

**ELECTRONIC FILING OF TRAFFIC CITATIONS AND
ACCIDENT REPORTS**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Edward H. Redd

LONG TITLE

General Description:

This bill requires that traffic citations and accident reports be filed electronically.

Highlighted Provisions:

This bill:

- ▶ requires that traffic citations be filed electronically with the courts using the courts' electronic filing interface; and
- ▶ requires that motor vehicle accident reports be filed electronically with the Department of Public Safety.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-402, as renumbered and amended by Laws of Utah 2005, Chapter 2

77-7-20, as last amended by Laws of Utah 2009, Chapter 292

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

Section 1. Section **41-6a-402** is amended to read:



28 **41-6a-402. Accident reports -- Duty of operator and investigative officer to file.**

29 (1) The department may require any operator of a vehicle involved in an accident
30 resulting in injury to or death of any person or total property damage to the apparent extent of
31 [~~\$1,000~~] \$1,500 or more to file within 10 days after the request:

32 (a) a report of the accident to the department in a manner specified by the department;
33 and

34 (b) a supplemental report when the original report is insufficient in the opinion of the
35 department.

36 (2) The department may require witnesses of accidents to file reports to the department.

37 (3) (a) An accident report is not required under this section from any person who is
38 physically incapable of making a report, during the period of incapacity.

39 (b) If the operator is physically incapable of making an accident report under this
40 section and the operator is not the owner of the vehicle, the owner of the vehicle involved in
41 the accident shall within 15 days after becoming aware of the accident make the report required
42 of the operator under this section.

43 (4) (a) The department shall, upon request, supply to law enforcement agencies, justice
44 court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident
45 reports required under this part.

46 (b) A request for an accident report form under Subsection (4)(a) shall be made in a
47 manner specified by the division.

48 (c) The accident reports shall:

49 (i) provide sufficient detail to disclose the cause, conditions then existing, and the
50 persons and vehicles involved in the accident; and

51 (ii) contain all of the information required that is available.

52 (5) (a) A person shall file an accident report if required under this section.

53 (b) The department shall suspend the license or permit to operate a motor vehicle and
54 any nonresident operating privileges of any person failing to file an accident report in
55 accordance with this section.

56 (c) The suspension under Subsection (5)(b) shall be in effect until the report has been
57 filed except that the department may extend the suspension not to exceed 30 days.

58 (6) (a) A peace officer who, in the regular course of duty, investigates a motor vehicle

59 accident described under Subsection (1) shall file ~~[the original or]~~ an electronic copy of the
60 report of the accident with the department within 10 days after completing the investigation.

61 (b) The accident report shall be made either at the time of and at the scene of the
62 accident or later by interviewing participants or witnesses.

63 (7) The accident reports required to be filed with the department under this section and
64 the information in them are protected and confidential and may be disclosed only as provided
65 in Section 41-6a-404.

66 (8) (a) In addition to the reports required under this part, a local highway authority
67 may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator
68 of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall
69 file with the local law enforcement agency a report of the accident or a copy of any report
70 required to be filed with the department under this part.

71 (b) All reports are for the confidential use of the municipal department and are subject
72 to the provisions of Section 41-6a-404.

73 Section 2. Section **77-7-20** is amended to read:

74 **77-7-20. Service of citation on defendant -- Filing in court -- Electronic filing --**
75 **Contents of citations.**

76 (1) ~~[If a citation is issued pursuant to Section 77-7-18, the]~~ A peace officer or public
77 official [shall issue one copy to] who issues a citation pursuant to Section 77-7-18 shall give
78 the citation to the person cited and shall within five days [file a duplicate copy] electronically
79 file the data from Subsections (2)(a) through (2)(g) with the court specified in the citation. The
80 data transmission shall use the court's electronic filing interface. A nonconforming filing is not
81 effective.

82 (2) ~~[Each copy of the]~~ The citation issued under authority of this chapter shall contain
83 the following data:

- 84 (a) the name of the court before which the person is to appear;
- 85 (b) the name of the person cited;
- 86 (c) a brief description of the offense charged;
- 87 (d) the date, time, and place at which the offense is alleged to have occurred;
- 88 (e) the date on which the citation was issued;
- 89 (f) the name of the peace officer or public official who issued the citation, and the

90 name of the arresting person if an arrest was made by a private party and the citation was
91 issued in lieu of taking the arrested person before a magistrate;

92 (g) the time and date on or before and after which the person is to appear or a statement
93 that the court will notify the person of the time to appear;

94 (h) the address of the court in which the person is to appear; and

95 ~~[(i) a certification above the signature of the officer issuing the citation in substantially~~
96 ~~the following language: "I certify that a copy of this citation or information (Summons and~~
97 ~~Complaint) was duly served upon the defendant according to law on the above date and I know~~
98 ~~or believe and so allege that the above-named defendant did commit the offense herein set forth~~
99 ~~contrary to law. I further certify that the court to which the defendant has been directed to~~
100 ~~appear is the proper court pursuant to Section 77-7-21."; and]~~

101 ~~[(j)]~~ (i) a notice containing substantially the following language:

102 **READ CAREFULLY**

103 This citation is not an information and will not be used as an information without your
104 consent. If an information is filed you will be provided a copy by the court. You MUST
105 appear in court on or before the time set in this citation or as directed by the court. IF YOU
106 FAIL TO APPEAR, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

107 (3) By electronically filing the data with the court, the peace officer or public official
108 certifies to the court that:

109 (a) the citation or information, including the summons and complaint, was served upon
110 the defendant in accordance with the law;

111 (b) the defendant committed the offense set forth in the served documents; and

112 (c) the court to which the defendant was directed to appear is the proper court pursuant
113 to Section 77-7-21.

Legislative Review Note
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Office of Legislative Research and General Counsel