

HB0415S01 compared with HB0415

~~deleted text~~ shows text that was in HB0415 but was deleted in HB0415S01.

inserted text shows text that was not in HB0415 but was inserted into HB0415S01.

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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: _____

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

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

(iv) towing costs.

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

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responding to the motor vehicle accident than the actual response cost.

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

(5) ~~{A third party that contracts with}~~If the Department of Transportation, the Utah Highway Patrol Division, a local government entity, or a contractor enters into a contract with a third party to recover costs related to damage to public property {may not charge a fee that exceeds the costs for which the person who caused the damage is liable.

~~———(6) (a) A third party that contracts with}~~, the Department of Transportation, the Utah Highway Patrol Division, a local government entity, or a contractor may only pay the third party out of any recovery negotiated with the person who caused the damage.

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

(b) The estimates ~~{provided by the third party may not exceed the actual costs of the repair.~~

Legislative Review Note

Office of Legislative Research and General Counsel} ~~described in Subsection (6)(a) are non-binding.~~