1	VEHICLE HISTORY INFORMATION
2	2002 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Dan R. Eastman
5	This act modifies the Motor Vehicle Code by allowing the Department of Public Safety to
6	disclose vehicle accident history information.
7	This act affects sections of Utah Code Annotated 1953 as follows:
8	AMENDS:
9	41-6-40, as last amended by Chapter 85, Laws of Utah 2001
10	Be it enacted by the Legislature of the state of Utah:
11	Section 1. Section <b>41-6-40</b> is amended to read:
12	41-6-40. Accident reports When confidential Insurance policy information Use
13	as evidence Penalty for false information.
14	(1) As used in this section, "agent" means a person's:
15	(a) attorney;
16	(b) insurer; or
17	(c) any other individual or entity with signed permission from the person to receive the
18	person's accident report.
19	(2) Except as provided in Subsection (3), all accident reports required in this article to be
20	filed with the department:
21	(a) are without prejudice to the reporting individual;
22	(b) are protected and for the confidential use of the department or other state, local, or
23	federal agencies having use for the records for official governmental statistical, investigative, and
24	accident prevention purposes; and
25	(c) may be disclosed only in a statistical form that protects the privacy of any person
26	involved in the accident.
27	(3) (a) The department shall disclose an accident report and its accompanying data to:

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(i	i) a person involved in the accident, excluding a witness to the accident;
(i	ii) a person suffering loss or injury in the accident;
(i	iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and
(ii);	
(i	iv) a member of the press or broadcast news media;
()	v) a state, local, or federal agency that uses the records for official governmental,
investiga	tive, or accident prevention purposes;
()	vi) law enforcement personnel when acting in their official governmental capacity; and
()	vii) a licensed private investigator.
(1	b) In accordance with Subsection (3)(a), the department shall disclose whether any person
or vehicl	e involved in an accident reported under this section was covered by a vehicle insurance

39 policy, and the name of the insurer.

- 40 (c) Information provided to a member of the press or broadcast news media under 41 Subsection (3)(a)(iv) may only include:
- 42 (i) the name, age, sex, and city of residence of each person involved in the accident;
- 43 (ii) the make and model year of each vehicle involved in the accident;
- 44 (iii) whether or not each person involved in the accident was covered by a vehicle

#### 45 insurance policy;

- (iv) the location of the accident; and 46
- 47 (v) a description of the accident that excludes personal identifying information not listed 48 in Subsection (3)(c)(i).
- 49 (d) The department shall disclose to any requesting person the following vehicle accident history information  $\hat{\mathbf{h}} \begin{bmatrix} \mathbf{S} & \mathbf{I} & \mathbf{B} & \mathbf{U} & \mathbf{K} & \mathbf{E} & \mathbf{E} & \mathbf{F} & \mathbf{F} \\ \mathbf{h} & \mathbf{h}$ 50
- 51 (i) the make, model year, and vehicle identification number of **§** [each] A **ş** vehicle involved in
- 52 **S** [the] AN s accident;
- 53 (ii) the date of the accident; and
- 54 (iii) any electronically available data, that excludes personal identifying information, which
- describes the accident, including a description of any physical damage to the vehicle. 55

### 55a $\hat{\mathbf{h}}$ (e) (i) THE DEPARTMENT MAY PROVIDE THE INFORMATION DESCRIBED IN SUBSECTION 55b (3)(d) ON UP TO FIVE VEHICLES PER REQUEST.

#### (ii) THE DEPARTMENT SHALL CHARGE A FEE OF \$5.00 PER REQUEST. 55c

- (f) THE INFORMATION DESCRIBED IN SUBSECTION (3)(d) MAY NOT BE PROVIDED IN BULK 55d 55e ELECTRONIC FORM. În
- (4) (a) Except as provided in Subsection (4)(b), accident reports filed under this section 56
- may not be used as evidence in any civil or criminal trial arising out of an accident. 57
- 58 (b) Upon demand of any party to the trial or upon demand of any court, the department

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shall furnish a certificate showing that a specified accident report has or has not been made to the

- 60 department in compliance with law. If the report has been made, the certificate furnished by the
- 61 department shall show the date, time, and location of the accident, the names and addresses of the
- 62 drivers, the owners of the vehicles involved, and the investigating officers. The reports may be
- 63 used as evidence when necessary to prosecute charges filed in connection with a violation of
- 64 Subsection (5).
- 65 (5) A person who gives information in reports as required in this chapter knowing or 66 having reason to believe that the information is false is guilty of a class A misdemeanor.

## Legislative Review Note as of 1-18-02 11:04 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

## Office of Legislative Research and General Counsel