

1 **VEHICLE ACCIDENT REPORTS AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Andrew Stoddard**

5 Senate Sponsor: Todd D. Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill requires the Department of Public Safety to provide an unredacted accident
10 report to certain persons that contains the name, address, and phone number of each
11 person involved in the accident.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires the Department of Public Safety or the investigating peace officer's law
15 enforcement agency to provide an unredacted accident report to certain persons;
- 16 ▶ provides that the unredacted accident report shall contain, among other items, the
17 name, phone number, and address of each driver and person involved in the
18 accident;
- 19 ▶ allows a witness of the accident to request that the witness's address and phone
20 number be excluded from the accident report;
- 21 ▶ allows a party in a lawsuit arising from an accident to discover the witness's address
22 and phone number; and
- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-6a-402**, as last amended by Laws of Utah 2020, Chapter 74

31 **41-6a-404**, as last amended by Laws of Utah 2021, Chapters 211, 216

32

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

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

35 **41-6a-402. Accident reports -- Duty of operator and investigative officer to file.**

36 (1) The department may require any operator of a vehicle involved in an accident
37 resulting in injury to or death of any person or total property damage to the apparent extent of
38 \$2,500 or more to file within 10 days after the request:

39 (a) a report of the accident to the department in a manner specified by the department;

40 and

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

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

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

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

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

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

55 (c) The accident reports shall contain:

56 (i) [~~provide~~] sufficient detail to disclose the cause[;] of the accident;

57 (ii) a description of conditions then existing[, ~~and~~];

58 (iii) subject to Subsection (4)(d), the name, address, and phone number of each person
59 involved in the accident, including a witness of the accident;

60 (iv) the ~~persons and~~ vehicles involved in the accident; and

61 ~~(ii)~~ (v) ~~contain~~ all of the information required that is available.

62 (d) (i) If a witness requests that the witness's address and phone number be excluded
63 from the accident report, the investigating officer shall:

64 (A) exclude the witness's address and phone number from the accident report; and

65 (B) create a separate record with the witness's address and phone number.

66 (ii) The record described in Subsection (4)(d)(i) is discoverable in a lawsuit by a party
67 that was involved in the accident, if the lawsuit arises from the accident.

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

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

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

74 (6) (a) A peace officer who, in the regular course of duty, investigates a motor vehicle
75 accident described under Subsection (1) shall file an electronic copy of the report of the
76 accident with the department within 10 days after completing the investigation.

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

79 (7) The accident reports required to be filed with the department under this section and
80 the information in them are protected and confidential and may be disclosed only as provided
81 in Section [41-6a-404](#).

82 (8) (a) In addition to the reports required under this part, a local highway authority
83 may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator
84 of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall
85 file with the local law enforcement agency a report of the accident or a copy of any report

86 required to be filed with the department under this part.

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

89 (9) A violation of this section is an infraction.

90 Section 2. Section 41-6a-404 is amended to read:

91 **41-6a-404. Accident reports -- When confidential -- Insurance policy information**
92 **-- Use as evidence -- Penalty for false information.**

93 (1) As used in this section:

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

96 (i) the identity of witnesses and, if known, contact information;

97 (ii) witness statements;

98 (iii) photographs and videotapes;

99 (iv) diagrams; and

100 (v) field notes.

101 (b) "Agent" means:

102 (i) a person's attorney;

103 (ii) a person's insurer;

104 (iii) a general acute hospital, as defined in Section 26-21-2, that:

105 (A) has an emergency room; and

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

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

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

112 (i) are without prejudice to the reporting individual;

113 (ii) are protected and for the confidential use of the department or other state, local, or

114 federal agencies having use for the records for official governmental statistical, investigative,
115 and accident prevention purposes; and

116 (iii) may be disclosed only in a statistical form that protects the privacy of any person
117 involved in the accident.

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

121 (3) (a) Subject to the provisions of this section, the department or the responsible law
122 enforcement agency employing the peace officer that investigated the accident shall disclose an
123 unredacted accident report, containing the information described in Subsection
124 41-6a-402(4)(c), to:

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

126 (ii) a person suffering loss or injury in the accident;

127 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)
128 and (ii);

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

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

132 (vi) law enforcement personnel when acting in their official governmental capacity;
133 and

134 (vii) a licensed private investigator who:

135 (A) represents an individual described in Subsections (3)(a)(i) through (iii); and

136 (B) demonstrates that the representation of the individual described in Subsections
137 (3)(a)(i) through (iii) is directly related to the accident that is the subject of the accident report.

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

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

141 (A) disclose an accident report; or

142 (B) upon written request disclose an accident report and its accompanying data within
143 10 business days from receipt of a written request for disclosure; [~~or~~]

144 (ii) may withhold an accident report, and any of its accompanying data if disclosure
145 would jeopardize an ongoing criminal investigation or criminal prosecution[~~;~~]; or

146 (iii) may redact an individual's phone number or address from the accident report, if the
147 disclosure of the information may endanger the life or physical safety of the individual,
148 including when the individual is under witness protection.

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

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

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

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

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

159 (iv) the location of the accident; and

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

162 (e) The department shall disclose to any requesting person the following vehicle
163 accident history information, excluding personal identifying information, in bulk electronic
164 form:

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

167 (ii) the date of the accident; and

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

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

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

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

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

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

180 (B) ~~[the names and addresses of the drivers;]~~ subject to Subsections (4)(b)(iv) and (v),
181 the name, phone number, and address of each person involved in the accident, including a
182 witness of the accident;

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

184 (D) the investigating peace officers.

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

187 (iv) If a witness requests that the witness's address and phone number be excluded
188 from the accident report, the investigating officer shall:

189 (A) exclude the witness's address and phone number from the accident report; and

190 (B) create a separate record of the witness's address and phone number.

191 (v) The record described in Subsection (4)(b)(iv) is discoverable in a lawsuit by a party
192 that was involved in the accident if the lawsuit arises from the accident.

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

195 (6) The department and the responsible law enforcement agency employing the
196 investigating peace officer may charge a reasonable fee determined by the department under
197 Section 63J-1-504 for the cost incurred in disclosing an accident report or an accident report

198 and any of its accompanying data under Subsections (3)(a) and (b).

199 (7) (a) The Office of State Debt Collection, the Division of Risk Management, and the
200 Department of Transportation may, in the performance of the regular duties of each respective
201 division or department, disclose an accident report to:

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

203 (ii) an owner of a vehicle involved in the accident;

204 (iii) an agent, parent, or legal guardian of a person described in Subsection (7)(a)(i) or

205 (ii); or

206 (iv) an insurer that provides motor vehicle insurance to a person described in

207 Subsection (7)(a)(i) or (iii).

208 (b) A disclosure under Subsection (7)(a) does not change the classification of the

209 record as a protected record under Section [63G-2-305](#).