

1                   **TRAFFIC ACCIDENT EMERGENCY RESPONSE FEES**

2                                   2012 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: J. Stuart Adams**

5                                   House Sponsor: Gregory H. Hughes

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the Traffic Code by amending provisions relating to emergency  
10 response fees for motor vehicle accidents.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ prohibits the Department of Transportation or the Utah Highway Patrol Division, or  
14 a person who contracts with the Department of Transportation or the Utah Highway  
15 Patrol Division to provide emergency services, from imposing a flat fee, or  
16 collecting a flat fee, from an individual involved in a motor vehicle accident;

17           ▶ provides that the Department of Transportation or the Utah Highway Patrol  
18 Division, or a person who contracts with the Department of Transportation or the  
19 Utah Highway Patrol Division to provide emergency services, may only charge the  
20 individual for certain costs of services provided; and

21           ▶ requires the Department of Transportation or the Utah Highway Patrol Division or a  
22 person contracting with the Department of Transportation or the Utah Highway  
23 Patrol Division, to apportion the charges so that it does not receive more for  
24 responding to the motor vehicle accident than the actual response cost if charges are  
25 imposed on more than one individual.

26 **Money Appropriated in this Bill:**

27           None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **41-6a-409**, Utah Code Annotated 1953



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

35 Section 1. Section **41-6a-409** is enacted to read:

36 **41-6a-409. Prohibition of flat response fee for motor vehicle accident.**

37 (1) The Department of Transportation or the Utah Highway Patrol Division, or a  
38 person who contracts with the Department of Transportation or the Utah Highway Patrol  
39 Division to provide emergency services:

40 (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a  
41 motor vehicle accident; and

42 (b) may only charge the individual for the actual cost of services provided in  
43 responding to the motor vehicle accident, limited to:

44 (i) medical costs for:

45 (A) transporting an individual from the scene of a motor vehicle accident; or

46 (B) treatment of a person injured in a motor vehicle accident;

47 (ii) repair to damaged public property, if the individual is legally liable for the damage;

48 (iii) the cost of materials used in cleaning up the motor vehicle accident, if the  
49 individual is legally liable for the motor vehicle accident; and

50 (iv) towing costs.

51 (2) If the Department of Transportation or the Utah Highway Patrol Division, or a  
52 person who contracts with the Department of Transportation or the Utah Highway Patrol  
53 Division to provide emergency services, imposes a charge on more than one individual for the  
54 actual cost of responding to a motor vehicle accident, the Department of Transportation or the  
55 Utah Highway Patrol Division or the person contracting with the Department of Transportation  
56 or the Utah Highway Patrol Division shall apportion the charges so that it does not receive  
57 more for responding to the motor vehicle accident than the actual response cost.

**Legislative Review Note**  
as of 2-2-12 5:13 PM

**Office of Legislative Research and General Counsel**