

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2307

02/15/2012 Authored by Daudt, Davids, Atkins, Sanders, Hoppe and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform
02/29/2012 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act
1.2 relating to insurance; property and casualty; permitting a written disclosure of
1.3 guaranty association coverage when a policy is delivered; expanding access to
1.4 accident reports to include all parties involved; amending Minnesota Statutes
1.5 2010, section 169.09, subdivision 13; Minnesota Statutes 2011 Supplement,
1.6 section 60C.21, subdivision 1.

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

1.8 Section 1. Minnesota Statutes 2011 Supplement, section 60C.21, subdivision 1, is
1.9 amended to read:

1.10 Subdivision 1. Notice required. No person, including an insurer, agent, or affiliate
1.11 of an insurer or agent shall sell, or offer for sale, a covered property and casualty insurance
1.12 policy, unless the notice, in the form specified in subdivision 2, is given or obtained with
1.13 or as a part of the application for, or the delivery of, that policy. This section does not
1.14 apply to renewals, unless the renewal increases the dollar amount of a coverage by more
1.15 than 100 percent. The notice must be given or obtained in writing or in the same medium
1.16 as the application for insurance.

1.17 EFFECTIVE DATE. This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2010, section 169.09, subdivision 13, is amended to read:

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

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

2.1 (i) any individual involved in an the accident or upon written request of, the
 2.2 representative of the individual's estate, or the surviving spouse, or one or more surviving
 2.3 next of kin, or a trustee appointed under section 573.02, ~~or;~~

2.4 (ii) any other person injured in person, property, or means of support, or who incurs
 2.5 other pecuniary loss by virtue of the accident, ~~disclose to the requester, the requester's;~~

2.6 (iii) legal counsel, of a person involved in the accident; or

2.7 (iv) a representative of the requester's insurer the report required under subdivision
 2.8 8 of any person involved in the accident;

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

2.11 (3) the commissioner of public safety may verify with insurance companies vehicle
 2.12 insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and
 2.13 169.797;

2.14 (4) the commissioner of public safety shall provide the commissioner of
 2.15 transportation the information obtained for each traffic accident involving a commercial
 2.16 motor vehicle, for purposes of administering commercial vehicle safety regulations; and

2.17 (5) the commissioner of public safety may give to the United States Department of
 2.18 Transportation commercial vehicle accident information in connection with federal grant
 2.19 programs relating to safety.

2.20 (b) Accident reports and data contained in the reports are not discoverable under any
 2.21 provision of law or rule of court. No report shall be used as evidence in any trial, civil or
 2.22 criminal, or any action for damages or criminal proceedings arising out of an accident.

2.23 However, the commissioner of public safety shall furnish, upon the demand of any person
 2.24 who has or claims to have made a report or upon demand of any court, a certificate
 2.25 showing that a specified accident report has or has not been made to the commissioner
 2.26 solely to prove compliance or failure to comply with the requirements that the report be
 2.27 made to the commissioner.

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

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

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

3.9 (f) The fees specified in paragraph (e) notwithstanding, the commissioner and law
3.10 enforcement agencies shall charge commercial users who request access to response or
3.11 incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial
3.12 user" is a user who in one location requests access to data in more than five accident
3.13 reports per month, unless the user establishes that access is not for a commercial purpose.
3.14 Of the money collected by the commissioner under this paragraph, 90 percent must be
3.15 deposited in the special revenue fund and credited to the driver services operating account
3.16 established in section 299A.705 and ten percent must be deposited in the general fund.

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

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

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

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

3.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.