

2020 -- H 7977

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LC005263
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT
REPORTS

Introduced By: Representatives Millea, McKiernan, Caldwell, Almeida, and Williams

Date Introduced: March 06, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-26-9 and 31-26-13 of the General Laws in Chapter 31-26 entitled
2 "Accidents and Accident Reports" are hereby amended to read as follows:

3 **31-26-9. Reports by law enforcement officers.**

4 (a) Every law enforcement officer who, in the regular course of duty, investigates a motor
5 vehicle accident of which a report must be made as required ~~in § 31-26-6~~ and in accordance with
6 subsections (a), (b), (d) and (e) of this section, either at the time of and at the scene of the accident
7 or thereafter by interviewing participants or witnesses shall, effective January 1, 2003, submit all
8 investigated and reportable accident reports to the department of transportation electronically. The
9 form utilized shall be the newly revised accident form developed by the department of
10 transportation in cooperation with the division of motor vehicles. The electronic accident report
11 shall be transferred using the Rhode Island Accident Data Export Manager over the Rhode Island
12 law Enforcement Telecommunication System (RILETS) to the department of transportation.

13 (b) The law enforcement agency or their contracted agent shall transmit an electronic
14 accident report to the department of transportation within fourteen (14) days of the investigation or
15 preparing of the report and may maintain a copy locally.

16 (c) The driver of a vehicle that is involved in an accident shall submit the motorist accident
17 report form to the division of motor vehicles within twenty-one (21) days of the accident, pursuant
18 to § 31-26-6.

1 (d) Any accident occurring on a highway or upon premises open to the public resulting in
2 injury or death to any person or damage to property equal to or in excess of one thousand dollars
3 (\$1,000) is subject to the reporting requirements. In addition, the division of motor vehicles will
4 take action on reported accidents in excess of five hundred dollars (\$500) for compliance with the
5 state financial responsibility law pursuant to § 31-26-6.

6 (e) The department of transportation shall serve as the accident data repository agency for
7 the electronic accident reports submitted by the law enforcement agencies in the state, and the
8 division of motor vehicles shall remain as the repository agency for all motorist accident reports.
9 "Personal information", as defined in § 11-49.3-3, and associated with accident reports submitted
10 pursuant to this section shall remain privileged except that such information may be provided to an
11 involved party to the accident or their legal representative, an insurance company or in accordance
12 with Rhode Island general laws.

13 **31-26-13. Reports confidential -- Use as evidence.**

14 (a) All motorist accident reports made by persons involved in accidents, pursuant to § 31-
15 26-6, or by garages, pursuant to § 31-26-12, shall be without prejudice to the individual so reporting
16 and shall be for the confidential use of the division of motor vehicles or other state or municipal
17 agencies having use for the records for accident prevention purposes or for the administration of
18 the laws of this state relating to the deposit of security and proof of financial responsibility by
19 persons driving or the owners of motor vehicles.

20 (b) The division of motor vehicles may disclose the identity of a person involved in an
21 accident when the identity is not otherwise known or when the person denies his or her presence at
22 the accident, and except that the reports, as well as police reports, may be used by the division of
23 motor vehicles, together with any other evidence that the division of motor vehicles may deem
24 appropriate, to make determinations as to the reasonable possibility of a judgment being rendered
25 for purposes of requiring security after an accident involving one or more uninsured motorists.

26 (c) No report shall be used as evidence in any trial, civil or criminal, arising out of an
27 accident, except that the division of motor vehicles shall furnish upon demand of any person who
28 has, or claims to have, made a report or upon demand of any court, a certificate showing that a
29 specified accident report has or has not been made to the division of motor vehicles solely to prove
30 a compliance or a failure to comply with the requirement that a report be made to the division.
31 Provided, that in the event an accident report has not been filed, then the failure to file the report
32 shall be considered to be prima facie evidence that the operator and/or the registered owner of the
33 motor vehicle involved was uninsured at the time of the accident.

34 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require that motor vehicle accident reports be transmitted by the law
2 enforcement agency or their contract agent within fourteen (14) days of preparing the report and
3 may maintain a copy locally. Personal information within the report would remain privileged
4 subject to certain exceptions.

5 This act would take effect upon passage.

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