

1 **VEHICLE HISTORY INFORMATION**

2 2003 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, excluding personal identifying information,**
7 **in bulk electronic form.**

7a **§ THIS ACT ALLOWS THE DEPARTMENT TO ESTABLISH A FEE FOR [EACH] BULK VEHICLE ACCIDENT**
7aa **HISTORY**

7b **[REQUEST] REQUESTS. §**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **41-6-40**, as last amended by Chapter 85, Laws of Utah 2001

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

12 Section 1. Section **41-6-40** is amended to read:

13 **41-6-40. Accident reports -- When confidential -- Insurance policy information --**
14 **Use as evidence -- Penalty for false information.**

15 (1) As used in this section, "agent" means a person's:

16 (a) attorney;

17 (b) insurer; or

18 (c) any other individual or entity with signed permission from the person to receive the
19 person's accident report.

20 (2) Except as provided in Subsection (3), all accident reports required in this article to
21 be filed with the department:

22 (a) are without prejudice to the reporting individual;

23 (b) are protected and for the confidential use of the department or other state, local, or
24 federal agencies having use for the records for official governmental statistical, investigative,
25 and accident prevention purposes; and

26 (c) may be disclosed only in a statistical form that protects the privacy of any person



27 involved in the accident.

28 (3) (a) The department shall disclose an accident report and its accompanying data to:

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

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

31 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)

32 and (ii);

33 (iv) a member of the press or broadcast news media;

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

36 (vi) law enforcement personnel when acting in their official governmental capacity;

37 and

38 (vii) a licensed private investigator.

39 (b) In accordance with Subsection (3)(a), the department shall disclose whether any
40 person or vehicle involved in an accident reported under this section was covered by a vehicle
41 insurance policy, and the name of the insurer.

42 (c) Information provided to a member of the press or broadcast news media under
43 Subsection (3)(a)(iv) may only include:

44 (i) the name, age, sex, and city of residence of each person involved in the accident;

45 (ii) the make and model year of each vehicle involved in the accident;

46 (iii) whether or not each person involved in the accident was covered by a vehicle
47 insurance policy;

48 (iv) the location of the accident; and

49 (v) a description of the accident that excludes personal identifying information not
50 listed in Subsection (3)(c)(i).

51 (d) The department shall disclose to any requesting person the following vehicle
52 accident history information, excluding personal identifying information, in bulk electronic
53 form:

54 (i) § ANY VEHICLE IDENTIFYING INFORMATION THAT IS ELECTRONICALLY AVAILABLE,
54a INCLUDING § the make, model year, and vehicle identification number of each vehicle involved in
55 an accident;

56 (ii) the date of the accident; and

57 (iii) any electronically available data which describes the accident, including a
58 description of any physical damage to the vehicle.

58a § (e) THE DEPARTMENT MAY ESTABLISH A FEE UNDER SECTION 63-38-3.2 BASED ON THE FAIR
MARKET VALUE OF THE INFORMATION FOR ~~THE COST OF~~
58b ~~PRODUCING AND~~ PROVIDING BULK VEHICLE ACCIDENT HISTORY INFORMATION UNDER
SUBSECTION

58c (3)(d). §



59 (4) (a) Except as provided in Subsection (4)(b), accident reports filed under this section
60 may not be used as evidence in any civil or criminal trial arising out of an accident.

61 (b) Upon demand of any party to the trial or upon demand of any court, the department
62 shall furnish a certificate showing that a specified accident report has or has not been made to
63 the department in compliance with law. If the report has been made, the certificate furnished
64 by the department shall show the date, time, and location of the accident, the names and
65 addresses of the drivers, the owners of the vehicles involved, and the investigating officers.
66 The reports may be used as evidence when necessary to prosecute charges filed in connection
67 with a violation of Subsection (5).

68 (5) A person who gives information in reports as required in this chapter knowing or
69 having reason to believe that the information is false is guilty of a class A misdemeanor.

Legislative Review Note
as of 11-20-02 4:58 PM

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

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-12-02 2:09 PM

The Business and Labor Interim Committee recommended this bill.

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

There could be some economic benefit to automobile buyers as they will have more complete information to base their purchasing decisions.

Office of the Legislative Fiscal Analyst