

Effective 5/3/2023

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