

Effective 5/7/2025

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

(1) As used in this section:

(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.

(ii) "Accident report" may include:

(A) a police report;

(B) a motor vehicle collision report;

(C) a reportable accident report;

(D) a driving under the influence report;

(E) an animal control report;

(F) any witness statement or witness recording;

(G) an ambulance medical record or bill;

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

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

(b) "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;

(iv) surveillance, body camera, dash camera, and any other video footage;

(v) diagrams; and

(vi) field notes.

(c) "Agent" means:

(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;

(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.

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

(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.

(2)

(a) Except as provided in Subsections (3) and (8), 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 (6).
 - (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) Except as provided in Subsections (5)(c) and (d), for an agent 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 responsible law enforcement agency shall provide the protected record in unredacted form if the attorney agent:
 - (i) requests the protected record in writing;
 - (ii) provides a letter of representation stating that:
 - (A) the attorney has been engaged to represent the individual in a matter relevant to the accident report; and
 - (B) 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
 - (iii) pays the relevant fees required by the responsible law enforcement agency.
 - (b) An attorney described in Subsection (5)(a) that releases a protected record for any purpose not described in Subsection (5)(a)(ii)(B) is liable for the unlawful disclosure and subject to the penalties described in Section 63G-2-801.

- (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.
- (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.
- (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.
- (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).
- (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:
 - (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 (8)(a)(i) or (ii); or
 - (iv) an insurer that provides motor vehicle insurance to a person described in Subsection (8)(a)(i) or (iii).
 - (b) A disclosure under Subsection (8)(a) does not change the classification of the record as a protected record under Section 63G-2-305.
- (9)
 - (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 (9) is guilty of a class A misdemeanor.

Amended by Chapter 372, 2025 General Session