

HB0255S01 compared with HB0255

~~deleted text~~ shows text that was in HB0255 but was deleted in HB0255S01.

inserted text shows text that was not in HB0255 but was inserted into HB0255S01.

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Representative Andrew Stoddard proposes the following substitute bill:

VEHICLE ACCIDENT REPORTS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires the Department of Public Safety or the investigating peace officer's law enforcement agency to provide an unredacted accident report to certain persons;
- ▶ provides that the unredacted accident report shall contain, among other items, the name, phone number, and address of each driver and person involved in the accident;
- ▶ allows a witness of the accident to request that the witness's address and phone

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number be excluded from the accident report;

▶ allows a party in a lawsuit arising from an accident to discover the witness's address and phone number; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

(4) (a) The department shall, upon request, supply to law enforcement agencies, justice

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court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident reports required under this part.

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

(c) The accident reports shall ~~provide~~ contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. 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:

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

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

(b) "Agent" means:

- (i) a person's attorney;
- (ii) a person's insurer;
- (iii) a general acute hospital, as defined in Section 26-21-2, that:
 - (A) has an emergency room; and
 - (B) is providing or has provided emergency services to the person in relation to the

accident; or

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

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

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

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(ii) are protected and for the confidential use of the department or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and

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

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

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

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

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

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

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

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

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

(vii) a licensed private investigator who:

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

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

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

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

(A) disclose an accident report; or

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

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

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

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

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

- (i) the name, age, sex, and city of residence of each person involved in the accident;
- (ii) the make and model year of each vehicle involved in the accident;
- (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
- (iv) the location of the accident; and
- (v) a description of the accident that excludes personal identifying information not listed in Subsection (3)(d)(i).

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

- (i) any vehicle identifying information that is electronically available, including the make, model year, and vehicle identification number of each vehicle involved in an accident;
- (ii) the date of the accident; and
- (iii) any electronically available data which describes the accident, including a description of any physical damage to the vehicle.

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

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

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

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

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

(B) ~~[the names and addresses of the drivers;]~~ subject to Subsections (4)(b)(iv) and (v), the name, phone number, and address of each person involved in the accident, including a witness of the accident;~~(3)~~

(C) the owners of the vehicles involved; and

(D) the investigating peace officers.

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

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

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

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

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

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

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

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

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

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

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

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(iv) an insurer that provides motor vehicle insurance to a person described in Subsection (7)(a)(i) or (iii).

(b) A disclosure under Subsection (7)(a) does not change the classification of the record as a protected record under Section 63G-2-305.