

ASSEMBLY, No. 2761

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

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District 21 (Morris, Somerset and Union)

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District 32 (Bergen and Hudson)

SYNOPSIS

Restricts access to motor vehicle accident reports under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 AN ACT concerning motor vehicle accidents and amending
2 P.L.1998, c.21 and R.S.39:4-131.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 45 of P.L.1998, c.21 (C.17:33A-29) is amended to
8 read as follows:

9 45. Every **[state]** State and local law enforcement agency,
10 including the New Jersey State Police, shall make available to
11 investigators employed by insurers, upon presentation of
12 appropriate identification, information from any accident report, as
13 set forth in this section, no later than 24 hours following the time of
14 occurrence. The information may include, but need not be limited
15 to, the names and addresses of the owners of the vehicles, insurance
16 information recorded on the accident report, and the names and
17 addresses of passengers in the vehicles at the time of the occurrence
18 and, if applicable, the name of any pedestrian injured in an accident.
19 Every accident report form shall contain the names and addresses of
20 any person occupying a vehicle involved in an accident, and any
21 pedestrian injured in an accident. Except as authorized by this
22 section, R.S.39:4-131, or by order of the court, no State or local law
23 enforcement agency, including the New Jersey State Police, shall
24 make available an accident report, nor any information contained in
25 it, other than information concerning a criminal investigation which
26 is otherwise required to be made available pursuant to subsection b.
27 of section 3 of P.L.1963, c.73 (C.47:1A-3), until after 90 days have
28 elapsed from the date of the accident.

29 (cf: P.L.1998, c.21, s.45)

30

31 2. R.S.39:4-131 is amended to read as follows:

32 39:4-131. a. The commission shall prepare and supply to police
33 departments and other suitable agencies, forms for accident reports
34 calling for sufficiently detailed information with reference to a
35 motor vehicle accident, including the cause, the conditions then
36 existing, the persons and vehicles involved, the compliance with
37 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
38 passengers of the vehicles involved in the accident, whether the
39 operator of the vehicle was using a cellular telephone when the
40 accident occurred, and such other information as the chief
41 administrator may require.

42 Every law enforcement officer who investigates a vehicle
43 accident of which report must be made as required in this Title, or
44 who otherwise prepares a written report as a result of an accident
45 orthereafter by interviewing the participants or witnesses, shall

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 forward a written report of such accident to the commission, on
2 forms furnished by it, within five days after his investigation of the
3 accident.

4 Such written reports required to be forwarded by law
5 enforcement officers and the information contained therein shall not
6 be privileged or held confidential **【. Every】**, provided that, unless
7 authorized under subsection b. of this section, such reports and
8 information shall not be made available to the public until after 90
9 days have elapsed from the date of the accident. At such time, every
10 citizen of this State shall have the right, during regular business
11 hours and under supervision, to inspect and copy such reports and
12 shall also have the right in person to purchase copies of the reports
13 at the same fee established by section 6 of P.L.2001, c.404
14 (C.47:1A-5). If copies of reports are requested other than in person,
15 an additional fee of up to \$5.00 may be added to cover the
16 administrative costs of the report. Upon request, a police
17 department shall send an accident report to a person through the
18 mail or via fax **【as defined in section 2 of P.L.1976, c.23 (C.19:59-**
19 **2)】**. The police department may require the person requesting the
20 report to provide a completed request form and the appropriate fee
21 prior to faxing or mailing the report. The police department shall
22 provide the person requesting the report with the option of
23 submitting the form and providing the appropriate fee either in
24 person, through the mail, or via fax **【as defined in section 2 of**
25 **P.L.1976, c.23 (C.19:59-2)】**.

26 The provisions of any other law or regulation to the contrary
27 notwithstanding, reports obtained pursuant to this act shall not be
28 subject to confidentiality requirements except as provided by
29 section 28 of P.L.1960, c.52 (C.2A:84A-28).

30 When a motor vehicle accident results in the death or
31 incapacitation of the driver or any passenger, the law enforcement
32 officer responsible for notifying the next of kin that their relative is
33 deceased or incapacitated, also shall inform the relative, in writing,
34 how to obtain a copy of the accident report required by this section
35 and the name, address, and telephone number of the person storing
36 the motor vehicle pursuant to section 1 of P.L.1964, c.81
37 (C.39:10A-1).

38 b. Notwithstanding any other provision of law to the contrary,
39 the requirement in subsection a. of this section delaying the
40 availability to the public of such written reports until after 90 days
41 have elapsed from the date of the accident shall not apply to
42 requests for such reports and information made by: (1) investigators
43 and claim representatives employed by insurers; (2) vehicle owners,
44 operators, or passengers listed in the accident report or an
45 authorized representative of such identified person; (3) employees
46 of a law enforcement agency or other governmental employees
47 authorized to investigate or prosecute insurance fraud; (4) any

1 person who claims to have suffered personal injury or property
2 damage as a result of the motor vehicle accident, including
3 pedestrians, or an authorized representative of such person,
4 provided such person or authorized representative identifies with
5 sufficient specificity the time and location of the accident described
6 in the report, upon presentation of appropriate identification and
7 any other information required by this section.

8 For the purposes of this section, an “authorized representative”
9 means: (1) a licensed attorney retained by and acting under the
10 express authorization of a person listed in the accident report or the
11 express authorization of a person who claims to have suffered
12 personal injury or property damage as a result of the motor vehicle
13 accident, or an employee of such attorney, who provides written
14 documentation demonstrating that the attorney has been retained to
15 represent such person; or (2) the next of kin of any person whose
16 death or incapacitation results from the motor vehicle accident.

17 c. Nothing in this section shall be construed to prohibit a law
18 enforcement agency from making information from an accident
19 report available in accordance with the provisions of section 45 of
20 P.L.1998, c.21 (C.17:33A-29) or to require withholding information
21 concerning a criminal investigation which is otherwise required to
22 be made available pursuant to subsection b. of section 3 of
23 P.L.1963, c.73 (C.47:1A-3).

24 (cf: P.L.2010, c.75, s.2)

25
26 3. This act shall take effect immediately.

27 28 29 STATEMENT

30
31 This bill establishes parameters for the distribution of certain
32 accident report information.

33 Under current law, N.J.S.A.17:33A-29, certain information from
34 accident reports is made available by State and local law
35 enforcement to investigators employed by insurers no later than 24
36 hours following the time of occurrence. This bill would provide that
37 this information would not be available to the general public until
38 after 90 days have elapsed from the date of the accident, with
39 certain exceptions.

40 This bill also amends R.S.39:4-131 with regard to the form for
41 an accident report which is prepared by the Motor Vehicle
42 Commission and supplied to police departments. Under current law
43 these accident reports are not considered privileged or confidential
44 and every citizen has a right to inspect and copy these reports. The
45 bill would delay the availability of such information to the general
46 public until after 90 days have elapsed from the date of the
47 accident, with certain exceptions.

1 The persons exempt from the 90-day delay period are: (1)
2 investigators and claim representatives employed by insurers; (2)
3 vehicle owners, operators, or passengers listed in the accident report
4 or an authorized representative of such identified person; (3)
5 employees of a law enforcement agency or other governmental
6 employees authorized to investigate or prosecute insurance fraud;
7 (4) any person who claims to have suffered personal injury or
8 property damage as a result of the motor vehicle accident, including
9 pedestrians, or an authorized representative of such person,
10 provided such person or authorized representative identifies with
11 sufficient specificity the time and location of the accident described
12 in the report, upon presentation of appropriate identification and
13 any other information required by the law.

14 In addition, the bill defines “authorized representative” to
15 include: (1) a licensed attorney retained by and acting under the
16 express authorization of a person listed in the accident report or the
17 express authorization of a person who claims to have suffered
18 personal injury or property damage as a result of the motor vehicle
19 accident, or an employee of such attorney, who provides written
20 documentation demonstrating that the attorney has been retained to
21 represent such person; or (2) the next of kin of any person whose
22 death or incapacitation results from the motor vehicle accident.