

ACCIDENT REPORT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Melissa G. Ballard

LONG TITLE

General Description:

This bill amends provisions related to the disclosure of an accident report.

Highlighted Provisions:

This bill:

► amends provisions related to the disclosure of an accident report to allow the Department of Transportation, the Division of Risk Management, and the Office of State Debt Collection to disclose an accident report to certain relevant parties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-404, as last amended by Laws of Utah 2018, Chapter 162

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

Section 1. Section **41-6a-404** is amended to read:

41-6a-404. Accident reports -- When confidential -- Insurance policy information -- Use as evidence -- Penalty for false information.

(1) As used in this section:



28 (a) "Accompanying data" means all materials gathered by the investigating peace
29 officer in an accident investigation including:

- 30 (i) the identity of witnesses and, if known, contact information;
- 31 (ii) witness statements;
- 32 (iii) photographs and videotapes;
- 33 (iv) diagrams; and
- 34 (v) field notes.

35 (b) "Agent" means:

- 36 (i) a person's attorney;
- 37 (ii) a person's insurer;
- 38 (iii) a general acute hospital, as defined in Section 26-21-2, that:

39 (A) has an emergency room; and

40 (B) is providing or has provided emergency services to the person in relation to the
41 accident; or

42 (iv) any other individual or entity with signed permission from the person to receive
43 the person's accident report.

44 (2) (a) Except as provided in Subsections (3) and (7), all accident reports required in
45 this part to be filed with the department:

- 46 (i) are without prejudice to the reporting individual;
- 47 (ii) are protected and for the confidential use of the department or other state, local, or
48 federal agencies having use for the records for official governmental statistical, investigative,
49 and accident prevention purposes; and
- 50 (iii) may be disclosed only in a statistical form that protects the privacy of any person
51 involved in the accident.

52 (b) An investigating peace officer shall include in an accident report an indication as to
53 whether the accident occurred on a highway designated as a livestock highway in accordance
54 with Section 72-3-112 if the accident resulted in the injury or death of livestock.

55 (3) (a) Subject to the provisions of this section, the department or the responsible law
56 enforcement agency employing the peace officer that investigated the accident shall disclose an
57 accident report to:

- 58 (i) a person involved in the accident, excluding a witness to the accident;

59 (ii) a person suffering loss or injury in the accident;
60 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)

61 and (ii);

62 (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;

63 (v) a state, local, or federal agency that uses the records for official governmental,
64 investigative, or accident prevention purposes;

65 (vi) law enforcement personnel when acting in their official governmental capacity;

66 and

67 (vii) a licensed private investigator.

68 (b) The responsible law enforcement agency employing the peace officer that
69 investigated the accident:

70 (i) shall in compliance with Subsection (3)(a):

71 (A) disclose an accident report; or

72 (B) upon written request disclose an accident report and its accompanying data within
73 10 business days from receipt of a written request for disclosure; or

74 (ii) may withhold an accident report, and any of its accompanying data if disclosure
75 would jeopardize an ongoing criminal investigation or criminal prosecution.

76 (c) In accordance with Subsection (3)(a), the department or the responsible law
77 enforcement agency employing the investigating peace officer shall disclose whether any
78 person or vehicle involved in an accident reported under this section was covered by a vehicle
79 insurance policy, and the name of the insurer.

80 (d) Information provided to a member of the press or broadcast news media under
81 Subsection (3)(a)(iv) may only include:

82 (i) the name, age, sex, and city of residence of each person involved in the accident;

83 (ii) the make and model year of each vehicle involved in the accident;

84 (iii) whether or not each person involved in the accident was covered by a vehicle
85 insurance policy;

86 (iv) the location of the accident; and

87 (v) a description of the accident that excludes personal identifying information not
88 listed in Subsection (3)(d)(i).

89 (e) The department shall disclose to any requesting person the following vehicle

90 accident history information, excluding personal identifying information, in bulk electronic
91 form:

92 (i) any vehicle identifying information that is electronically available, including the
93 make, model year, and vehicle identification number of each vehicle involved in an accident;

94 (ii) the date of the accident; and

95 (iii) any electronically available data which describes the accident, including a
96 description of any physical damage to the vehicle.

97 (f) The department may establish a fee under Section 63J-1-504 based on the fair
98 market value of the information for providing bulk vehicle accident history information under
99 Subsection (3)(e).

100 (4) (a) Except as provided in Subsection (4)(b), accident reports filed under this section
101 may not be used as evidence in any civil or criminal trial arising out of an accident.

102 (b) (i) Upon demand of any party to the trial or upon demand of any court, the
103 department shall furnish a certificate showing that a specified accident report has or has not
104 been made to the department in compliance with law.

105 (ii) If the report has been made, the certificate furnished by the department shall show:

106 (A) the date, time, and location of the accident;

107 (B) the names and addresses of the drivers;

108 (C) the owners of the vehicles involved; and

109 (D) the investigating peace officers.

110 (iii) The reports may be used as evidence when necessary to prosecute charges filed in
111 connection with a violation of Subsection (5).

112 (5) A person who gives information in reports as required in this part knowing or
113 having reason to believe that the information is false is guilty of a class A misdemeanor.

114 (6) The department and the responsible law enforcement agency employing the
115 investigating peace officer may charge a reasonable fee determined by the department under
116 Section 63J-1-504 for the cost incurred in disclosing an accident report or an accident report
117 and any of its accompanying data under Subsections (3)(a) and (b).

118 (7) (a) The Office of State Debt Collection, the Division of Risk Management, and the
119 Department of Transportation may, in the performance of [its] the regular duties of each
120 respective division or department, disclose an accident report to:

- 121 (i) a person involved in the accident, excluding a witness to the accident;
- 122 (ii) an owner of a vehicle involved in the accident; [~~or~~]
- 123 (iii) an agent, parent, or legal guardian of a person described in Subsection (7)(a)(i) or
- 124 (ii)~~[-]; or~~
- 125 (iv) an insurer that provides motor vehicle insurance to a person described in
- 126 Subsection (7)(a)(i) or (iii).
- 127 (b) A disclosure under Subsection (7)(a) does not change the classification of the
- 128 record as a protected record under Section [63G-2-305](#).