

**MOTOR VEHICLE ACCIDENT COST RECOVERY**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Transportation Interim Committee recommended this bill.

**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

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

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

30 **41-6a-409. Prohibition of flat response fee for motor vehicle accident.**

31 ~~[(1) The Department of Transportation or the Utah Highway Patrol Division, or a~~  
32 ~~person who contracts with the Department of Transportation or the Utah Highway Patrol~~  
33 ~~Division to provide emergency services;]~~

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

36 (2) A government entity:

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

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

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

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

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

47 (iv) towing costs.

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

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

58 (4) Nothing in this section prohibits a government entity from contracting with an

59 independent contractor to recover costs related to damage to public property.

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

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**