

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1981

(SENATE AUTHORS: KENT)

DATE
03/09/2017

D-PG
1248

Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; modifying reporting requirements for drivers involved
1.3 in certain types of collisions; amending Minnesota Statutes 2016, section 169.09,
1.4 subdivisions 5, 8, 9, 13, 14; repealing Minnesota Statutes 2016, section 169.09,
1.5 subdivisions 7, 14a, 17.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2016, section 169.09, subdivision 5, is amended to read:

1.8 Subd. 5. **Notify owner of damaged property.** If the driver of any vehicle involved in
1.9 a collision knows or has reason to know the collision resulted only in damage to fixtures
1.10 legally upon or adjacent to a highway, the driver shall take reasonable steps to locate and
1.11 notify the owner or person in charge of the property of that fact, of the driver's name and
1.12 address, and of the registration plate number of the vehicle being driven and shall, upon
1.13 request and if available, exhibit the driver's license, ~~and make an accident report in every~~
1.14 ~~ease. The report must be made in the same manner as a report made pursuant to subdivision~~
1.15 ~~7.~~

1.16 Sec. 2. Minnesota Statutes 2016, section 169.09, subdivision 8, is amended to read:

1.17 Subd. 8. **Officer to report accident to commissioner.** A peace officer who, in the
1.18 regular course of duty, investigates an accident that must be reported under this section
1.19 shall, within ten days after the date of the accident, forward an electronic ~~or written~~ report
1.20 of the accident as prescribed by the commissioner of public safety.

2.1 Sec. 3. Minnesota Statutes 2016, section 169.09, subdivision 9, is amended to read:

2.2 Subd. 9. **Accident report format.** The commissioner of public safety shall prescribe
 2.3 the format for the accident reports required under this section. Upon request the commissioner
 2.4 shall make available the format to police departments, coroners, sheriffs, garages, and other
 2.5 suitable agencies or individuals. The electronic ~~or written~~ report to be completed by
 2.6 ~~individuals involved in accidents and~~ by investigating peace officers must disclose the
 2.7 causes, existing conditions, and the individuals and vehicles involved.

2.8 Sec. 4. Minnesota Statutes 2016, section 169.09, subdivision 13, is amended to read:

2.9 Subd. 13. **Reports confidential; evidence, fee, penalty, appropriation.** (a) All reports
 2.10 and supplemental information required under this section must be for the use of the
 2.11 commissioner of public safety and other appropriate state, federal, county, and municipal
 2.12 governmental agencies for accident analysis purposes, except:

2.13 (1) upon written request, the commissioner of public safety or any law enforcement
 2.14 agency shall disclose the report required under subdivision 8 to:

2.15 (i) any individual involved in the accident, the representative of the individual's estate,
 2.16 or the surviving spouse, or one or more surviving next of kin, or a trustee appointed under
 2.17 section 573.02;

2.18 (ii) any other person injured in person, property, or means of support, or who incurs
 2.19 other pecuniary loss by virtue of the accident;

2.20 (iii) legal counsel of a person described in item (i) or (ii); or

2.21 (iv) a representative of the insurer of any person described in item (i) or (ii);

2.22 (2) ~~the commissioner of public safety shall, upon written request, provide the driver~~
 2.23 ~~filing a report under subdivision 7 with a copy of the report filed by the driver;~~

2.24 ~~(3)~~ the commissioner of public safety may verify with insurance companies vehicle
 2.25 insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

2.26 ~~(4)~~ (3) the commissioner of public safety shall provide the commissioner of transportation
 2.27 the information obtained for each traffic accident involving a commercial motor vehicle,
 2.28 for purposes of administering commercial vehicle safety regulations;

2.29 ~~(5)~~ (4) upon specific request, the commissioner of public safety shall provide the
 2.30 commissioner of transportation the information obtained regarding each traffic accident
 2.31 involving damage to identified state-owned infrastructure, for purposes of debt collection
 2.32 under section 161.20, subdivision 4; and

3.1 ~~(6)~~ (5) the commissioner of public safety may give to the United States Department of
3.2 Transportation commercial vehicle accident information in connection with federal grant
3.3 programs relating to safety.

3.4 (b) Accident reports and data contained in the reports are not discoverable under any
3.5 provision of law or rule of court. No report shall be used as evidence in any trial, civil or
3.6 criminal, or any action for damages or criminal proceedings arising out of an accident.
3.7 However, the commissioner of public safety shall furnish, upon the demand of any person
3.8 who has or claims to have made a report or upon demand of any court, a certificate showing
3.9 that a specified accident report has or has not been made to the commissioner solely to prove
3.10 compliance or failure to comply with the requirements that the report be made to the
3.11 commissioner.

3.12 (c) Nothing in this subdivision prevents any individual who has made a report under
3.13 this section from providing information to any individuals involved in an accident or their
3.14 representatives or from testifying in any trial, civil or criminal, arising out of an accident,
3.15 as to facts within the individual's knowledge. It is intended by this subdivision to render
3.16 privileged the reports required, but it is not intended to prohibit proof of the facts to which
3.17 the reports relate.

3.18 (d) Disclosing any information contained in any accident report, except as provided in
3.19 this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

3.20 (e) The commissioner of public safety shall charge authorized persons as described in
3.21 paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee collected
3.22 under this paragraph must be deposited in the special revenue fund and credited to the driver
3.23 services operating account established in section 299A.705 and ten percent must be deposited
3.24 in the general fund. The commissioner may also furnish an electronic copy of the database
3.25 of accident records, which must not contain personal or private data on an individual, to
3.26 private agencies as provided in paragraph (g), for not less than the cost of preparing the
3.27 copies on a bulk basis as provided in section 13.03, subdivision 3.

3.28 (f) The fees specified in paragraph (e) notwithstanding, the commissioner and law
3.29 enforcement agencies shall charge commercial users who request access to response or
3.30 incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial
3.31 user" is a user who in one location requests access to data in more than five accident reports
3.32 per month, unless the user establishes that access is not for a commercial purpose. Of the
3.33 money collected by the commissioner under this paragraph, 90 percent must be deposited

4.1 in the special revenue fund and credited to the driver services operating account established
4.2 in section 299A.705 and ten percent must be deposited in the general fund.

4.3 (g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner shall provide
4.4 an electronic copy of the accident records database to the public on a case-by-case basis
4.5 using the cost-recovery charges provided for under section 13.03, subdivision 3. The database
4.6 provided must not contain personal or private data on an individual. However, unless the
4.7 accident records database includes the vehicle identification number, the commissioner
4.8 shall include the vehicle registration plate number if a private agency certifies and agrees
4.9 that the agency:

4.10 (1) is in the business of collecting accident and damage information on vehicles;

4.11 (2) will use the vehicle registration plate number only for identifying vehicles that have
4.12 been involved in accidents or damaged, to provide this information to persons seeking access
4.13 to a vehicle's history and not for identifying individuals or for any other purpose; and

4.14 (3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

4.15 Sec. 5. Minnesota Statutes 2016, section 169.09, subdivision 14, is amended to read:

4.16 Subd. 14. **Penalties.** (a) The driver of any vehicle who violates subdivision 1 or 6 and
4.17 who did not cause the collision is punishable as follows:

4.18 (1) if the collision results in the death of another, the driver is guilty of a felony and may
4.19 be sentenced to imprisonment for not more than three years, or to payment of a fine of not
4.20 more than \$5,000, or both;

4.21 (2) if the collision results in great bodily harm to another, as defined in section 609.02,
4.22 subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not
4.23 more than two years, or to payment of a fine of not more than \$4,000, or both; or

4.24 (3) if the collision results in substantial bodily harm to another, as defined in section
4.25 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one
4.26 year, or to payment of a fine of not more than \$3,000, or both.

4.27 (b) The driver of any vehicle involved in a collision resulting in bodily harm to another
4.28 who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one
4.29 year, or to payment of a fine of not more than \$3,000, or both.

4.30 (c) Any person who violates subdivision 3, 5, 7, 8, 11, or 12 is guilty of a misdemeanor.

4.31 (d) The driver of any vehicle involved in a collision resulting in damage to an attended
4.32 vehicle who violates subdivision 2 is guilty of a misdemeanor.

5.1 (e) The driver of any vehicle involved in a collision resulting in damage to an unattended
5.2 vehicle who violates subdivision 4 is guilty of a misdemeanor.

5.3 (f) The attorney in the jurisdiction in which the violation occurred who is responsible
5.4 for prosecution of misdemeanor violations of this section shall also be responsible for
5.5 prosecution of gross misdemeanor violations of this section.

5.6 Sec. 6. **REPEALER.**

5.7 Minnesota Statutes 2016, section 169.09, subdivisions 7, 14a, and 17, are repealed.

169.09 COLLISIONS.

Subd. 7. **Accident report to commissioner.** (a) The driver of a vehicle involved in an accident resulting in bodily injury to or death of any individual or total property damage to an apparent extent of \$1,000 or more, shall forward a written report of the accident to the commissioner of public safety within ten days of the accident. On the required report, the driver shall provide the commissioner with the name and policy number of the insurer providing vehicle liability insurance coverage at the time of the accident.

(b) On determining that the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient, the commissioner of public safety may require the driver to file supplementary information.

Subd. 14a. **Suspension of license for failure to report accident.** The commissioner may suspend the license, or any nonresident's operating privilege, of any person who willfully fails, refuses, or neglects to make report of a traffic accident as required by the laws of this state. A license suspension under this section is subject to the notice requirements of section 171.18, subdivision 2.

Subd. 17. **Information access by vehicle owners.** If an accident report has been prepared by a person involved in an accident and no report has been prepared by a law enforcement officer, the owners of the vehicles involved in an accident shall have the same access to information maintained by the Department of Public Safety, Driver and Vehicle Services Division, about the vehicles, their owners, and their drivers that would have been available to a law enforcement officer reporting on the accident.