

MOTOR VEHICLE ACCIDENT COST RECOVERY

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: John R. Westwood

LONG TITLE

General Description:

This bill modifies provisions related to the recovery of costs for repair of damages caused by motor vehicle accidents.

Highlighted Provisions:

This bill:

- ▶ provides for government entities to contract with third parties to recover costs for repair of damages caused by motor vehicle accidents;
- ▶ clarifies the fees that a third party may charge for services to recover costs for repair of damages caused by motor vehicle accidents; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-409, as enacted by Laws of Utah 2012, Chapter 364

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-409** is amended to read:

41-6a-409. Prohibition of flat response fee for motor vehicle accident.

~~[(1) The Department of Transportation or the Utah Highway Patrol Division, or a~~

~~person who contracts with the Department of Transportation or the Utah Highway Patrol Division to provide emergency services;]~~

(1) As used in this section, "government entity" means the Department of Transportation, the Utah Highway Patrol Division, or a local government entity or agency.

(2) A government entity:

(a) may not impose a flat fee, or collect a flat fee, from an individual involved in a motor vehicle accident; and

(b) may only charge the individual for the actual cost or a reasonable estimate of the cost of services provided in responding to the motor vehicle accident, limited to:

(i) medical costs for ~~[(A)]~~ transporting an individual from the scene of a motor vehicle accident ~~[- or (B) treatment of]~~ or treating a person injured in a motor vehicle accident;

(ii) the cost for repair to damaged public property, if the individual is legally liable for the damage;

(iii) the cost of materials used in cleaning up the motor vehicle accident, if the individual is legally liable for the motor vehicle accident; and

(iv) towing costs.

~~[(2) If the Department of Transportation or the Utah Highway Patrol Division, or a person who contracts with the Department of Transportation or the Utah Highway Patrol Division to provide emergency services;]~~

(3) If a government entity imposes a charge on more than one individual for the actual cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the [Department of Transportation or the Utah Highway Patrol Division or the person contracting with the Department of Transportation or the Utah Highway Patrol Division] government entity shall apportion the charges so that [it] the government entity does not receive more for responding to the motor vehicle accident than the actual response cost or a reasonable estimate of the cost.

(4) Nothing in this section prohibits a government entity from contracting with an independent contractor to recover costs related to damage to public property.

58 (5) If a government entity enters into a contract with an independent contractor to
59 recover costs related to damage to public property, the government entity may only pay the
60 independent contractor out of any recovery received from the person who caused the damage or
61 the responsible party.