

**MOTOR VEHICLE ACCIDENT COST RECOVERY**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: John R. Westwood

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides for government entities to contract with third parties to recover costs for repair of damages caused by motor vehicle accidents;
- ▶ clarifies the fees that a third party may charge for services to recover costs for repair 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

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*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) The Department of Transportation or the Utah Highway Patrol Division, or a~~

30 ~~person who contracts with the Department of Transportation or the Utah Highway Patrol~~  
31 ~~Division to provide emergency services;]~~

32 (1) As used in this section, "government entity" means the Department of  
33 Transportation, the Utah Highway Patrol Division, or a local government entity or agency.

34 (2) A government entity:

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

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

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

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

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

45 (iv) towing costs.

46 ~~[(2) If the Department of Transportation or the Utah Highway Patrol Division, or a~~  
47 ~~person who contracts with the Department of Transportation or the Utah Highway Patrol~~  
48 ~~Division to provide emergency services;]~~

49 (3) If a government entity imposes a charge on more than one individual for the actual  
50 cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the  
51 ~~[Department of Transportation or the Utah Highway Patrol Division or the person contracting~~  
52 ~~with the Department of Transportation or the Utah Highway Patrol Division]~~ government entity  
53 shall apportion the charges so that ~~[it]~~ the government entity does not receive more for  
54 responding to the motor vehicle accident than the actual response cost or a reasonable estimate  
55 of the cost.

56 (4) Nothing in this section prohibits a government entity from contracting with an  
57 independent contractor to recover costs related to damage to public property.

58           (5) If a government entity enters into a contract with an independent contractor to  
59 recover costs related to damage to public property, the government entity may only pay the  
60 independent contractor out of any recovery received from the person who caused the damage or  
61 the responsible party.