

1 **ACCIDENT REPORT RECORDS ACCESS**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark W. Walker**

5 Senate Sponsor: Dan R. Eastman

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to access to law enforcement accident reports
10 under the Traffic Code.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides a general acute hospital with access to traffic accident reports prepared by
14 law enforcement agencies if:

- 15 • the hospital has an emergency room; and
- 16 • the hospital has provided emergency services to a person in connection with the
17 accident.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **41-6a-404**, as renumbered and amended by Chapter 2, Laws of Utah 2005

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

27 Section 1. Section **41-6a-404** is amended to read:

28 **41-6a-404. Accident reports -- When confidential -- Insurance policy information**
29 **-- Use as evidence -- Penalty for false information.**

30 (1) As used in this section:

31 (a) "Agent" means a person's:

32 (i) attorney;

33 (ii) insurer; ~~or~~

34 (iii) a general acute hospital, as defined in Section 26-21-2, that:

35 (A) has an emergency room; and

36 (B) is providing or has provided emergency services to the person in relation to the
37 accident; or

38 ~~(iii)~~ (iv) any other individual or entity with signed permission from the person to
39 receive the person's accident report.

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

42 (i) the identity of witnesses and, if known, contact information;

43 (ii) witness statements;

44 (iii) photographs and videotapes;

45 (iv) diagrams; and

46 (v) field notes.

47 (2) Except as provided in Subsection (3), all accident reports required in this part to be
48 filed with the department:

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

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

53 (c) may be disclosed only in a statistical form that protects the privacy of any person
54 involved in the accident.

55 (3) (a) Subject to the provisions of this section, the department or the responsible law
56 enforcement agency employing the peace officer that investigated the accident shall disclose an
57 accident report to:

- 58 (i) a person involved in the accident, excluding a witness to the accident;
- 59 (ii) a person suffering loss or injury in the accident;
- 60 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)
- 61 and (ii);
- 62 (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;
- 63 (v) a state, local, or federal agency that uses the records for official governmental,
- 64 investigative, or accident prevention purposes;
- 65 (vi) law enforcement personnel when acting in their official governmental capacity;
- 66 and
- 67 (vii) a licensed private investigator.
- 68 (b) The responsible law enforcement agency employing the peace officer that
- 69 investigated the accident:
 - 70 (i) shall in compliance with Subsection (3)(a):
 - 71 (A) disclose an accident report; or
 - 72 (B) upon written request disclose an accident report and its accompanying data within
 - 73 ten business days from receipt of a written request for disclosure; or
 - 74 (ii) may withhold an accident report, and any of its accompanying data if disclosure
 - 75 would jeopardize an ongoing criminal investigation or criminal prosecution.
 - 76 (c) In accordance with Subsection (3)(a), the department or the responsible law
 - 77 enforcement agency employing the investigating peace officer shall disclose whether any
 - 78 person or vehicle involved in an accident reported under this section was covered by a vehicle
 - 79 insurance policy, and the name of the insurer.
 - 80 (d) Information provided to a member of the press or broadcast news media under
 - 81 Subsection (3)(a)(iv) may only include:
 - 82 (i) the name, age, sex, and city of residence of each person involved in the accident;
 - 83 (ii) the make and model year of each vehicle involved in the accident;
 - 84 (iii) whether or not each person involved in the accident was covered by a vehicle
 - 85 insurance policy;

86 (iv) the location of the accident; and

87 (v) a description of the accident that excludes personal identifying information not
88 listed in Subsection (3)(d)(i).

89 (e) The department shall disclose to any requesting person the following vehicle
90 accident history information, excluding personal identifying information, in bulk electronic
91 form:

92 (i) any vehicle identifying information that is electronically available, including the
93 make, model year, and vehicle identification number of each vehicle involved in an accident;

94 (ii) the date of the accident; and

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

97 (f) The department may establish a fee under Section 63-38-3.2 based on the fair
98 market value of the information for providing bulk vehicle accident history information under
99 Subsection (3)(e).

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

102 (b) (i) Upon demand of any party to the trial or upon demand of any court, the
103 department shall furnish a certificate showing that a specified accident report has or has not
104 been made to the department in compliance with law.

105 (ii) If the report has been made, the certificate furnished by the department shall show:

106 (A) the date, time, and location of the accident;

107 (B) the names and addresses of the drivers;

108 (C) the owners of the vehicles involved; and

109 (D) the investigating peace officers.

110 (iii) The reports may be used as evidence when necessary to prosecute charges filed in
111 connection with a violation of Subsection (5).

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

114 (6) The department and the responsible law enforcement agency employing the
115 investigating peace officer may charge a reasonable fee determined by the department under
116 Section 63-38-3.2 for the cost incurred in disclosing an accident report or an accident report
117 and any of its accompanying data under Subsections (3)(a) and (b).