

Representative Johnny Anderson proposes the following substitute bill:

MOTOR VEHICLE ACCIDENT COST RECOVERY

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies provisions related to the recovery of costs for repairs of damages caused by motor vehicle accidents.

Highlighted Provisions:

This bill:

- ▶ provides for government entities and certain contractors to contract with third parties to recover costs for repairs of damages caused by motor vehicle accidents;
- ▶ clarifies the fees that a third party may charge for services to recover costs for repairs of damages caused by motor vehicle accidents; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-409, as enacted by Laws of Utah 2012, Chapter 364



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

27 Section 1. Section **41-6a-409** is amended to read:

28 **41-6a-409. Prohibition of flat response fee for motor vehicle accident.**

29 (1) As used in this section, "contractor" means a person who contracts with the
30 Department of Transportation, the Utah Highway Patrol Division, or a local government entity.

31 ~~[(1)]~~ (2) The Department of Transportation ~~[or]~~, the Utah Highway Patrol Division, a
32 local government entity, or a ~~[person who contracts with the Department of Transportation or~~
33 ~~the Utah Highway Patrol Division to provide emergency services]~~ contractor:

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

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

38 (i) medical costs for ~~[(A)]~~ transporting an individual from the scene of a motor vehicle
39 accident ~~[(B) treatment of]~~ or treating a person injured in a motor vehicle accident;

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

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

43 (iv) towing costs.

44 ~~[(2)]~~ (3) If the Department of Transportation ~~[or]~~, the Utah Highway Patrol Division, a
45 local government entity, or a ~~[person who contracts with the Department of Transportation or~~
46 ~~the Utah Highway Patrol Division to provide emergency services,]~~ contractor imposes a charge
47 on more than one individual for the actual cost of responding to a motor vehicle accident, the
48 Department of Transportation ~~[or]~~, the Utah Highway Patrol Division, the local government
49 entity, or the ~~[person contracting with the Department of Transportation or the Utah Highway~~
50 ~~Patrol Division]~~ contractor shall apportion the charges so that it does not receive more for
51 responding to the motor vehicle accident than the actual response cost.

52 (4) Nothing in this section prohibits the Department of Transportation, the Utah
53 Highway Patrol Division, a local government entity, or a contractor from contracting with a
54 third party to recover costs related to damage to public property.

55 (5) If the Department of Transportation, the Utah Highway Patrol Division, a local
56 government entity, or a contractor enters into a contract with a third party to recover costs

57 related to damage to public property, the Department of Transportation, the Utah Highway
58 Patrol Division, a local government entity, or a contractor may only pay the third party out of
59 any recovery negotiated with the person who caused the damage.

60 (6) (a) The Department of Transportation, the Utah Highway Patrol Division, a local
61 government entity, or a contractor may provide estimates for the costs of paying a third party to
62 recover costs related to damage to public property or to make the necessary repairs to public
63 property.

64 (b) The estimates described in Subsection (6)(a) are non-binding.