

Reprinted

JAN 17 1990

Place On Calendar

HOUSE FILE 2118
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HSB 537)

Passed House, Date 1-25-90 (A.201) Passed Senate, Date 3/13/90 (P.1022)
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0
Approved _____

A BILL FOR

5035 1 An Act authorizing persons to obtain copies of their own accident
2 reports filed with the state department of transportation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2118

1 Section 1. Section 321.271, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 All accident reports filed by a driver of a vehicle
4 involved in an accident as required under section 321.266
5 shall be in writing. The report shall be without prejudice to
6 the individual so reporting and shall be for the confidential
7 use of the department, except that upon the request of any
8 person involved in the accident, the person's insurance
9 company or its agent, or the attorney for such person, the
10 department shall disclose the identity and address of the
11 person involved in the accident. The department, upon written
12 request of the person making the report, shall provide the
13 person with a copy of that person's report. The written
14 report filed with the department shall not be admissible in or
15 used in evidence in any civil or criminal case arising out of
16 the facts on which the report is based.

50357

17 EXPLANATION

18 This bill requires the state department of transportation
19 to provide a person, upon a written request, with a copy of
20 that person's accident report which was filed with the
21 department.

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HOUSE FILE 2118

H-5035

1 Amend House File 2118 as follows:

2 1. Page 1, by inserting after line 16, the
3 following:

4 "Sec. ____ . Section 321.271, unnumbered paragraph
5 2, Code 1989, is amended to read as follows:

6 All written reports filed by a law enforcement
7 officer as required under section 321.266 shall be
8 made available to any party to an accident, the
9 party's insurance company or its agent, ~~or the party's~~
10 attorney, or the attorney general, on written request
11 to the department and the payment of a fee of four
12 dollars for each copy. If a copy of an investigating
13 officer's report of a motor vehicle accident filed
14 with the department is retained by the law enforcement
15 agency of the officer who filed the report, a copy
16 shall be made available to any party to the accident,
17 the party's insurance company or its agent, ~~or the~~
18 party's attorney, or the attorney general, on written
19 request and the payment of a fee. The attorney
20 general shall not be required by the department or the
21 law enforcement agency to pay a fee for a copy of a
22 report filed by a law enforcement or investigating
23 officer."

24 2. Title page, by striking lines 1 and 2 and
25 inserting the following: "An Act relating to vehicle
26 accident reports."

By MURPHY of Dubuque

H-5035 FILED JANUARY 24, 1990

Adopted 1/25 (p. 200)

HOUSE FILE 2118
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HSB 537)

(As Amended and Passed by the House January 25, 1990)

Passed House, Date 1/25/90 (p. 201) Passed Senate, Date 3/13/90 (p. 1022)
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0
Approved March 26, 1990

A BILL FOR

1 An Act relating to vehicle accident reports.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 321.271, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 All accident reports filed by a driver of a vehicle
4 involved in an accident as required under section 321.266
5 shall be in writing. The report shall be without prejudice to
6 the individual so reporting and shall be for the confidential
7 use of the department, except that upon the request of any
8 person involved in the accident, the person's insurance
9 company or its agent, or the attorney for such person, the
10 department shall disclose the identity and address of the
11 person involved in the accident. The department, upon written
12 request of the person making the report, shall provide the
13 person with a copy of that person's report. The written
14 report filed with the department shall not be admissible in or
15 used in evidence in any civil or criminal case arising out of
16 the facts on which the report is based.

17 Sec. 2. Section 321.271, unnumbered paragraph 2, Code
18 1989, is amended to read as follows:

19 All written reports filed by a law enforcement officer as
20 required under section 321.266 shall be made available to any
21 party to an accident, the party's insurance company or its
22 agent, or the party's attorney, or the attorney general, on
23 written request to the department and the payment of a fee of
24 four dollars for each copy. If a copy of an investigating
25 officer's report of a motor vehicle accident filed with the
26 department is retained by the law enforcement agency of the
27 officer who filed the report, a copy shall be made available
28 to any party to the accident, the party's insurance company or
29 its agent, or the party's attorney, or the attorney general,
30 on written request and the payment of a fee. The attorney
31 general shall not be required by the department or the law
32 enforcement agency to pay a fee for a copy of a report filed
33 by a law enforcement or investigating officer.

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HSB 537

TRANSPORTATION

No W

HOUSE FILE 2112

BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing persons to obtain copies of their own accident
2 reports filed with the state department of transportation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 1989, is amended to read as follows:

3 All accident reports filed by a driver of a vehicle
4 involved in an accident as required under section 321.266
5 shall be in writing. The report shall be without prejudice to
6 the individual so reporting and shall be for the confidential
7 use of the department, except that upon the request of any
8 person involved in the accident, the person's insurance
9 company or its agent, or the attorney for such person, the
10 department shall disclose the identity and address of the
11 person involved in the accident. The department, upon written
12 request of the person making the report, shall provide the
13 person with a copy of that person's report. The written
14 report filed with the department shall not be admissible in or
15 used in evidence in any civil or criminal case arising out of
16 the facts on which the report is based.

17 EXPLANATION

18 This bill requires the state department of transportation
19 to provide a person, upon a written request, with a copy of
20 that person's accident report which was filed with the
21 department.

22 BACKGROUND STATEMENT

23 SUBMITTED BY THE AGENCY

24 Accident reports filed with the state department of
25 transportation by the drivers of vehicles involved in the
26 accident are confidential. Current statutory language does
27 not give the department authority to provide copies of the
28 accident reports filed by the parties involved in the accident
29 -- not even to the person originally filing the report. This
30 change will allow the department to respond to requests by
31 persons seeking a copy of their own accident report.

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HOUSE FILE 2118

AN ACT
RELATING TO VEHICLE ACCIDENT REPORTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.271, unnumbered paragraph 1, Code 1989, is amended to read as follows:

All accident reports filed by a driver of a vehicle involved in an accident as required under section 321.266 shall be in writing. The report shall be without prejudice to the individual so reporting and shall be for the confidential use of the department, except that upon the request of any person involved in the accident, the person's insurance company or its agent, or the attorney for such person, the department shall disclose the identity and address of the person involved in the accident. The department, upon written request of the person making the report, shall provide the person with a copy of that person's report. The written report filed with the department shall not be admissible in or used in evidence in any civil or criminal case arising out of the facts on which the report is based.

Sec. 2. Section 321.271, unnumbered paragraph 2, Code 1989, is amended to read as follows:

All written reports filed by a law enforcement officer as required under section 321.266 shall be made available to any party to an accident, the party's insurance company or its agent, or the party's attorney, or the attorney general, on written request to the department and the payment of a fee of four dollars for each copy. If a copy of an investigating officer's report of a motor vehicle accident filed with the department is retained by the law enforcement agency of the officer who filed the report, a copy shall be made available to any party to the accident, the party's insurance company or

its agent, or the party's attorney, or the attorney general, on written request and the payment of a fee. The attorney general shall not be required by the department or the law enforcement agency to pay a fee for a copy of a report filed by a law enforcement or investigating officer.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2118, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 26, 1990

TERRY E. BRANSTAD
Governor

HF 2118