subsection (2) is guilty of a third degree felony and shall be fined not less than \$750.

Amended by Chapter 241, 2011 General Session

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

- (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall:
 - (a) give to the persons involved:
 - (i) the operator's name, address, and the registration number of the vehicle being operated; and
 - (ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider;
 - (b) upon request and if available, exhibit the operator's license to:
 - (i) any investigating peace officer present;
 - (ii) the person struck;
 - (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
 - (iv) the owner of property damaged in the accident, if present; and
 - (c) render to any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting, of the injured person to a physician or hospital for medical treatment if:
 - (i) it is apparent that treatment is necessary; or
 - (ii) transportation is requested by the injured person.
- (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency.
- (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate notice required under Subsection (2) if:
 - (a) the operator of a vehicle involved in an accident is physically incapable of giving the notice; and
 - (b) the occupant is capable of giving an immediate notice.
- (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
 - (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or

- (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
- (5) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- (6) A violation of Subsection (4) is a class C misdemeanor.

Amended by Chapter 1, 2015 Special Session 1

41-6a-401.9 Authority to remove and dispose of vehicles and cargoes of vehicles involved in accidents.

- (1) As a result of a motor vehicle accident, a law enforcement agency with jurisdiction may, without the consent of the owner or carrier, remove a vehicle, cargo, or other personal property that:
 - (a) has been damaged or spilled within the right-of-way or any portion of a roadway on the state highway system;
 - (b) is blocking the roadway; or
 - (c) is otherwise endangering public safety.
- (2) The Department of Transportation, a law enforcement agency, or an authorized tow truck motor carrier shall not be held responsible for any damages or claims that result from exercising any authority or the failure to exercise any authority granted under this section provided they are acting in good faith.

Amended by Chapter 363, 2011 General Session

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

- (1) The department may require any operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the apparent extent of \$2,500 or more to file within 10 days after the request:
 - (a) a report of the accident to the department in a manner specified by the department; and
 - (b) a supplemental report when the original report is insufficient in the opinion of the department.
- (2) The department may require witnesses of accidents to file reports to the department.
- (3)
 - (a) An accident report is not required under this section from any person who is physically incapable of making a report, during the period of incapacity.
 - (b) If the operator is physically incapable of making an accident report under this section and the operator is not the owner of the vehicle, the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.
- (4)
 - (a) The department shall, upon request, supply to law enforcement agencies, justice court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident reports required under this part.
 - (b) A request for an accident report form under Subsection (4)(a) shall be made in a manner specified by the division.
 - (c) The accident reports shall contain:
 - (i) sufficient detail to disclose the cause of the accident;
 - (ii) a description of conditions then existing;

- (iii) subject to Subsection (4)(d), the name, address, and phone number of each person involved in the accident, including a witness of the accident;
 - (iv) the vehicles involved in the accident; and
 - (v) all of the information required that is available.
- (d)
- (i) If a witness requests that the witness's address and phone number be excluded from the accident report, the investigating officer shall:
 - (A) exclude the witness's address and phone number from the accident report; and
 - (B) create a separate record with the witness's address and phone number.
 - (ii) The record described in Subsection (4)(d)(i) is discoverable in a lawsuit by a party that was involved in the accident, if the lawsuit arises from the accident.
- (5)
- (a) A person shall file an accident report if required under this section.
 - (b) The department shall suspend the license or permit to operate a motor vehicle and any nonresident operating privileges of any person failing to file an accident report in accordance with this section.
 - (c) The suspension under Subsection (5)(b) shall be in effect until the report has been filed except that the department may extend the suspension not to exceed 30 days.
- (6)
- (a) A peace officer who, in the regular course of duty, investigates a motor vehicle accident described under Subsection (1) shall file an electronic copy of the report of the accident with the department within 10 days after completing the investigation.
 - (b) The accident report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.
- (7) The accident reports required to be filed with the department under this section and the information in them are protected and confidential and may be disclosed only as provided in Section 41-6a-404.
- (8)
- (a) In addition to the reports required under this part, a local highway authority may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall file with the local law enforcement agency a report of the accident or a copy of any report required to be filed with the department under this part.
 - (b) All reports are for the confidential use of the municipal department and are subject to the provisions of Section 41-6a-404.
- (9) A violation of this section is an infraction.

Amended by Chapter 402, 2023 General Session

41-6a-403 Vehicle accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of plates -- Penalties.

- (1)
- (a) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.
 - (b) The evidence of owner's or operator's security includes information specified under Section 41-12a-303.2.
- (2) The peace officer shall record on a form approved by the department:

- (a) the information provided by the operator;
 - (b) whether the operator provided insufficient or no information;
 - (c) whether the officer finds reasonable cause to believe that any information given is not correct; and
 - (d) whether other information available to the peace officer indicates that owner's or operator's security is in effect.
- (3) The peace officer shall deposit all completed forms with the peace officer's law enforcement agency, which shall forward the forms to the department no later than 10 days after receipt.
- (4)
- (a) The department shall within 10 days of receipt of the forms from the law enforcement agency take action as follows:
 - (i) if the operator provided no information under Subsection (1) and other information available to the peace officer does not indicate that owner's or operator's security is in effect, the department shall take direct action under Subsection 53-3-221(13); or
 - (ii) if the peace officer noted or the department determines that there is reasonable cause to believe that the information given under Subsection (1) is not correct, the department shall contact directly the insurance company or other provider of security as described in Section 41-12a-303.2 and request verification of the accuracy of the information submitted as of the date of the accident.
 - (b) The department may require the verification under Subsection (4)(a)(ii) to be in a form specified by the department.
 - (c) The insurance company or other provider of security shall return the verification to the department within 30 days of receipt of the request.
 - (d) If the department does not receive verification within 35 days after sending the request, or within the 35 days receives notice that the information was not correct, the department shall take action under Subsection 53-3-221(13).
- (5)
- (a) The owner of a vehicle with unexpired license plates for which security is not provided as required under this chapter shall return the plates for the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain them.
 - (b) If the owner fails to return the plates as required, the plates shall be confiscated under Section 53-3-226.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the enforcement of this section.
- (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:
- (a) when requested to provide security information under Subsection (1), or Section 41-12a-303.2, provides false information;
 - (b) falsely represents to the department that security required under this chapter is in effect; or
 - (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or a third party.

Amended by Chapter 382, 2008 General Session

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

(1) As used in this section:

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

- (i) the identity of witnesses and, if known, contact information;
 - (ii) witness statements;
 - (iii) photographs and videotapes;
 - (iv) diagrams; and
 - (v) field notes.
- (b) "Agent" means:
- (i) a person's attorney that has been formally engaged;
 - (ii) a person's insurer;
 - (iii) a general acute hospital, as defined in Section 26B-2-201, that:
 - (A) has an emergency room; and
 - (B) is providing or has provided emergency services to the person in relation to the accident;or
 - (iv) any other individual or entity with signed permission from the person to receive the person's accident report.
- (2)
- (a) Except as provided in Subsections (3) and (7), all accident reports required in this part to be filed with the department:
- (i) are without prejudice to the reporting individual;
 - (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
 - (iii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.
- (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.
- (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:
- (i) a person involved in the accident, excluding a witness to the accident;
 - (ii) a person suffering loss or injury in the accident;
 - (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and (ii);
 - (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;
 - (v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
 - (vi) law enforcement personnel when acting in their official governmental capacity; and
 - (vii) a licensed private investigator who:
 - (A) represents an individual described in Subsections (3)(a)(i) through (iii); and
 - (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.
- (b) The responsible law enforcement agency employing the peace officer that investigated the accident:
- (i) shall in compliance with Subsection (3)(a):
 - (A) disclose an accident report; or
 - (B) upon written request disclose an accident report and its accompanying data within 10 business days from receipt of a written request for disclosure;

- (ii) may withhold an accident report, and any of its accompanying data if disclosure would jeopardize an ongoing criminal investigation or criminal prosecution; or
 - (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.
 - (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 an accident reported under this section was covered by a vehicle insurance policy, and the name of the insurer.
 - (d) Information provided to a member of the press or broadcast news media under Subsection (3)(a)(iv) may only include:
 - (i) the name, age, sex, and city of residence of each person involved in the accident;
 - (ii) the make and model year of each vehicle involved in the accident;
 - (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
 - (iv) the location of the accident; and
 - (v) a description of the accident that excludes personal identifying information not listed in Subsection (3)(d)(i).
 - (e) The department shall disclose to any requesting person the following vehicle accident history information, excluding personal identifying information, in bulk electronic form:
 - (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;
 - (ii) the date of the accident; and
 - (iii) any electronically available data which describes the accident, including a description of any physical damage to the vehicle.
 - (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).
- (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.
 - (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.
 - (ii) If the report has been made, the certificate furnished by the department shall show:
 - (A) the date, time, and location of the accident;
 - (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;
 - (C) the owners of the vehicles involved; and
 - (D) the investigating peace officers.
 - (iii) The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (5).
 - (iv) If a witness requests that the witness's address and phone number be excluded from the accident report, the investigating officer shall:
 - (A) exclude the witness's address and phone number from the accident report; and
 - (B) create a separate record of the witness's address and phone number.

- (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.
- (5) 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.
- (6) 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).
- (7)
 - (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:
 - (i) a person involved in the accident, excluding a witness to the accident;
 - (ii) an owner of a vehicle involved in the accident;
 - (iii) an agent, parent, or legal guardian of a person described in Subsection (7)(a)(i) or (ii); or
 - (iv) an insurer that provides motor vehicle insurance to a person described in Subsection (7)(a)(i) or (iii).
 - (b) A disclosure under Subsection (7)(a) does not change the classification of the record as a protected record under Section 63G-2-305.
- (8)
 - (a) A person may not knowingly obtain an accident report described in this part if the person is not described in Subsection (3).
 - (b) A person may not knowingly use information in an accident report to market services, including marketing for legal representation.
 - (c) A person who violates this Subsection (8) is guilty of a class A misdemeanor.

Amended by Chapter 328, 2023 General Session

Amended by Chapter 402, 2023 General Session

Amended by Chapter 522, 2023 General Session

41-6a-405 Garage keeper to report damaged vehicle without damage sticker.

- (1)
 - (a) The person in charge of any garage or repair shop shall make a report to the nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence of having been:
 - (i) involved in an accident for which an accident report may be requested under Section 41-6a-402; or
 - (ii) struck by any bullet.
 - (b) The report required under Subsection (1)(a) shall include the:
 - (i) vehicle identification number;
 - (ii) registration number; and
 - (iii) name and address of the owner or operator of the vehicle.
- (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a peace officer, a report under Subsection (1) is not required.
- (3) A violation of Subsection (1) is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-406 Statistical information regarding accidents -- Annual publication.

- (1) The department may analyze all accident reports.
- (2)
 - (a) The department shall tabulate and publish statistical information as to the number and circumstances of traffic accidents.
 - (b) The publication under Subsection (2)(a) shall be at least annually.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-407 Livestock on highway -- Restrictions -- Collision, action for damages.

- (1)
 - (a) A person who owns or is in possession or control of any livestock may not willfully or negligently permit any of the livestock to stray or remain unaccompanied on a highway, if both sides of the highway are separated from adjoining property by a fence, wall, hedge, sidewalk, curb, lawn, or building.
 - (b) Subsection (1)(a) does not apply to range stock drifting onto any highway moving to or from their accustomed ranges.
- (2)
 - (a) A person may not drive any livestock upon, over, or across any highway during the period from half an hour after sunset to half an hour before sunrise.
 - (b) Subsection (2)(a) does not apply if the person has a sufficient number of herders with warning lights on continual duty to open the road to permit the passage of vehicles.
- (3) A violation of Subsection (1) or (2) is an infraction.
- (4) In any civil action brought for damages caused by collision with any domestic animal or livestock on a highway, there is no presumption that the collision was due to negligence on behalf of the owner or the person in possession of the domestic animal or livestock.

Amended by Chapter 412, 2015 General Session

41-6a-408 Peace officer investigating accident to notify owner if livestock or broken fence involved -- Exempt from liability.

- (1) A peace officer investigating an accident resulting in injury or death of any livestock shall make reasonable efforts as soon as possible to:
 - (a) locate the owner of the livestock;
 - (b) inform the owner of the injured or dead animal; and
 - (c)
 - (i) make arrangements with the owner of the livestock to deliver, mail, email, fax, or otherwise provide the owner of the livestock a copy of the accident report prepared in accordance with Section 41-6a-404; or
 - (ii) advise the owner of the livestock where a copy of the accident report prepared in accordance with Section 41-6a-404 may be obtained.
- (2) A peace officer investigating an accident resulting in a broken fence, if it appears the fence contains or controls the movement of livestock, shall make reasonable efforts as soon as possible to locate the owner of the property and inform the owner of the broken fence.
- (3)
 - (a) Civil or criminal liability for claims does not arise against any peace officer for failure to locate the owner of the livestock or property.

- (b) Subsection (3)(a) does not preclude disciplinary action by the law enforcement agency against a peace officer for failure to perform duties required by this section.

Amended by Chapter 220, 2010 General Session

41-6a-409 Prohibition of flat response fee for motor vehicle accident.

- (1) As used in this section, "government entity" means the Department of Transportation, the Utah Highway Patrol Division, or a local government entity or agency.
- (2) A government entity:
 - (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a motor vehicle accident; and
 - (b) may only charge the individual for the actual cost or a reasonable estimate of the cost of services provided in responding to the motor vehicle accident, limited to:
 - (i) medical costs for transporting an individual from the scene of a motor vehicle accident or treating a person injured in a motor vehicle accident;
 - (ii) subject to Subsection (6), the cost for repair or replacement of damaged public property, if the individual is legally liable for the damage;
 - (iii) the cost of materials used in cleaning up the motor vehicle accident, if the individual is legally liable for the motor vehicle accident; and
 - (iv) towing costs.
- (3) If a government entity imposes a charge on more than one individual for the actual cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the government entity shall apportion the charges so that the government entity does not receive more for responding to the motor vehicle accident than the actual response cost or a reasonable estimate of the cost.
- (4) Nothing in this section prohibits a government entity from contracting with an independent contractor to recover costs related to damage to public property.
- (5) If a government entity enters into a contract with an independent contractor to recover costs related to damage to public property, the government entity may only pay the independent contractor out of any recovery received from the person who caused the damage or the responsible party.
- (6)
 - (a) The costs of repair or replacement of damaged public property described in Subsection (2)(b)
 - (ii) include the full cost to:
 - (i) repair the damaged public property; or
 - (ii) replace the damaged public property with a replacement that is functionally equivalent to the property that was damaged.
 - (b) Except for the replacement of a damaged motor vehicle, the costs described in Subsection (6)
 - (a) may not be reduced based on the depreciated value of the damaged public property at the time the damage occurs.

Amended by Chapter 239, 2021 General Session