

2013 HOUSE TRANSPORTATION

HB 1393

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1393
02-07-13
Job # 18496

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to motor vehicle accident reporting.

Minutes:

Amendments 1-2

Chairman Ruby opened the hearing on HB 1393.

Representative Becker spoke to introduce HB 1393. This is a simple bill that came about based on discussion that we were having about reporting accidents after hitting an undomesticated animal. During testimony it became apparent that we wanted it to become less burdensome on law enforcement. It also became clear that the \$1000 mark that would have been a good cut-off at one time is no longer appropriate. It was arbitrary then, and any number we choose will be arbitrary, but essentially you cannot even have a bumper crack that is under \$1000. The intent of the bill is to make it a bit easier for drivers and law enforcement by putting a higher dollar amount on an accident before it is mandatory that it be reported.

Representative Delmore: I am worried that everyone will not know the amount of damage that has been done to their vehicle. Then, if they don't report it, and the damage is greater than they expected, they could get cited for leaving the scene of an accident. There is more than just the penalty that is involved in this bill.

Representative Becker: I think that you are correct; you may be able to be cited. Maybe there is a different citation for not reporting an accident. There is always a chance that you may underestimate what the damages are. I think that even with a \$1000 that still holds true. The bill doesn't make it better or worse. If there is going to be any amount in there, there will be that possibility. So, to carry forward in a logical manner, we can get rid of an amount and have all accidents reported. Or, we can keep or raise the amount, which doesn't alleviate the concern about underestimation.

Chairman Ruby: How did you come to the \$5000 amount?

Representative Becker: I started out with \$3000, and when I approached someone to co-sponsor they thought that it should be an amount that is clear cut. So, we chose \$5000.

Chairman Ruby: On the floor we heard the argument on the deer issue. One of the questions that came up was the possibility of someone having a hit and run accident and taking it to the body shop to get it fixed without reporting the damage. Is that a more of a concern with the higher limit?

Representative Becker: The higher the number, the more the risk that might happen, I believe. I am just carrying forward, that if this bill made sense when it was made, it makes sense now to have it a higher number. (6:30)

Representative Weisz, District 14, spoke to support HB 1393. He stated that he suggested \$5000. He thinks that the bill does make sense. It seems that under current law every accident is reportable. It is hard to get into an accident that is less than \$1000. It is difficult for anyone to estimate what the damage will be. This number will make sure that there is a difference between minor and major.

Chairman Ruby: If I had an old pick-up valued at \$2000, and I rolled it. If the pick-up was totaled; I wouldn't have to report it?

Representative Weisz: That isn't necessarily correct because the damage doesn't necessarily correlate with the value of the vehicle. To repair the truck might be \$10,000. The age of the vehicle isn't relevant. This is based on the damage.

Representative Delmore: Don't you think that people will still call law enforcement because they will want to error on the side of caution?

Representative Weisz: Everyone will not know the amount of damage, but if even 20% of those currently required to report, don't call in, it will relieve the burden on law enforcement. There are other reasons to want law enforcement to come to the scene besides damage to the vehicle.

Representative Delmore: Could I get cited for leaving the scene of an accident if I don't report it, and the damage is higher than I expected.

Representative Weisz: I don't think that law enforcement is going to come, after the fact, and cite someone who is a small amount over the dollar amount.

Representative Drovdal: I agree that \$1000 is a low figure, but I think that \$5000 is too high. We don't write laws for people that get along; we write them for those that don't. My concern is wanting to call law enforcement to protect myself from conflicts. If there is no report, how do we protect someone who is innocent in an accident? I would want that protection.

Representative Weisz: You would still have every right to do that. Either party can call law enforcement.

Representative Drovdal: If someone had too much to drink, did damage to someone's property, and went home. They couldn't be charged with leaving the scene of an accident, if the amount was so high.

Representative Weisz: The person is still responsible for the damage, and he probably won't stop anyway if he is DUI.

There was no further support for HB 1393.

Pat Ward, Property & Casualty Insurance Association of America, spoke to oppose HB 1393. He provided written testimony. (See attachment #1 which includes a chart provided by PCI that shows the reporting amounts required by different states. It was originally done in 2002, but the updated amounts are penciled in. Also attached are statutes from South Dakota, Montana, and Minnesota.) (23:20)

Pat Ward: In North Dakota we have a six year statute of limitations on tort claims. I have seen many car accidents in which the law suit was filed one day before six years. There wasn't even any type of insurance investigation because there was never a claim made. Fortunately, at a minimum we can go back and have the police report to try to recreate years later what might have happened. I also want to note that one of the largest market share property and casualty companies in North Dakota advised me that their average paid loss on a property damage claim is less than \$3000. When we get involved in bodily injury cases where there is no apparent damage to the vehicle, most often those are called "soft tissue injuries". They seem to occur in accidents with little property damage. I understand the cost cutting issues behind this bill, but I would strongly urge a DO NOT PASS.

Representative Delmore: At this time there are probably accidents that are reported to the police, but not reported to an insurance company, if people agree to pay for the damages themselves. Would you agree with that?

Pat Ward: Yes.

Representative Becker: The concerns that are being raised seem to be between no limit for reporting, and a limit for reporting. If we start with the presumption that the original law was appropriate, we are now going to look at it and decide that over the years the \$1000 doesn't mean what it did before, and for the law to continue to function we need to increase the level. Are you aware of the percent of increase of repair costs over time?

Pat Ward: I am not, but could get that information. I think that if you start raising this threshold, it will be much easier for someone to talk the other person into not reporting an accident. Later, there could be a lawsuit, and there is no record. I think that if there is going to be a number at all, it should be low. I think reporting is helpful.

Representative Weisz: What is the relevance of the age of the vehicle in this bill?

Pat Ward: Only that most vehicles, won't be totaled at \$1000, but quite a few could be at \$5000. I don't think that people think of reporting an accident based on the dollar amount, but think more of the severity of the accident.

Representative Vigesaa: In my business we use Car Facts to determine if a vehicle has been in an accident. Who reports that?

Pat Ward: I don't know.

Representative Vigesaa: I am curious if the damage wouldn't show up if the accident wasn't reported to law enforcement, or if the insurance or body shop would give the information to Car Facts. I would think a customer would want to be able to see a \$4900 accident.

Vice Chairman Owens: I looked up the section of law 39.08.08, that says that highway fixtures and other property damage is referred to in this law for the dollar amount. So, if someone reports an accident, you are the insurance provider, and they take out a directional signs and a stop sign. Who pays for the repair of the sign?

Pat Ward: It would be under the driver's insurance coverage, if you have that type of coverage.

Vice Chairman Owens: So, it would be part of the total picture of property damage?

Pat Ward: Absolutely. I appreciate you looking that up. That is significant; does the state not want damage reported up to \$5000 on its property?

Steve Kilde, Lt. Bismarck Police Department, Traffic Section Commander, spoke in opposition to HB 1393.

Steve Kilde: We appreciate trying to enact laws that lessen the work load of law enforcement. Sometimes, however, it has a negative effect or impact. Last year in the city of Bismarck we investigated over 3,500 traffic crashes; of those about 800 were hit and runs. Often times when we are in the process of investigating a hit and run traffic crash, that is one of the things that people talk about. They didn't realize that the damage was over \$1000. When someone tries to get a vehicle repaired, and the damage is over \$1000, the repair shops will not fix the vehicle unless the accident has been properly investigated. Those people will then come back to us to request a traffic crash report. We have a very difficult time investigating a traffic crash after the fact. My fear with the \$5000 limit is that it won't help us. It may actually hinder us, when you have the \$5000 limit. Is it just one vehicle, or both vehicles? Now, even with the \$1000 limit, when we have to try to recreate a traffic crash, it takes an awful lot longer than it would have at the time of the accident.

Chairman Ruby: Is the \$1000 accumulative damage to all vehicles and property?

Steve Kilde: Yes, it is.

Chairman Ruby: Would it make sense to make it like South Dakota's law, where it is \$1000 per vehicle?

Steve Kilde: \$2000 seems reasonable. I am not stating that \$1000 is where it should be. I just think that \$5000 is too much. I can tell you that a lot of the traffic crashes that we investigated last year would have been well under \$5000, but over \$1000. The difference is that it will take our officers twenty-five minutes to investigate a traffic crash, \$1000 - \$2000, and it will take them up to four hours to try to reconstruct the accident.

Representative Drovdal: Where does the requirement come from that states that body shops cannot repair a vehicle with damage over \$1000? Is it North Dakota law, federal law, or where?

Steve Kilde: It is state law that a vehicle has to have a DVR sticker in the windshield. You get them from law enforcement after a crash is investigated. Each sticker has an identification number that can be referred back to the crash report.

Representative Drovdal: If we adopt this bill, we have to change that section of law as well.

Representative Weisz: In some ways couldn't this make things easier because then you wouldn't have to go out and try to recreate those \$1500 accidents where the person thought that accident was under the limit?

Steve Kilde: Yes, and no, a lot of the times the damage is substantial but people just aren't certain how much the damage is. Most of the time when we put a dollar amount on a traffic crash; it is an arbitrary number too. We just don't want to open up the door to people with a \$5000 limit. If they are not reporting a \$2000 accident thinking it is under \$1000, we increase it to \$5000 my fear is that we are going to end up investigating \$7000 - \$10,000 traffic crashes after the fact.

There was no further opposition to HB 1393.

Jane Berger, Programming Division Director, North Dakota Department of Transportation, spoke in a neutral capacity on HB 1393. She provided written testimony. See attachment #2.

Chairman Ruby: Would your point be that there may be some intersection changes or something that may be affected as to their priority of improvement because of the difference in crash numbers?

Jane Berger: Yes, that is correct.

Representative Becker: For all practical purposes the number of any given accidents at any given intersection will probably lower a little bit, but is there any reason to believe that there would be areas that would maintain and others would drop? Shouldn't they all go down about the same?

Jane Berger: There is the possibility that the priority order could change. We do a weighted severity analysis of the crashes that occur. There is a point system given to property damage, injury, and fatal crashes. We calculate this weighted severity for intersections. That is how the priority ranking is established.

Representative Becker: It would actually give greater priority to the locals that the worst accidents. It would seem to me to be a good thing, because it gives greater weighting to high damage accidents, death, and injury. Those will have a stronger weight, versus the intersection that might have a lot of little fender benders.

Jane Berger: It could change the priority order.

There was no further testimony on HB 1393.
The hearing was closed on HB 1393.

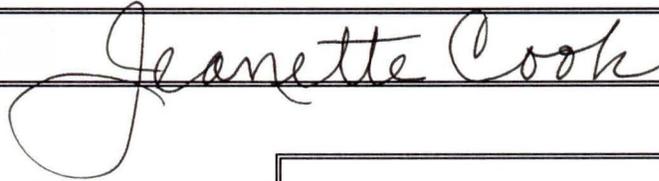
2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1393
02-08-13
Job # 18618

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Ruby brought HB 1393 back before the committee. He reviewed the bill, and stated that there has been some discussion about lowering the amount.

Representative Weisz: I went through the information that Pat Ward gave us on reporting limits in other states. I found it interesting that some had lower limits but didn't require the police. They just state that the accident has to be reported if it was over the dollar amount. Some require reporting within ten days. It is a given they have to be reported to law enforcement in the case of bodily injury. It is my opinion that we need to change the amount to a reasonable limit or say that all accidents need to be reported.

Representative Becker: We can change it to making all accidents are reported, if we take the concerns about fraud, etc. into account. We can get rid of the \$1000. If we feel that the law is a proper law, then we need to choose a limit that would be clear to people what is under the limit and what is over the limit. Then the limit needs to be raised. I felt that the testimony of the police was that they weren't opposed to raising it, but that \$5000 was too high.

Representative Becker moved an amendment to decrease \$5000 to \$3000.

Representative Weisz seconded the motion.

Representative Gruchella: Most states have kept it close to the \$1000 reporting limit because they want to have most crashes reported. There are a lot of accidents that are not reported, and then later on one of the persons has some injury. These often end up in a law suit. The idea of getting them reported is to defray some of that. Raising the amount might be okay, but we want to encourage people to report accidents.

Chairman Ruby: I understand that years ago they thought that \$1000 was an acceptable amount, and now with inflation that has changed substantially. I agree that we need to require all accidents to be reported and get rid of any limit, or accept that not every minor accident needs to be reported and make the limit higher.

Representative Vigesaa: I agree with the motion to make the limit lower. Being in an auto dealership we visit with a lot of people that have had an accident. I think that the higher we put the threshold, the more difficult it will be for people to determine if

there are above or below the number. Making it lower will help the driver determine if he needs to report. I don't know if three is the correct number.

Representative Drovdal: The testimony from law enforcement and the insurance companies seem to say that there is not a problem and things are working the way it is. I believe this is a solution looking for a problem. I think we should just leave it the way it is now.

Representative Heller: I kind of like the idea of not having a value in there at all because I would be very bad at estimating the damage. I would not report an accident, and it would be way over the limit.

Chairman Ruby: That is happening now. It doesn't seem like law enforcement is quick to give a ticket to someone who has underestimated the damage. I understand that going back and trying to recreate the scene of an accident is difficult.

Representative Gruchella: The limit of \$1000 is when a state report is prepared. If law enforcement goes to a crash that is under \$1000, they just fill out an "at scene crash report" and nothing goes in to the Department of Transportation. By raising the limit to \$3000 those minor accidents are not going to be reported on someone's driver's license, nor will it affect their insurance rates. That might be good or bad.

Representative Becker: The accidents would still be reported if there was a citation. If the accident was caused by failure to yield, for instance, wouldn't the officer still issue a citation?

Representative Gruchella: The citation would not go on to his insurance company as a reportable crash. Only if it is over \$1000 would it affect your insurance rate, now. It would affect your driving record.

Representative Vigesaa: How many people are even aware of the fact that we even have a \$1000 threshold in the law? I'm guessing that even if we go with \$3000, there will be many crashes under that amount that will be called in because people don't know that they have the \$3000 leeway.

Representative Sukut: I'm not so sure that there is a problem the way it is now, either. If I have an accident, I am going to call it in no matter what, unless it is just a small scratch or something. I want to be safe and not have to go through the problem of having law enforcement have to come back and check it out. I am inclined to want to leave the law the way it is.

Representative Weisz: Many states may have low limits, but don't require law enforcement to come to the scene of the accident.

Representative Gruchella: Minnesota does have a self-reporting form for minor crashes. You call it in, and the officer will tell you to download the form from the Department of Transportation site, or he will come and check the crash, depending on the circumstances. There are other ideas out there.

A voice vote was taken on the amendment. All aye.

Representative Weisz moved a DO PASS AS AMENDED on HB 1393.

Representative Becker seconded the motion.

A roll call vote was taken. Aye 4 Nay 9 Absent 1

The motion failed.

Representative Drovdal moved a DO NOT PASS AS AMENDED on HB 1393.

Representative Sukut seconded the motion.

A roll call vote was taken. Aye 8 Nay 5 Absent 1

The motion carried.

Representative Sukut will carry HB 1393.

13.0720.02001
Title.03000

Adopted by the Transportation Committee

February 8, 2013

2/8/13
CJN

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1393

Page 1, line 8, replace "five" with "three"

Renumber accordingly

Date: 2-8-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1393**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Becker Seconded By Weisz
Amendment

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby			Rep. Lois Delmore		
Vice Chairman Mark Owens			Rep. Edmund Gruchalla		
Rep. Rick Becker			Rep. Kylie Oversen		
Rep. David Drovdal					
Rep. Robert Frantsvog					
Rep. Brenda Heller					
Rep. Curtiss Kreun					
Rep. Mike Schatz					
Rep. Gary Sukut					
Rep. Don Vigesaa					
Rep. Robin Weisz					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Change \$5000 to \$3000

Date: 2-8-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1392**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Weisz Seconded By Becker

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore		✓
Vice Chairman Mark Owens		✓	Rep. Edmund Gruchalla		✓
Rep. Rick Becker	✓		Rep. Kylie Oversen		✓
Rep. David Drovdal		✓			
Rep. Robert Frantsvog		✓			
Rep. Brenda Heller		✓			
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	A				
Rep. Gary Sukut		✓			
Rep. Don Vigesaa		✓			
Rep. Robin Weisz	✓	✓			

Failed

Total (Yes) 4 No 9
 Absent 1
 Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-8-13
 Roll Call Vote #: 3

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1393**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Drovdal Seconded By Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby		✓	Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker		✓	Rep. Kylie Oversen	✓	
Rep. David Drovdal	✓				
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun		✓			
Rep. Mike Schatz	A				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa		✓			
Rep. Robin Weisz		✓			

Total (Yes) 8 No 5

Absent 1

Floor Assignment Sukut

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1393: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1393 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "five" with "three"

Renumber accordingly

2013 TESTIMONY

HB 1393

#1

7

TESTIMONY IN OPPOSITION TO HB 1393

Good morning Chairman Ruby and Members of the House Transportation Committee.

My name is Pat Ward. I am here on behalf of the Property & Casualty Insurance Association of America to testify in opposition to HB 1393.

HB 1393 is a simple bill that would change the requirement with respect to reporting of a motor vehicle accident. The only substantive change in the bill would raise the minimum reporting requirement for a property damage accident from the current \$1,000 to \$5,000.

I am attaching to my opposition documentation provided to me by PCI which shows that as of that date, no other state has a reporting requirement of more than \$1,000. I just realized yesterday the document is somewhat dated and I have not verified all the data provided therein.

I am also attaching copies of the statutes in our neighboring states of Montana which is \$500, Minnesota is \$1,000, and South Dakota also has a minimum \$1,000 reporting requirement. Minnesota is a little cumbersome.

Insurance companies worry about fraud. Proper investigation of property damage accidents at the time of the incident is important in helping to eliminate and prevent insurance fraud. A police investigation at the time of the collision creates a reliable record of the individuals involved in the accident, identification information of witnesses and other parties to the incident, vehicle information,

and an officer's professional estimate of the damage and possible other useful materials when insurance claims are later made.

I personally have defended a number of motor vehicle accident claims where the damage to the vehicles at the scene was minimal but, in subsequent weeks, an individual claimed whiplash-type or other injuries they did not claim at the scene. It is often necessary to go to the Department of Transportation to obtain the motor vehicle accident report to establish the date, location, and place and prove that an accident even happened in the first place. Sometimes there are also pictures. Elimination of the reporting requirement by raising the threshold to \$5,000 would eliminate a large number of accidents from being properly reported or investigated. Especially with the boom in the oil drilling business and the increased population of newcomers to the state who may be leaving just as quickly as they come, it will be important to have this identifying information available for accidents occurring in our state.

I should note that at least one of the property and casualty companies having a market large share in North Dakota has an average paid loss for damage to the insured or claimed vehicle of less than \$3,000. Soft tissue injuries are the type that we deal with most in bodily injury cases. They often seem to occur in accidents with little property damage.

While I see the cost cutting reasoning behind Representative Becker's placing this bill in for consideration we would urge a DO NOT PASS.

Appendix II

Rules for Reporting and Posting Accident Information on State MVRs

Information about previous accidents makes up the other portion of drivers' histories. Not all states report accidents on publicly available MVRs, and among those states that do report accidents, requirements exist in order for accidents to be shown, such as posting an accident only if the driver received a traffic conviction.

State	Accident Property Damage Reporting Requirements ¹	Rules for Posting Accidents on MVRs
Alabama	\$250	All meeting requirements, fault not shown
Alaska	\$501	Accidents not on MVR
Arizona	\$1,000	Accidents not required to be reported
Arkansas	\$500 <i>8,000</i>	Only if driver at fault
California ²	\$500 <i>1,750</i>	All meeting requirements
Colorado	\$1,000	Only if there is a conviction
Connecticut	na	Does not report accidents
Delaware	\$500	Only if there is a conviction
District of Columbia	\$250 <i>na</i>	Only if there is a conviction, fault not shown
Florida	\$500	All meeting requirements
Georgia	\$250	Only if there is a conviction
Hawaii	\$3,000	Only if citations issued
Idaho	\$750	Does not report accidents
Illinois	\$500	All meeting requirements
Indiana	\$750 <i>1,000</i>	All meeting requirements
Iowa	\$1,000	All meeting requirements, fault not shown
Kansas	\$500 <i>1,000</i>	All meeting requirements, fault not shown
Kentucky	\$200	Does not report accidents
Louisiana ³	Only injury	Only if driving privileges are suspended
Maine	\$500 <i>15,000</i>	All meeting requirements, fault not shown
Maryland	Only injury	All meeting requirements
Massachusetts ⁴	\$1,000	Only surchargeable accidents
Michigan	\$400 <i>10,000</i>	Only if there is a conviction
Minnesota	\$1,000	Does not report accidents
Mississippi	\$250 <i>1,000 - should report law advanced</i>	All meeting requirements
Missouri	\$500	Only accidents with suspension or revocation
Montana	\$500 <i>1,000 + no prior - fault/injury/property - report immediately</i>	Only if there is a conviction
Nebraska	\$500 <i>1,000 for title</i>	All meeting requirements, fault not shown
Nevada	\$750	Does not report accidents
New Hampshire	\$1,000	All meeting requirements, fault not shown
New Jersey	\$500	All meeting requirements, fault not shown
New Mexico	\$500	Does not report accidents
New York	\$1,000	All meeting requirements, fault not shown
North Carolina	\$1,000	All meeting requirements

State	Accident Property Damage Reporting Requirements ¹	Rules for Posting Accidents on MVRs
North Dakota	\$1,000	Only if license is suspended
Ohio	\$400	All meeting requirements, fault not shown
Oklahoma	\$300	Only if there is a conviction
Oregon	\$1,000 ^{\$1,500}	All meeting requirements, fault not shown
Pennsylvania	Vehicle towed	All meeting requirements, fault not shown
Rhode Island	\$500 ^{\$1,000}	All meeting requirements, fault not shown
South Carolina	\$1,000	All meeting requirements
South Dakota	\$1,000	All meeting requirements, fault not shown
Tennessee	\$400	All meeting requirements, fault not shown
Texas	\$1,000	Only if citation issued, fault not shown
Utah	\$1,000	Only if there is a conviction
Vermont	\$1,000	All meeting requirements, fault not shown
Virginia	\$1,000	All meeting requirements
Washington	\$700	All meeting requirements
West Virginia	\$500	Does not report accidents
Wisconsin	\$1,000	All meeting requirements, fault not shown
Wyoming	\$1,000	Only if driver has no insurance

¹ All states require accidents to be reported to authorities if there were injuries.

² If another individual was at fault, the accident will be masked from insurance companies.

³ True for accidents that occurred after August 15, 2001. Previously all were reported.

⁴ If driver not ruled at fault, then accident will not appear on MVR.

Source: Michael L. Sankey (ed.), *The 2002 MVR Book: Motor Services Guide* (Tempe, AZ: BRB Publications, 2002).



2 of 2 DOCUMENTS

LexisNexis (R) South Dakota Statutes Annotated
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SESSION, INCLUDING SUPREME COURT RULE 12-10***
*** ANNOTATIONS CURRENT THROUGH NOVEMBER 20, 2012 ***

TITLE 32. MOTOR VEHICLES
CHAPTER 32-34. ACCIDENTS AND ACCIDENT REPORTS
GO TO SOUTH DAKOTA STATUTES ARCHIVE DIRECTORY

S.D. Codified Laws § 32-34-7 (2012)

§ 32-34-7. Accident involving bodily injuries, death or major property damage -- Immediate report to law enforcement
-- Class 2 misdemeanor

The driver of any motor vehicle involved in an accident resulting in bodily injuries or death to any person or property damage to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars per accident shall immediately, by the quickest means of communication, give notice of the accident to the nearest available law enforcement officer who has jurisdiction. A violation of this section is a Class 2 misdemeanor.

HISTORY: Source: SDC 1939, § 44.0331; SL 1945, ch 190, § 1; 1953, ch 232, § 1; 1955, ch 172; 1957, ch 212, § 76; 1961, ch 226; 1967, ch 193; 1973, ch 214, § 1; 1978, ch 239; 1986, ch 268; 1989, ch 255, § 227; 2000, ch 162, § 1.



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LexisNexis (R) Montana Code Annotated

*** This document is current through the 2011 regular and special sessions ***

*** Annotations current through August 21, 2012 ***

TITLE 61 MOTOR VEHICLES
CHAPTER 7 ACCIDENTS AND ACCIDENT REPORTS
PART 1 UNIFORM ACCIDENT REPORTING ACT

Go to the Montana Code Archive Directory*Mont. Code Anno., § 61-7-108 (2012)*

61-7-108 Immediate notice of accidents.

The driver of a vehicle who knows or reasonably should have known that the driver has been involved in an accident resulting in injury to or death of any person, striking the body of a deceased person, or property damage to an apparent extent of \$ 500 or more shall immediately by the quickest means of communication give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the highway patrol.

HISTORY:

En. Sec. 8, Ch. 210, L. 1939; amd. Sec. 4, Ch. 256, L. 1959; R.C.M. 1947, 32-1207; amd. Sec. 1, Ch. 59, L. 1987; amd. Sec. 1, Ch. 115, L. 1999; amd. Sec. 5, Ch. 235, L. 2011.

NOTES: Title Cross-References

Highways, Title 60.

Cross-References

Duties of Sheriff, 7-32-2121.

Municipal police force, Title 7, ch. 32, part 41.

Highway patrol jurisdiction, Title 44, ch. 1, part 10.

Compiler's Comments

2011 Amendment: Chapter 235 inserted "who knows or reasonably should have known that the driver has been" and inserted "striking the body of a deceased person". Amendment effective October 1, 2011.

1999 Amendment: Chapter 115 in first sentence increased amount of damage that must be sustained in accident before driver is required to report from \$ 250 to \$ 500; and made minor changes in style. Amendment effective January 1, 2000.

1987 Amendment: Increased property damage amount from \$ 100 to \$ 250.

Part Case Notes



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LexisNexis (R) Montana Code Annotated

*** This document is current through the 2011 regular and special sessions ***

*** Annotations current through August 21, 2012 ***

TITLE 61 MOTOR VEHICLES
CHAPTER 7 ACCIDENTS AND ACCIDENT REPORTS
PART 1 UNIFORM ACCIDENT REPORTING ACT

Go to the Montana Code Archive Directory

Mont. Code Anno., § 61-7-109 (2012)

61-7-109 Written reports of accidents -- additional information -- form of report.

(1) The operator of a motor vehicle that is in any manner involved in an accident within this state in which a person is killed or injured or in which damage to the property of a person in excess of \$ 1,000 is sustained shall, within 10 days after the accident, report the matter in writing to the department unless the accident was investigated and reported by a law enforcement officer as provided in subsection (3).

(2) The department may require the driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient and may require witnesses of accidents to render reports.

(3) A law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which a person is killed or injured or in which damage to the property of a person exceeds \$ 1,000, either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident to the department.

(4) The form of the accident report required under this section must contain information sufficient to enable the department to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in chapter 6 of this title.

(5) A report required by subsection (1) or (2) may not be used as evidence in any trial, civil or criminal, arising out of an accident.

HISTORY:

En. Sec. 9, Ch. 210, L. 1939; amd. Sec. 5, Ch. 256, L. 1959; amd. Sec. 1, Ch. 52, L. 1971; R.C.M. 1947, 32-1208; amd. Sec. 64, Ch. 421, L. 1979; amd. Sec. 1, Ch. 299, L. 1983; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 2, Ch. 59, L. 1987; amd. Sec. 70, Ch. 83, L. 1989; amd. Sec. 1, Ch. 486, L. 1989; amd. Sec. 2, Ch. 115, L. 1999.

NOTES: Title Cross-References

Highways, Title 60.

Cross-References

Local government law enforcement, Title 7, ch. 32.

Accidents involving snowmobiles, 23-2-635.

State law enforcement, Title 44.



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Minnesota Statutes
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*** This document is current through the 2012 Regular Session and Special Sessions ***
*** Annotations are current through November 14, 2012 ***

TRANSPORTATION
CHAPTER 169. TRAFFIC REGULATIONS
TRAFFIC ACCIDENTS

GO TO MINNESOTA STATUTES ARCHIVE DIRECTORY

Minn. Stat. § 169.09 (2012)

169.09 ACCIDENTS

Subdivision 1. *Driver to stop for accident with individual.* --The driver of any motor vehicle involved in an accident resulting in immediately demonstrable bodily injury to or death of any individual shall immediately stop the vehicle at the scene of the accident, or as close to the scene as possible but shall then return to and in every event shall remain at the scene of the accident, until the driver has fulfilled the requirements of this section as to the giving of information. The stop must be made without unnecessarily obstructing traffic.

Subd. 2. *Driver to stop for accident to property.* --The driver of any motor vehicle involved in an accident to a vehicle driven or attended by any individual shall immediately stop the motor vehicle at the scene of the accident, or as close to the accident as possible but shall forthwith return to and in every event shall remain at the scene of the accident, until the driver has fulfilled the requirements of this section as to the giving of information. The stop must be made without unnecessarily obstructing traffic.

Subd. 3. *Driver to give information.*

(a) The driver of any motor vehicle involved in an accident resulting in bodily injury to or death of any individual, or damage to any vehicle driven or attended by any individual, shall stop and give the driver's name, address, and date of birth and the registration plate number of the vehicle being driven. The driver shall, upon request and if available, exhibit the driver's license or permit to drive to the individual struck or the driver or occupant of or individual attending any vehicle collided with. The driver also shall give the information and upon request exhibit the license or permit to any peace officer at the scene of the accident or who is investigating the accident. The driver shall render reasonable assistance to any individual injured in the accident.

(b) If not given at the scene of the accident, the driver, within 72 hours after the accident, shall give, on request to any individual involved in the accident or to a peace officer investigating the accident, the name and address of the insurer providing vehicle liability insurance coverage, and the local insurance agent for the insurer.

Subd. 4. *Collision with unattended vehicle.* --The driver of any motor vehicle that collides with and damages any vehicle that is unattended shall immediately stop and either locate and notify the driver or owner of the vehicle of the name and address of the driver and registered owner of the vehicle striking the unattended vehicle, shall report this same information to a peace officer, or shall leave in a conspicuous place in or secured to the vehicle struck, a written notice giving the name and address of the driver and of the registered owner of the vehicle doing the striking.

Subd. 5. *Notify owner of damaged property.* --The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration plate number of the vehicle being driven and shall, upon request and if available, exhibit the driver's license, and make report of the accident in every case. The report must be made in the same manner as a report made pursuant to subdivision 7.

Subd. 5a. *Driver deemed agent of owner.* --Whenever any motor vehicle shall be operated within this state, by any person other than the owner, with the consent of the owner, express or implied, the operator thereof shall in case of accident, be deemed the agent of the owner of such motor vehicle in the operation thereof.

Subd. 6. *Notice of personal injury.* --The driver of a vehicle involved in an accident resulting in bodily injury to or death of any individual shall, after compliance with this section and by the quickest means of communication, give notice of the accident to the local police department if the accident occurs within a municipality, to a State Patrol officer if the accident occurs on a trunk highway, or to the office of the sheriff of the county.

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

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

Subd. 10. [Repealed, 2005 c 163 s 89]

Subd. 11. *Coroner to report death.* --Every coroner or other official performing like functions shall report in writing to the commissioner of public safety the death of any individual within the coroner's jurisdiction as the result of an accident involving a vehicle and the circumstances of the accident. The report must be made within 15 days after the death.

In the case of drivers killed in vehicle accidents and of the death of pedestrians 16 years of age or older, who die within four hours after an accident, the coroner or other official performing like functions shall examine the body and shall make tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the victim. This information must be included in each report submitted pursuant to the provisions of this subdivision and shall be tabulated on a monthly basis by the commissioner of public safety. This information may be used only for statistical purposes that do not reveal the identity of the deceased.

Subd. 12. *Garage to report bullet damage.* --The individual in charge of any garage or repair shop to which is brought any vehicle that shows evidence of having been struck by any bullet shall immediately report to the local police or sheriff and to the commissioner of public safety within 24 hours after the vehicle is received, giving the engine number if any, registration plate number, and the name and address of the registered owner or operator of the vehicle.

Subd. 13. *Reports confidential; evidence, fee, penalty, appropriation.*

(a) All reports and supplemental information required under this section must be for the use of the commissioner of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes, except:

(1) the commissioner of public safety or any law enforcement agency shall, upon written request of any individual involved in an accident or upon written request of the representative of the individual's estate, surviving spouse, or one or more surviving next of kin, or a trustee appointed under section 573.02, or other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident, disclose to the requester, the requester's legal counsel, or a representative of the requester's insurer the report required under subdivision 8;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 14. *Penalties.*

(a) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

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

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

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

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

(c) Any person who violates subdivision 2, 3, 4, 5, 7, 8, 11, or 12 is guilty of a misdemeanor.

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

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. 15. *Defense.* --It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any individual suffering immediately demonstrable bodily injury in the accident to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

Subd. 16. *Commissioner as agent for service of process.* --The use and operation by a resident of this state or the resident's agent, or by a nonresident or the nonresident's agent, of a motor vehicle within the state of Minnesota, is deemed an irrevocable appointment by the resident if absent from this state continuously for six months or more following an accident, or by the nonresident at any time, of the commissioner of public safety to be the resident's or nonresident's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the resident or nonresident or the executor, administrator, or personal representative of the resident or nonresident growing out of the use and operation of a motor vehicle within this state, resulting in damages or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. This appointment is binding upon the nonresident's executor, administrator, or personal representative. The use or operation of a motor vehicle by the resident or nonresident is a signification of agreement that any process in any action against the resident or nonresident or executor, administrator, or personal representative of the resident or nonresident that is so served has the same legal force and validity as if served upon the resident or nonresident personally or on the executor, administrator, or personal representative of the resident or nonresident. Service of process must be made by serving a copy thereof upon the commissioner or by filing a copy in the commissioner's office, together with payment of a fee of \$ 20, and is deemed sufficient service upon the absent resident or the nonresident or the executor, administrator, or personal representative of the resident or nonresident; provided that notice of service and a copy of the process are sent by mail by the plaintiff within ten days to the defendant at the defendant's last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter is attached to the summons.

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.

Subd. 18. *Continuance of court proceeding; costs.* --The court in which the action is pending may order a continuance as may be necessary to afford the defendant reasonable opportunity to defend the action, not exceeding 90 days from the date of filing of the action in that court. The fee of \$ 20 paid by the plaintiff to the commissioner at the time of service of the proceedings must be taxed in the plaintiff's cost if the plaintiff prevails in the suit. The commissioner shall keep a record of all processes so served, which must show the day and hour of service.

HISTORY: (2720-168, 2720-169, 2720-170, 2720-171, 2720-172, 2720-173) 1937 c 464 s 18-23; 1939 c 430 s 2,3; 1941 c 439; 1943 c 548 s 1; 1945 c 207 s 1; 1945 c 285 s 4,34; 1947 c 114 s 1; 1947 c 428 s 7-10; 1959 c 679 s 1; 1963 c 280 s 1; 1963 c 634 s 1; 1965 c 815 s 1; 1967 c 397 s 1; Ex1967 c 3 s 1; 1971 c 491 s 5-11; Ex1971 c 27 s 3-5; 1974 c 22 s 1-4; 1974 c 343 s 1; 1977 c 53 s 1; 1978 c 461 s 1,2; 1978 c 679 s 1; 1980 c 498 s 2,3; 1981 c 37 s 2; 1981 c 357 s 60; 1982 c 545 s 22; 1982 c 617 s 6; 1983 c 345 s 2-7; 1984 c 622 s 1-4; 1984 c 628 art 3 s 11; 1Sp1985 c 4 s 3; 1986 c 444; 1987 c 180 s 1; 1987 c 383 s 5; 1989 c 290 art 6 s 1; 1989 c 321 s 9; 1991 c 319 s 16; 1993 c 351 s 27,28; 1994 c 399 s 1; 1996 c 346 s 3; 1996 c 408 art 3 s 1; 1997 c 230 s 2; 1999 c 227 s 22; 2001 c 91 s 1; 1Sp2001 c 8 art 2 s 39-41; 2005 c 163 s 60-75,88; 1Sp2005 c 6 art 2 s 35; 2009 c 108 s 5; 2012 c 185 s 3; 2012 c 287 art 4 s 28

NOTES:

STATE NOTE

Subdivision 5a was preempted by federal law to the extent it applies to rental or leased vehicles. *Meyer v. Nwokedi*, 777 N.W.2d 218 (Minn. 2010).

EFFECTIVE NOTE

The 2012-185 amendment is effective April 19, 2012.

AMENDMENT NOTE

The 2012-185 amendment, in the introductory language of 13.(a)(1), added "upon written request" and substituted "disclose the report required under subdivision 8 to" for "upon written request of"; added the 13.(a)(1)(i) through 13.(a)(1)(iv) designations; substituted "the accident" for "an accident or upon written request of" in 13.(a)(1)(i); deleted "disclose to the requester, the requester's" at the end of 13.(a)(1)(ii); added "of a person described in item (i) or (ii)" in 13.(a)(1)(iii); substituted "insurer of any person described in item (i) or (ii)" for "requester's insurer the report required under subdivision 8" in 13.(a)(1)(iv); and made related and stylistic changes. The 2012-287 amendment added 13.(a)(5); redesignated former 13.(a)(5) as 13.(a)(6); and made a related change.

LexisNexis (R) Notes:

CASE NOTES

1. *Minn. Stat. § 170.55*, subd. 1 (1982) (see now *Minn. Stat. § 169.09*) requirements are jurisdictional and require strict compliance. *Holliday v. Larson*, 338 N.W.2d 23, 1983 Minn. LEXIS 1286 (Minn. 1983).

House Transportation Committee
February 7, 2013 – 9:00 a.m. – Fort Totten Room

North Dakota Department of Transportation
Jane Berger, Programming Division Director

HB1393

Mr. Chairman and members of the committee, I'm Jane Berger, Programming Division Director for the North Dakota Department of Transportation (DOT). The Department is here to provide informational testimony on HB1393.

Highway safety analysis is an integral part of project selection and project development within the DOT. The monitoring of crashes is an essential component in the selection and type of highway improvement projects.

The change in dollar amount may result in less "property damage only" crashes being reported. If this happens, there is the possibility of a noticeable change in crash statistics reported. For example, in 2011 there were 18,823 crashes across the state. Of those 15,145 were "property damage only" crashes. With the passing of this bill, it is expected the number of reported "property damage only" type crashes would decrease. This may change which projects are selected for improvement and type of improvement made.

The DOT, along with a large group of safety stakeholders are committed to, and actively working towards, improving safety on North Dakota roadways.

Mr. Chairman, I would be happy to answer any questions at this time. Thank you.