

FILED MAR 7 1995

SENATE FILE 253

BY BARTZ

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to motor vehicle accident reports.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. 253

1 Section 1. Section 321.266, subsections 2 and 3, Code  
2 1995, are amended to read as follows:

3 2. The driver of a vehicle involved in an accident  
4 resulting in injury to or death of any person, or total  
5 property damage to an apparent extent of five hundred dollars  
6 ~~or more shall also, within seventy-two hours after the~~  
7 ~~accident, forward a written~~ report of the accident to the  
8 department a law enforcement officer.

9 3. Every law enforcement officer who, in the regular  
10 course of duty, investigates a motor vehicle accident ~~of which~~  
11 ~~report must be made~~ as required in subsections 1 ~~to 3 of this~~  
12 ~~section and 2~~, either at the time of and at the scene of the  
13 accident or thereafter by interviewing participants or  
14 witnesses shall, within twenty-four hours after completing  
15 such the investigation, forward a written report of such the  
16 accident to the department. The written report shall include  
17 information regarding liability insurance coverage of the  
18 drivers involved. A copy of the report shall be given to the  
19 driver of each vehicle involved in the accident. The law  
20 enforcement officer shall not be liable for any false  
21 information contained in the accident report.

22 Sec. 2. Section 321.269, Code 1995, is amended to read as  
23 follows:

24 321.269 ACCIDENT REPORT FORMS.

25 The department shall ~~prepare and upon request supply to~~  
26 provide police departments, coroners, sheriffs, and other  
27 suitable agencies or individuals, forms for accident reports  
28 ~~required hereunder, which~~ under section 321.266. The reports  
29 ~~shall call for~~ require sufficiently detailed information to  
30 disclose ~~with reference to a traffic accident~~ the cause,  
31 ~~condition then~~ the existing conditions, and the persons and  
32 vehicles involved, and the existence of liability insurance  
33 coverage of the drivers.

34 ~~Every required accident report shall be made on a form~~  
35 ~~approved by the department if said form is available.~~

1 Sec. 3. Section 321.271, Code 1995, is amended to read as  
2 follows:

3 321.271 REPORTS CONFIDENTIAL -- WITHOUT PREJUDICE --  
4 EXCEPTIONS.

5 ~~All-accident-reports-filed-by-a-driver-of-a-vehicle~~  
6 ~~involved-in-an-accident-as-required-under-section-321-266~~  
7 ~~shall-be-in-writing.--The-report~~ Accident reports filed by a  
8 law enforcement officer under section 321.266 shall be without  
9 prejudice to the individual-so-reporting driver of a vehicle  
10 and shall be for the confidential use of the department,  
11 except that upon the request of any person involved in the  
12 accident, the person's insurance company or its agent, or the  
13 attorney for such the person, or the attorney general, the  
14 department shall disclose the identity and address of the  
15 person involved in the accident. The department, upon written  
16 request ~~of-the-person-making-the-report,~~ and payment of a four  
17 dollar fee, shall provide ~~the-person-with~~ a copy of ~~that~~  
18 ~~person's~~ the report to any party to an accident, the party's  
19 insurance company or its agent, the party's attorney, or the  
20 attorney general. The written report filed with the  
21 department shall not be admissible in or used in evidence in  
22 any civil or criminal case arising out of the facts on which  
23 the report is based.

24 ~~All-written-reports-filed-by-a-law-enforcement-officer-as~~  
25 ~~required-under-section-321-266-shall-be-made-available-to-any~~  
26 ~~party-to-an-accident,-the-party's-insurance-company-or-its~~  
27 ~~agent,-the-party's-attorney,-or-the-attorney-general,-on~~  
28 ~~written-request-to-the-department-and-the-payment-of-a-fee-of~~  
29 ~~four-dollars-for-each-copy.--If-a-copy-of-an-investigating~~  
30 ~~officer's-report-of-a-motor-vehicle-accident-filed-with-the~~  
31 ~~department-is-retained-by-the-law-enforcement-agency-of-the~~  
32 ~~officer-who-filed-the-report,-a-copy-shall-be-made-available~~  
33 ~~to-any-party-to-the-accident,-the-party's-insurance-company-or~~  
34 ~~its-agent,-the-party's-attorney,-or-the-attorney-general,-on~~  
35 ~~written-request-and-the-payment-of-a-fee.~~ The attorney

1 general shall not be required by the department ~~or the law~~  
2 ~~enforcement agency~~ to pay a fee for a copy of a report filed  
3 by a law enforcement or investigating officer.

4 Sec. 4. Section 321.273, Code 1995, is amended to read as  
5 follows:

6 321.273 CITY MAY REQUIRE REPORTS.

7 Any An incorporated city or other municipality may by  
8 ordinance require ~~that the driver of a vehicle involved in law~~  
9 enforcement officer reporting an accident shall to also file  
10 the accident report with a designated city department ~~a report~~  
11 ~~of such accident or a copy of any report herein required to be~~  
12 ~~filed with the department.~~ All such reports shall be for the  
13 confidential use of the city department and subject to the  
14 provisions of section 321.271.

15 Sec. 5. Section 321.268, Code 1995, is repealed.

16 EXPLANATION

17 Currently, the driver of a vehicle involved in an accident  
18 which must be reported has 72 hours to provide the state  
19 department of transportation with the accident report. This  
20 bill requires the law enforcement officer who is called to the  
21 scene of the accident to complete the accident report and send  
22 it to the department rather than the driver of a vehicle.  
23 Current law requires the law enforcement officer to provide  
24 the department with a written accident report within 24 hours  
25 of the accident. This bill requires that the report include  
26 information regarding liability insurance coverage of the  
27 parties and that the law enforcement officer provide the  
28 parties with a copy of the report.

29  
30  
31  
32  
33  
34  
35