

Traffic Laws Commentary

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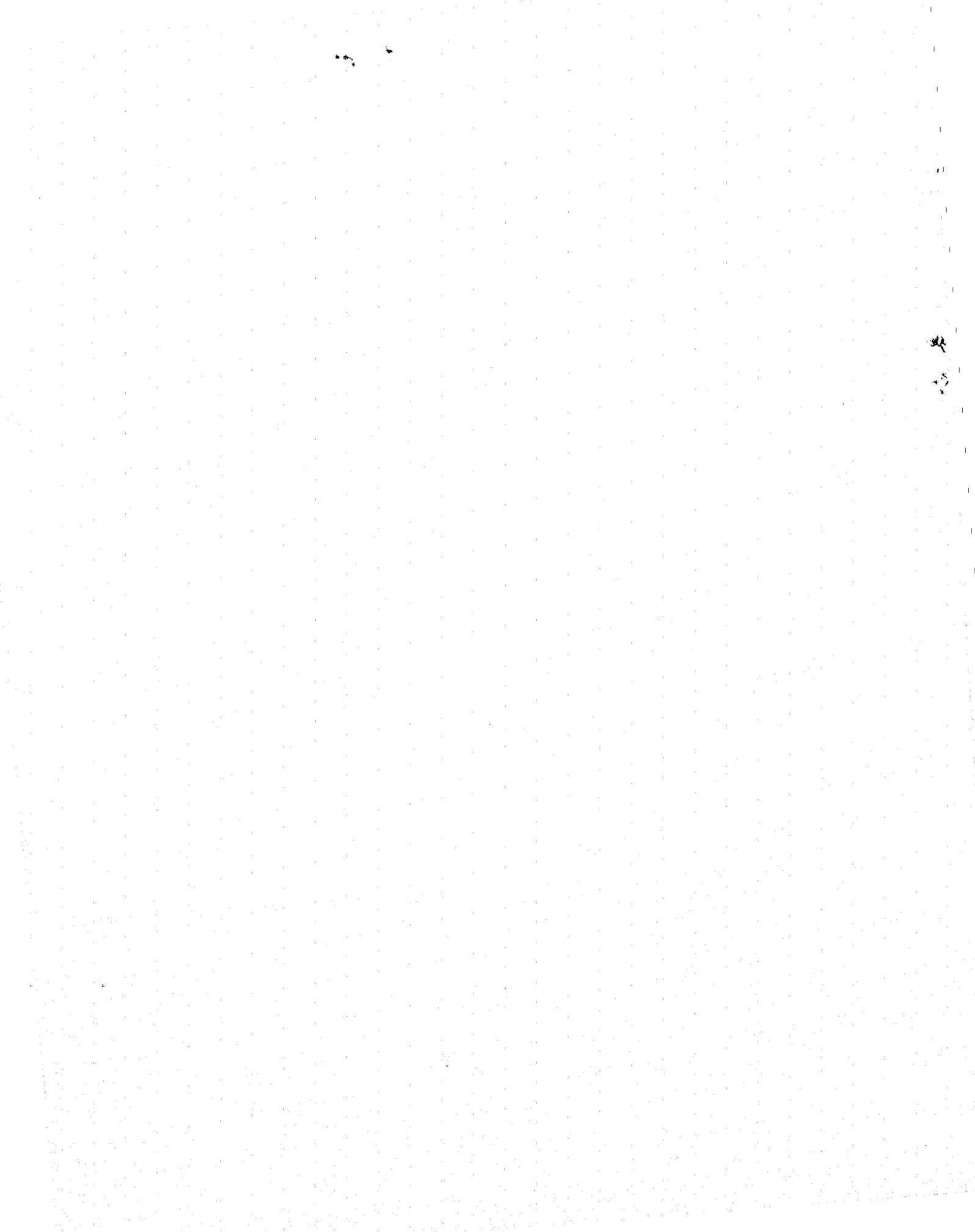
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ACCIDENT INVESTIGATION and REPORTING

14870



The Commentary series covers, on a selective basis, the development and status of state motor vehicle and traffic laws, particularly as they relate to provisions in the Uniform Vehicle Code.



Accident Investigation and Reporting

National Committee on Uniform Traffic Laws and Ordinances

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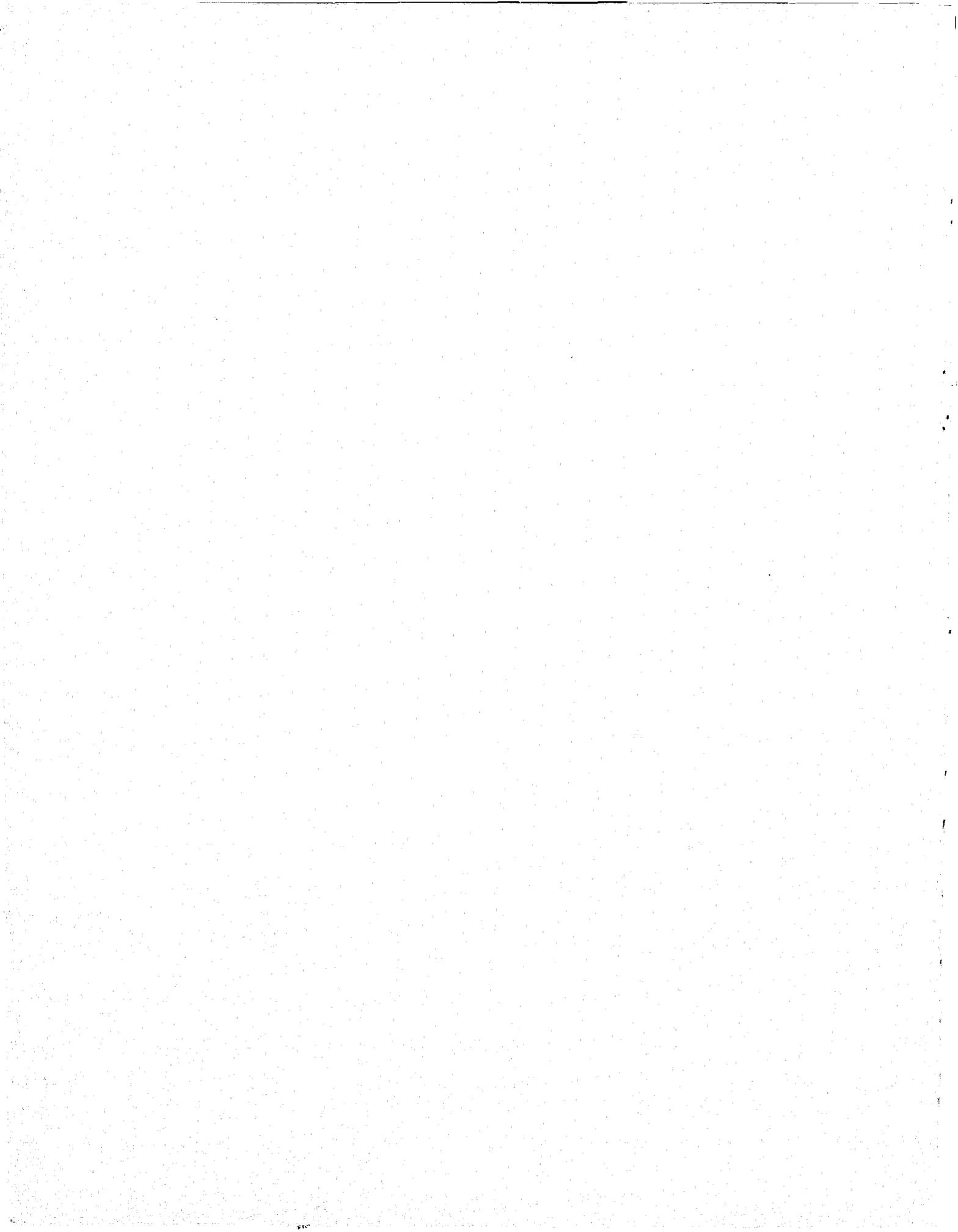


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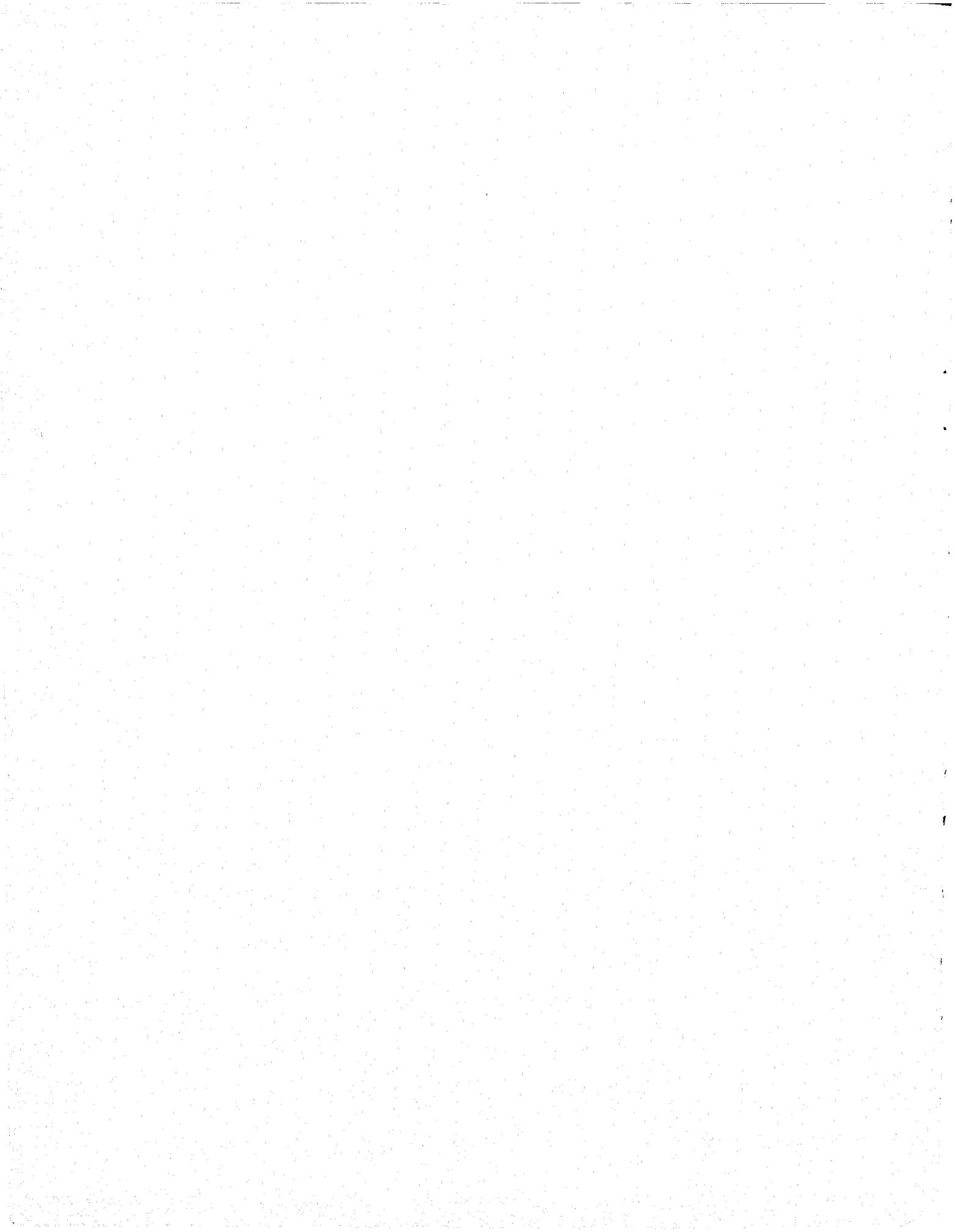
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INTRODUCTION

One essential element of a traffic safety program is a thorough analysis of accidents which occur within the traffic system. If causal factors can be identified from past accidents, some future accidents may be prevented.

Our analysis of accidents traditionally has been based upon the written accident reports of the involved parties, and upon the report of a police investigation for those accidents sufficiently serious to warrant such an investigation. More recently some more extensive investigations have been undertaken, especially in determining the significance of alcohol and/or drugs as factors in fatal accidents. This Commentary deals with the legal framework for our accident analysis system. It reviews state laws relating to accident reports and accident investigations in the context of comparable provisions of the Uniform Vehicle Code.^{1/}

State laws reviewed are those current as of January 1, 1975. Provisions of the Uniform Vehicle Code discussed reflect revisions of the Code made by the National Committee on Uniform Traffic Laws and Ordinances in 1975.

WHAT ACCIDENTS ARE REPORTABLE

Where Accident Laws Apply

The Uniform Vehicle Code specifically provides that the accident laws apply both on and off the highways. The first section of chapter 10, which deals with accidents and accident reports, provides as follows:

The provisions of this chapter shall apply upon highways and elsewhere throughout the State.^{2/}

Twenty-three states, like the Code, have statutes which specifically provide that accident scene duties and accident reporting requirements apply both on and off the highways anywhere in the state:

Arizona	Illinois	Mississippi	Rhode Island
Arkansas	Indiana	Montana	South Carolina
California	Iowa	New Hampshire ^{3/}	Utah
Colorado	Kansas	New Jersey	Washington
Hawaii	Maryland	New Mexico	Wyoming
Idaho	Minnesota	Oklahoma	

Another 14 jurisdictions probably give their accident laws application both on and off the highways anywhere in the state, but the laws do not contain a provision comparable to UVC § 10-101 specifically providing for such application for all accident laws. Rather these laws are silent as to the application of the accident requirements or contain provisions similar to the Code section which apply to some but not all of the state's accident requirements. None of these laws specifically restricts the application of any of the accident requirements. In the absence of any such restrictions, the accident laws in these states would probably be construed as applying everywhere in the state, both on and off the highways.^{4/} The 14 jurisdictions are:

Alabama	Nevada	Oregon
Alaska	New York	Pennsylvania
Georgia	North Dakota	South Dakota
Louisiana	Ohio	Virginia
Maine		District of Columbia

Thus in the 37 jurisdictions listed above, all accident laws are probably applicable to all accidents occurring in the state, either on or off the highway, on either public or private property. In the remaining 14 states some or all of the accident laws are specifically restricted in their application. Many of these laws apply only to accidents which occur on the highways or other public or semi-public places where vehicles are normally operated. Note that in some of these states, some of the laws are not restricted in application and thus probably apply to all accidents occurring anywhere in the state. The 14 states and the restrictions specified in the laws are as follows:

Connecticut -- § 14-224 on duties at the scene of an accident does not indicate where it applies, but it may be interpreted to exclude accidents occurring on private property.^{5/} Section 14-225 on accidents involving drivers of non-motor vehicles, and § 14-108 on written accident reports, apply only to vehicles operated on a highway or in an off-street parking area open to public use with or without payment of a fee.

Delaware -- A law dealing with accidents resulting in property damage applies "on the public highways." Other provisions on accidents and accident reports do not indicate where they apply. Thus most of the accident laws in Delaware probably apply to accidents occurring anywhere in the state.

Florida -- A general provision suggests that the accident laws apply on public ways "and wherever vehicles have the right to travel."

Kentucky -- Provisions on duties at the scene of an accident refer to accidents occurring "on a highway," but provisions on accident reporting contain no such limitation.

Massachusetts -- A law on leaving the scene of an accident applies "upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees." A law on written accident reports and a law requiring a driver to exhibit his license at the scene of an accident do not indicate where they apply.

Michigan -- A general law provides that the accident laws apply only on the highways unless a different place is specifically referred to in a particular law. A law requiring drivers to stop at the scene of an accident causing personal injury or death applies "upon either public or private property, when such property is open to travel by the public." Another law which requires a driver who collides with any other vehicle to stop and notify the owner or operator applies "upon either public or private property." Other accident laws are silent as to their application and thus apply only on the highways due to the general provision.

Missouri -- A law describing the duties of a driver at the scene of an accident refers to "a vehicle on the highway," and a law requiring accident reports refers to "the operator of every motor vehicle which is in any manner involved in an accident within this state, upon the streets or highways thereof"

Nebraska -- A law defining an operator's duty at the scene of an accident applies "upon either a public highway, private road, or private drive." The law on written accident reports does not indicate where it applies.

North Carolina -- A law on striking an unattended vehicle refers to "any street or highway of this State." Other provisions on accidents and accident reports do not indicate where they apply.

Tennessee -- Accident and accident report laws apply "exclusively . . . upon the highways."

Texas -- Accident and accident report laws apply upon highways, public places, roads of water districts, and upon roads or parking areas provided by business establishments, without charge, for the convenience of customers, clients or patrons.

Vermont -- A general law provides that all accident laws apply upon the public highways only, except where a different place is specifically referred to. None of the accident laws specify any broader application.

West Virginia -- § 17C-2-1 is in verbatim conformity with the Code, providing that the provisions of articles "four and five" (containing accident and accident report laws) shall apply upon highways and elsewhere throughout the state. However, the section on written accident reports (§ 17C-4-7), specifically applies to accidents "occurring on the public highways of this State."

Wisconsin -- Accident and accident report laws apply on highways and on "all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof."

What Is An Accident

The Uniform Vehicle Code does not define the term "accident." Generally the Code's accident duties apply to "the driver of any vehicle involved in an accident."

Several states have defined the term "accident" or a comparable term in their laws. These laws provide as follows:

Arkansas -- The law defines the term "traffic accidents" as follows:

Accidents occurring to persons, including pedestrians; motor vehicles; and animals, incidental to and as a consequence of the flow of vehicles and pedestrians along the public highways, roads, and streets of Arkansas.^{6/}

Indiana -- The law defines "accident" as follows:

The term "accident" shall mean and include acts and omission to act which are intentional, wilful and wanton conduct or done with a reckless disregard for the rights of others, negligent, excusable under the law, or unpreventable or unforeseeable.^{7/}

Ohio -- The law provides as follows:

"Accident" or "motor vehicle accident" means any accident involving a motor vehicle which results

in bodily injury to or death of any person, or damage to the property of any person in excess of one hundred fifty dollars.^{8/}

Vermont -- For purposes of a section requiring written accident reports only, the law provides as follows:

As used in this section the word "accident" refers only to incidents and events in which the motor vehicle involved comes into physical contact with a person, object or another motor vehicle.^{9/}

INFORMATION EXCHANGE AT THE SCENE

The Uniform Vehicle Code provides that a driver of a vehicle involved in an accident must stop and provide certain information at the accident scene. The Code specifies this duty in three different sections, each dealing with a different type of accident.

Accidents Resulting in Death, Injury or Damage to an Attended Vehicle

Duty to Stop

For accidents involving death or personal injury UVC § 10-102(a) provides as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of § 10-104. Every such stop shall be made without obstructing traffic more than is necessary.

For accidents involving damage to attended vehicles or property, UVC § 10-103 provides, in relevant part, as follows:

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith

return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of § 10-104. Every such stop shall be made without obstructing traffic more than is necessary.

All jurisdictions have laws requiring drivers who are involved in accidents which result in death, injury, or damage to an attended vehicle to stop. Some of the laws differ from the Code provision.

The Code requires a driver to stop when he is "involved" in an accident, even if the driver's vehicle has not made physical contact with another vehicle or person. Three of the laws apparently require stops only by drivers whose vehicles actually collide with other vehicles or persons. The Kentucky law applies to a person who, while operating a vehicle on a highway, "runs against or over, any other person, vehicle or personal property." The Massachusetts law applies to a vehicle driver "after colliding with or otherwise causing injury to any person." The Vermont law, by virtue of the definition of "accident" discussed earlier, applies only to "incidents and events in which the motor vehicle involved comes into physical contact with a person, object or another motor vehicle."

Six of the laws exclude certain vehicles. Five (Massachusetts, New Hampshire, New York, Ohio and Vermont) apply only to the driver of a motor vehicle. The Wisconsin law expressly excludes accidents involving only vehicles propelled by human power or drawn by animals. The Uniform Vehicle Code provision applies to all vehicle drivers involved in an accident.

Ten of the laws (Connecticut, Georgia, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Oklahoma and Rhode Island) apply only when the driver knows that he has been involved in an accident.

Nineteen of the laws omit the Code requirement that the stop be made so as to obstruct traffic as little as possible:

Alaska	Louisiana	New York	Vermont
California	Massachusetts	North Carolina	Washington
Connecticut	Missouri	Ohio	Wisconsin
Delaware	Nebraska	Pennsylvania	District of
Kentucky	New Hampshire	South Dakota	Columbia

With respect to the laws dealing with property damage accidents, but not the laws relating to injury or death producing accidents, six

of the laws (Delaware, Kentucky, Massachusetts, New York, Vermont and Wyoming) apparently apply only where the damage is to the vehicle of another person. If the driver's own vehicle is the only damaged property, he need not stop.

Duty to Provide Information

UVC § 10-104, referenced in both sections above, specifies that the involved driver must give his name and address and the vehicle registration number, and must exhibit his driver's license, if available and if requested, to any injured person, to the driver, occupant or attendant of any damaged vehicle or property, and to any police officer investigating the accident. UVC § 10-104(a) provides, in relevant part, as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license or permit to drive to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident and shall give such information and upon request exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident

With respect to the information required to be given, 32 states, like the Code, require the involved driver to give his name and address, and the registration number of the vehicle:

Alabama	Hawaii	Minnesota	South Carolina
Alaska	Idaho	Mississippi	Tennessee
Arizona	Illinois	Montana	Texas
Arkansas	Indiana	Nebraska	Utah
Colorado	Iowa	Nevada	Washington
Delaware	Kansas	New Mexico	West Virginia
Florida	Maine	North Dakota	Wisconsin
Georgia	Maryland	Oklahoma	Wyoming

One other state, Rhode Island, requires giving this same information, that is, the driver's name and address, and the vehicle registration number, but only if requested.

Another nine states require the driver to provide this same information, and also the following additional information.

California -- name of vehicle owner.

Connecticut -- driver's license number.

Michigan -- name and address of vehicle owner.

Missouri -- driver's license number.

New Hampshire -- driver's license number and the name and addresses of vehicle occupants.

North Carolina -- driver's license number.

Oregon -- names and addresses of vehicle occupants.

South Dakota -- name and address of vehicle owner.

Virginia -- driver's license number.

The remaining nine jurisdictions require the involved driver to provide information as follows:

Kentucky -- The operator or person having or assuming authority of the operator, or ownership of the vehicle, must give any occupant of a vehicle or person struck, if requested, the registration number of the vehicle, and the names and addresses of the vehicle owner, occupants and operator. The total of names provided need not exceed five.

Louisiana -- An involved driver must give his name and address and the license number of the vehicle, or must report the accident to the police.

Massachusetts -- An involved driver must "make known" his name, address and the "register number of his motor vehicle." The law does not specify to whom this information is to be made known. Another law requires a vehicle operator who knowingly collides with or causes injury to any person or damage to any property to, upon request of the person injured or the person owning, or in charge of the damaged property, plainly exhibit to such person his license, and his certificate of registration.

New Jersey -- An involved driver must give his name and address, and must exhibit his driver's license and registration certificate to a person injured, or whose vehicle or property was damaged, and to any police officer or witness, and to the driver or occupants of the vehicle collided with.

New York -- An involved driver must give his name, address, license number, name of his insurance carrier and insurance identification information to the party sustaining damage. He must also exhibit his license and insurance identification card.

Ohio -- One law applicable to accidents on the highways requires the involved driver to give his name and address, the name and address of the owner of the vehicle, and the registration number to any person injured, or to the operator, occupant, owner or attendant of a damaged motor vehicle, or to any police officer at the scene. A second law applicable to accidents off the highways requires the involved driver, upon the request of a person injured or damaged, or of any other person, to give his name and address, the name and address of the vehicle owner, the registration number of the vehicle, and to exhibit his driver's license, if available, to the person requesting such information.

Pennsylvania -- The operator, and the owner, if present, of an involved vehicle must give his name, address and the registration number of the vehicle, and must exhibit his driver's license to a person struck, or the driver or occupant of any other involved vehicle, or the owner or custodian of any property involved.

Vermont -- The operator of an involved vehicle must give his name, address, license number, and the name of the owner of the motor vehicle to any party whose person or property is injured.

District of Columbia -- An involved driver must give his name and address, and the name and address of the vehicle owner to an injured person, or to the owner of damaged property or the operator of a damaged vehicle.

Thirty-nine of the laws, like the Code, additionally require the driver to exhibit his driver's license. All but eight of the 39, like the Code, require exhibiting the license only if requested. The eight that require exhibiting the license even if not requested are: Delaware, Michigan, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island and Washington. Fourteen of the laws omit the Code provision that a license must be exhibited only if it is

available: Alabama, Arizona, Colorado, Delaware, Indiana, Massachusetts, Michigan, Nebraska, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island and Washington. The 39 states that require exhibiting the driver's license are:

Alabama	Illinois	Montana	Rhode Island
Arizona	Indiana	Nebraska	South Carolina
Arkansas	Iowa	Nevada	Tennessee
California	Kansas	New Jersey	Texas
Colorado	Maine	New Mexico	Utah
Delaware	Maryland	New York	Washington
Florida	Massachusetts	North Dakota	West Virginia
Georgia	Michigan	Oklahoma	Wisconsin
Hawaii	Minnesota	Oregon	Wyoming
Idaho	Mississippi	Pennsylvania	

Two of the above states also require exhibiting other documents. Massachusetts requires exhibiting the registration certificate and New York requires exhibiting an insurance identification card.

With respect to the recipient of the required information, 43 states specify, like the Code section, that the information must be given to any person injured in the accident and to the driver or any occupant of any vehicle damaged in the accident. Most of these state laws refer to a person "struck" or the driver or occupant of any vehicle "collided with." The 43 states are:

Alabama	Illinois	Nebraska	South Carolina
Alaska	Indiana	Nevada	South Dakota
Arizona	Iowa	New Jersey	Tennessee
Arkansas	Kansas	New Mexico	Texas
California	Kentucky	North Carolina	Utah
Colorado	Maine	North Dakota	Virginia
Delaware	Maryland	Ohio	Washington
Florida	Michigan	Oklahoma	West Virginia
Georgia	Minnesota	Oregon	Wisconsin
Hawaii	Mississippi	Pennsylvania	Wyoming
Idaho	Montana	Rhode Island	

Thirty-three of the 43 laws, like the Code, also require the information to be provided to any person attending or having custody of the vehicle, although not occupying it. The 10 which omit this reference are California, Delaware, Kentucky, Michigan, Nebraska, New Jersey, North Carolina, Oregon, South Dakota and Virginia.

Since most of these laws apply only to accidents involving damage to vehicles, only six of the laws also require giving the information to someone attending other (nonvehicular) property. These six are Florida, Hawaii, Kansas, Maryland, Nevada and Virginia.

Only eight of the 43 states specify that the information must also be provided to the police. Five of these eight conform with the Code provision. They require the involved driver to give the information, and if requested exhibit his driver's license, to any police officer at the scene, or any police officer investigating the accident. The five are Florida, Hawaii, Kansas, Maryland and Nevada. The California law requires the involved driver to give the information and exhibit his license to the involved parties or to a police officer at the scene. The New Jersey law requires giving the information and exhibiting the license and registration certificate to any police officer. The Ohio law requires giving the information to the parties or to a police officer at the scene.

Laws in the remaining eight jurisdictions specify as follows with respect to the recipient of the information:

Connecticut -- Information must be given to a person injured, to the owner of damaged property, to any witness or to any officer.

Louisiana -- The law does not specify to whom the information is to be provided.

Massachusetts -- The law requiring the involved driver to "make known" his name, address and registration number does not specify to whom this information is to be made known. A second law requires the involved driver to exhibit his driver's license, upon request, to a person injured or the person owning or in charge of damaged property.

Missouri -- The information must be given to "the injured party," or to a police officer.

New Hampshire -- The information must be given to a person injured, the operator of any other vehicle involved, or the owner of any damaged property.

New York -- The information must be given to the party sustaining damage, or to a police officer.

Vermont -- Information must be given to any party whose person or property is injured, and to any police officer.

District of Columbia -- Information must be given to an injured person, the owner of damaged property, the driver of any other involved vehicle, or to any bystander who requests such information on behalf of the injured person.

When Information Must Be Given to Police

The Uniform Vehicle Code specifies that if the persons otherwise specified to receive the required information are incapable of receiving it, the involved driver must submit the information to the police. UVC § 10-104(b) provides as follows:

In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subdivision (a) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of § 10-102 and subdivision (a) of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in subdivision (a) of this section.

Only 11 states have laws directly comparable to UVC § 10-104(b). Seven of the laws are in substantial conformity with the Code subsection:

Colorado
Florida

Hawaii -
Illinois
Maryland

New Jersey
South Dakota

The other four comparable laws provide as follows:

Connecticut -- If the involved driver is unable to give the information to the specified people "for any reason or cause," he must immediately report to the police.

New Hampshire -- If by reason of injury, absence or removal from the scene, or other cause, the specified persons, or any one of them, is unable to understand or receive the required information, it must be given immediately to the police.

Ohio -- In the event an injured person is unable to comprehend and record the information, the involved driver must notify the police,

and must remain at the scene until police arrive unless removed by ambulance.

District of Columbia -- If the owner or operator of damaged property is not present, the involved driver must report to the police.

Accidents Resulting in Damage to Unattended Property

Duty to Stop and Provide Information

For accidents involving damage to unattended vehicles or other property, the Code requires the involved driver to stop and either locate the owner of the property and provide him with identification information, or leave such identification information in a note securely attached to the damaged property and notify the police. UVC § 10-105 provides as follows:

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary.

All jurisdictions have laws requiring a driver involved in an accident which results in damage to an unattended vehicle to stop. All jurisdictions except Alaska apply the same law, or have a separate law applicable where the accident results in damage to property on or along a highway other than vehicles.

Thirteen of these laws are like the Code requirement in that they require the involved driver to stop and immediately either locate and notify the property owner or to leave a note on the damaged property and notify the police. The Alaska and Rhode Island laws

apply only to accidents resulting in damage to an unattended vehicle. Rhode Island has a separate law requiring the driver involved in an accident resulting in damage to nonvehicular property on or along a highway to take reasonable steps to locate and notify the property owner. Alaska does not have such a law. The remaining 11 laws apply to accidents resulting in damage to vehicles or other property. The 13 jurisdictions are:

Alaska	Hawaii	Nevada	Rhode Island
California	Illinois	New Jersey	South Dakota
Colorado	Kansas	Pennsylvania	Virginia
Florida			

Another seven jurisdictions have similar laws which do not authorize leaving a note. The involved driver must either locate and notify the owner, or report to the police. Michigan has a separate law, like the Rhode Island law discussed above, applicable to accidents resulting in damage to nonvehicular property but the Michigan law requires notification of police if the property owner cannot be located. The other six laws apply to accidents resulting in damage to vehicles or other property. The seven jurisdictions are:

Connecticut	Missouri	North Carolina
Michigan	New Hampshire	District of Columbia
	New York	

Another 23 states have similar laws which require the involved driver to either locate and notify the owner, or leave a note on the damaged vehicle. These laws do not require notification of police. (Of course if the property damage is sufficient, notification of police might be required under a law comparable to UVC § 10-106.) All of these laws apply only to accidents resulting in damage to an unattended vehicle. All 23 jurisdictions have separate laws requiring the driver involved in an accident resulting in damage to nonvehicular property on or along a highway to take reasonable steps to locate and notify the owner of the property. Only the Indiana law requires notice to the police if the property owner cannot be located. The 23 states are:

Alabama	Iowa	North Dakota	Utah
Arizona	Maine	Oklahoma	Washington
Arkansas	Maryland	Oregon	West Virginia
Georgia	Mississippi	South Carolina	Wisconsin
Idaho	Montana	Tennessee	Wyoming
Indiana	New Mexico	Texas	

Three other states have laws comparable to UVC § 10-105:

Ohio -- The law provides that if an accident results in damage to an unattended vehicle, the involved driver must attach a note to the vehicle. The law specifies no duty to locate the owner or to notify police.

If the accident results in damage to nonvehicular property, two different laws apply. One applies where "property" is damaged at nonhighway locations. It provides that if the property owner is not notified, the involved driver must notify the police. The second law applies to real property or personal property attached to such real property upon or adjacent to a highway. The involved driver must take reasonable steps to locate and notify the property owner. If he is unable to do so, he must notify the police.

Minnesota -- When an accident results in damage to an unattended vehicle, the law gives the involved driver three options. He may either locate and notify the owner, or report to the police, or leave a note on the damaged vehicle. A separate law requires the involved driver to take reasonable steps to locate and notify the owner when an accident results in damage to fixtures on or along a highway.

Vermont -- A driver involved in an accident resulting in damage to property must stop and notify the owner of the damaged property. The law does not specify what the driver must do if he is unable to locate the property owner.

What Information Must Be Provided

The Uniform Vehicle Code requires the involved driver to notify with respect to his name and address and the registration number of the vehicle he is driving. Of the 45 jurisdictions with comparable laws, only three specify the same information which must be provided:

Florida

Hawaii

Illinois

Two other states have laws which specify this same information but which also require the driver to give the name and address of the vehicle owner:

Ohio

South Dakota

Most of the laws specify that the driver must give his own name and address, and the name and address of the vehicle's owner. The 34 jurisdictions with this requirement are:

Alabama	Indiana	Nevada	Tennessee
Alaska	Iowa	New Jersey	Texas
Arizona	Kansas	New Mexico	Utah
Arkansas	Maine	North Dakota	Washington
California	Maryland	Oklahoma	West Virginia
Colorado	Michigan	Oregon	Wisconsin
Georgia	Minnesota	Pennsylvania	Wyoming
Idaho	Mississippi	Rhode Island	District of Columbia
	Montana	South Carolina	

Five states specify that the driver must give the name and address of the driver, the driver's license number, and the registration number of the vehicle:

Connecticut	New Hampshire	North Carolina
Missouri		Virginia

Two states have miscellaneous information requirements as follows:

New York -- The driver must give his name and address and exhibit his license and the license number.

Vermont -- The driver must give his name and address, the license number, and the name of the owner of the vehicle.

The five remaining states have no law comparable to UVC § 10-105:

Delaware	Louisiana	Massachusetts
Kentucky		Nebraska

ACCIDENT INVESTIGATION BY POLICE

Notification of Police

Immediate Notice by Involved Parties

The Uniform Vehicle Code requires drivers who are involved in an accident resulting either in personal injury, or in property damage exceeding specified criterion, to immediately report such accidents to the police. Prior to a 1975 amendment, the Code specified a one hundred dollar property damage threshold for such reporting of accidents not involving injury or death. The 1975 amendment replaced the dollar amount with a vehicle disablement standard as the threshold for reporting.^{10/} UVC § 10-106(a), with the language added

in 1975 shown underlined and the language deleted shown in brackets, provides as follows:

The driver of a vehicle involved in an accident resulting in injury to or death of any person or in any vehicle becoming so disabled as to prevent its normal and safe operation, [total damage to all property to an apparent extent of \$100 or more] shall immediately by the quickest means of communication give notice of such accident to the nearest office of a duly authorized police authority. For purposes of this section a disabled vehicle shall not include a bicycle or any other vehicle moved by human power.
(REVISED 1975)

Although no state law follows the approach of the 1975 Code amendment, using vehicle disablement as the criterion for reporting property-damage-only accidents, the laws of 20 states are like the pre-1975 Code.^{11/} These laws require immediate notice to the police in cases of accidents involving either death, personal injury, or property damage exceeding a specified dollar amount. Six of the 20 laws, like the pre-1975 Code, specify a threshold of \$100 for property-damage-only accidents:

Alaska	Louisiana	New Mexico
Delaware	Montana	Utah

The remaining 14 of the 20 states specify a different property damage threshold as follows:

Georgia -- \$25
Hawaii -- \$300
Idaho -- property of one person, excess of \$100
Illinois -- property of one person, excess of \$100
Kansas -- \$200
Maine -- \$200
Michigan -- \$200
New Jersey -- property of one person, excess of \$200
North Carolina -- \$200
North Dakota -- \$200
South Dakota -- \$250
Tennessee -- \$50
Wisconsin -- \$200
Wyoming -- property of others, \$250

Five more states have laws which require the driver of a vehicle involved in an accident resulting in either death, personal injury, or property damage in any amount, to give immediate notice to the police. These states require immediate notice of all accidents causing any damage. There is no minimum damage threshold below which immediate notice is not required. The five states are:

Colorado
Florida

Nevada

Rhode Island
Virginia

Another 11 jurisdictions have laws which require immediate notice only as to accidents resulting in death or personal injury. No immediate notice to police is required as to property-damage-only accidents, regardless of the extent of the damage. These 11 jurisdictions are:

Alabama
Arizona
Indiana

Iowa
Minnesota
New York

Oklahoma
South Carolina
Texas

West Virginia
District of
Columbia

Five other states have laws which require immediate notification of police only with respect to an accident resulting in death. No immediate notice is required where an accident results only in nonfatal injury or property damage. The California law specifically requires immediate notification of police regarding any accident resulting in death, but has no comparable requirement for other accidents. Laws in the other four states all require immediate notice only by implication. These laws require the involved driver to give information to the injured person or to the owner or custodian of damaged property. Only if that person, for some reason, is unable to receive the information do these laws require notification of police. Of course if a person is killed in the accident he would be unable to receive information and notification of the police would then be necessary. The five states which require notification of police only for accidents resulting in death are:

California
Connecticut

Missouri

New Hampshire
Ohio

The remaining 10 states have no law comparable to UVC § 10-106 (a) requiring immediate notice as to accidents. Apparently it is not necessary to notify the police regarding accidents in these states. The 10 states are:

Arkansas
Kentucky
Maryland

Massachusetts
Mississippi
Nebraska
Oregon

Pennsylvania
Vermont
Washington

The Code also provides that if the driver of a vehicle involved in an accident is incapable of giving immediate notice to the police, any passenger in his vehicle must give the required notice. UVC § 10-106(b) provides:

Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

Twenty-three states have laws which are in verbatim or substantial conformity with the Code section:

Alaska	Idaho	New Jersey	Tennessee
Arizona	Illinois	New Mexico	Utah
California	Indiana	North Dakota	West Virginia
Colorado	Iowa	Oklahoma	Wisconsin
Florida	Kansas	South Carolina	Wyoming
Hawaii	Montana	South Dakota	

Two other states have comparable laws which differ from the Code section as follows:

Maine -- The law requires the report to be given by the driver "or some person acting for him." Thus if a vehicle occupant makes the report for the driver who is unable to do so, the law is satisfied. But the law imposes no duty upon the nondriving vehicle occupant to give immediate notice to the police.

Virginia -- One section, which requires immediate notice only as to accidents resulting in death or injury, requires each occupant to give the notice to the police when the driver is physically incapable of doing so. Another law which requires immediate notice regarding accidents resulting in death, injury or any property damage, requires any person in the vehicle at the time of the accident to make the required report "if the driver fails to stop and make the report."

The remaining 26 jurisdictions do not have a law comparable to UVC § 10-106(b):

Alabama	Louisiana	Nebraska	Pennsylvania
Arkansas	Maryland	Nevada	Rhode Island
Connecticut	Massachusetts	New Hampshire	Texas
Delaware	Michigan	New York	Vermont
Georgia	Minnesota	North Carolina	Washington
Kentucky	Mississippi	Ohio	District of Columbia
	Missouri	Oregon	

Notification by Vehicle Owners

Some of the laws discussed above require occupants in a vehicle at the time of an accident to give the immediate notification when the driver is incapable of doing so. In addition, three states have laws imposing a duty upon the vehicle owner to give such immediate notice under some circumstances, even though the owner may not have been present when the accident occurred. These laws provide as follows:

Maine -- The law provides that the owner of the vehicle "having knowledge of the accident, should the operator of the vehicle be unknown" must give immediate notice to the police.

New Hampshire -- The law combines immediate notice requirements with written report requirements, and provides that, in the event the driver is incapable of making "such report," the owner or his representative shall, after learning of the accident, "forthwith make such report." It is unclear whether this provision is intended to apply only to the written accident report or to both that report and the required immediate notification to police.

Wisconsin -- The law requires the occupant to give the notice if the driver is unable, and provides that if there is no other occupant or if such occupant is physically or mentally incapable of giving the notice, the owner of the vehicle must, as soon as he learns of the accident, give the notice.

Of course where the owner is not present at the accident scene, none of these three laws is likely to provide a prompt enough notification to the police to permit a timely investigation of the scene.

Notification by Garages

One other source of police accident notification is provided by garages which repair accident involved vehicles. The Uniform Vehicle Code provides that garages must report within 24 hours with respect to any motor vehicle which has been involved in a reportable accident. UVC § 10-111 provides as follows:

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which written report must be made by the driver thereof as provided in § 10-107, or struck by any bullet, shall report to the local police department if such garage is located within a municipality, otherwise to the office of the county sheriff or the nearest office of the (State highway patrol, State police); within 24 hours after such motor vehicle is received by the garage or repair shop, giving the identifying number, registration number, and the name and address of the owner or driver of such vehicle.

Twenty-four jurisdictions have comparable laws requiring garages to report accident-involved vehicles. Twelve of these laws, like the Code section, require the report to be made to the local police authorities.

Alaska	Maine	New Jersey	South Dakota
Delaware	Nebraska	North Dakota	Virginia
Hawaii	Nevada	Oregon	District of Columbia

The Alaska law, as described below, requires the report to be made before the vehicle is repaired. The Maine law requires an "immediate" report. All the others require the report to be made within 24 hours. Two of the 12 (New Jersey and North Dakota) require a report of a vehicle involved in an accident of which report must be made by the driver. Two others (Hawaii and Nevada) are similar but refer to an accident of which written report must be made. Five of the laws (Delaware, Maine, Nebraska, Oregon and Virginia) require report as to any vehicle involved in a "serious accident." One of the laws (District of Columbia) requires report as to a vehicle which has been involved in any accident. The remaining two of the 12 laws which require garages to report to local police authorities have miscellaneous provisions as follows:

Alaska -- The law prohibits repairing or having repaired any motor vehicle damages "which could have been caused by collision with a person or property" without first notifying the department of public safety, the chief of police, or the nearest police officer, who must immediately examine the vehicle and make a full report. Provided that if no official is within 10 miles of the place where the vehicle is brought for repairs, no such notification is required.

South Dakota -- The law requires the garage to report a vehicle which has been involved in a "reportable" accident, within 24 hours after receiving it for repairs. Provided that if the vehicle bears on it a notice affixed by a duly authorized police officer to the effect that the accident has already been reported, no report by the garage is required. No vehicle can be repaired until such a notice is affixed to the vehicle.

Ten other states have similar laws which require the garages to report to the department of motor vehicles rather than to the local police authorities. The report must be made within 24 hours. Colorado requires report as to a vehicle involved in any accident. The other nine laws all refer to an accident "of which report must be made by the driver." The 10 states are:

Alabama	Idaho	Tennessee
Arizona	Montana	Utah
Colorado	New Mexico	West Virginia
	South Carolina	

Two other states have comparable laws which differ from the Code substantially as follows:

Washington -- Garages must keep repair records stating the nature of the repair work and the cost. Such reports must be submitted each week to local authorities and then forwarded to the state police. The garage must maintain duplicate records open to inspection during business hours.

Wisconsin -- Garages must record the date the vehicle was received, the nature of the repairs, and information regarding identity of the vehicle and its owner. Such records must be open to inspection in business hours.

The remaining 27 states have no provision comparable to UVC § 10-111 relating to accident-involved vehicles (although several have such laws regarding bullet-struck vehicles). The 27 states are:

Arkansas	Iowa	Minnesota	Oklahoma
California	Kansas	Mississippi	Pennsylvania
Connecticut	Kentucky	Missouri	Rhode Island
Florida	Louisiana	New Hampshire	Texas
Georgia	Maryland	New York	Vermont
Illinois	Massachusetts	North Carolina	Wyoming
Indiana	Michigan	Ohio	

Police Investigation

The Uniform Vehicle Code does not specifically require a police investigation of any particular accidents. The Code merely provides that if an investigation is made, the officer must file a written report with the department. Twelve states, however, have laws as described below which require a police investigation of some or all accidents upon receiving notice of the occurrence of such accidents. The 12 states are:

Arkansas -- The law requires state, county and municipal police agencies to investigate all traffic accidents with all possible promptness, and to report.

Colorado -- All law enforcement officers who receive notification of traffic accidents within their respective jurisdictions must submit a report with respect to all such accidents. Completion of a report would probably require some investigation.

Kentucky -- The law requires county sheriffs and deputies to investigate all accidents occurring on the roads.

Louisiana -- The law requires investigation by sheriffs or municipal police of all reportable accidents.

Maine -- The law provides that every notice of an accident received by a police agency must be promptly investigated.

Massachusetts -- A police agency must report to the department with respect to every reportable accident which occurs within the jurisdiction of the agency. Preparation of the report would probably require an investigation.

New York -- A police officer to whom any injury producing accident is reported must immediately investigate the facts, provided that the report to the officer is made within five days of the accident.

North Carolina -- The law requires police to investigate all reportable accidents.

Oklahoma -- A law enforcement officer who receives notification of the occurrence of a reportable traffic accident must make a written report to the department. Preparation of such a report would probably require an investigation.

South Dakota -- The law provides that every law enforcement officer must, after receiving notice that a reportable accident has occurred, affix a notice to the damaged vehicle or vehicles indicating that the accident has been reported and is being investigated. A vehicle may not be repaired unless it has such a notice affixed.

Vermont -- The law requires the commissioner of motor vehicles, rather than police, to investigate all injury producing accidents.

Washington -- The law requires a report from any police officer "present at the scene of any accident or in possession of any facts concerning any accident . . . as fully as the facts in his possession concerning such accident will permit." This law might encourage an officer already at the scene to make an investigation although it would not require a police officer to go to the scene upon notification of the occurrence of a traffic accident.

Several other states have laws which relate in some way to the police investigation of an accident. Two states require remaining at the accident scene until the police arrive. Ohio requires drivers to remain at the scene until the police arrive, unless removed from the scene by an ambulance. Colorado requires the person reporting an accident, if so directed by the police, to return and remain at the scene until the police have completed their accident scene investigation. Delaware has a law which prohibits moving any vehicles involved in an accident resulting in a fatality until the police arrive at the scene.

Police Reports

The Uniform Vehicle Code requires a law enforcement officer who investigates an accident to make a written report to the department within 10 days after the investigation. UVC § 10-112(a) provides as follows:

Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this chapter, or who otherwise prepares a written report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the department within 10 days after his investigation of the accident.

Forty-three states have laws comparable to UVC § 10-112(a) requiring police officers to submit written reports to the department with respect to accidents which they investigate. The 43 states and the specified time limits for submitting the reports are as follows:

Alabama -- within 24 hours	New Hampshire -- within 24 hours
Alaska -- within 24 hours	New Jersey -- within 10 days
Arizona -- within 24 hours	New Mexico -- within 24 hours
Arkansas -- within 5 days	New York -- forthwith
Colorado -- within 5 days	North Carolina -- within 24 hours
Connecticut -- within 5 days	North Dakota -- within 10 days
Florida -- within 24 hours	Ohio -- within 5 days
Idaho -- within 24 hours	Oklahoma -- forthwith
Illinois -- within 10 days	Oregon -- within 10 days
Indiana -- within 24 hours	Rhode Island -- no time limit
Iowa -- within 24 hours	South Carolina -- within 24 hours
Kansas -- within 10 days	South Dakota -- within 12 hours
Kentucky -- within 10 days	Tennessee -- within 24 hours
Louisiana -- within 24 hours	Texas -- within 10 days
Maine -- within 48 hours	Utah -- within 24 hours
Massachusetts -- within 15 days	Vermont -- within 10 days
Michigan -- forthwith	Virginia -- within 24 hours
Minnesota -- within 10 days	Washington -- no time limit
Missouri -- within 10 days	West Virginia -- within 24 hours
Montana -- within 10 days	Wisconsin -- within 10 days
Nebraska -- within 10 days	Wyoming -- within 24 hours
Nevada -- within 10 days	

The remaining eight jurisdictions have no law comparable to UVC § 10-112(a):

California	Georgia	Maryland	Pennsylvania
Delaware	Hawaii	Mississippi	District of Columbia

WRITTEN REPORTS BY INVOLVED PARTIES

Written Report of Driver

The Uniform Vehicle Code provides that drivers involved in accidents resulting either in personal injury or in property damage of a particular severity must make a written report of such accidents. UVC § 10-107(a) provides:

The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of (\$100, \$200) or more, shall within 10 days after such accident, forward a written report of such accident to the department, unless the accident was investigated and reported by a police officer in accordance with § 10-112. (REVISED 1975)

The laws of 27 states, like the Code, have a single provision, set forth among general accident reporting laws, requiring drivers to file written accident reports.

Nineteen of these 27 laws require the driver of a vehicle involved in an accident resulting in death, personal injury, or property damage that equals or exceeds a specified dollar amount to make a written report of such accident to the appropriate state agency. Sixteen of these 19 laws apply when the "apparent" extent of damage reaches a specified dollar amount, while three, (Illinois, New Jersey and Oklahoma) apply when property damage is "in excess of" the stated amount. Three of these laws (Illinois, New Jersey and Washington) apply where damage to the "property of any one person" reaches or exceeds the specified amount. The Oklahoma law achieves the same effect by referring to the "damage to one vehicle or other property." The other 15 laws apply when the "total" property damage reaches the specified dollar amount. These 19 states and notable differences among their laws are as follows:

Arizona -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the Highway Department within 5 days.

Florida -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the Department of Highway Safety within 5 days. The law further provides that when the investigating officer has made a written

report of the accident, no written report need be forwarded to the department by the driver.

Illinois -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the Administrator of the Department of Transportation as soon as possible but not later than 10 days after such accident.

Indiana -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the state police department within 5 days.

Iowa -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the Department of Public Safety within 24 hours. The law further provides that if the accident occurs in a city with a population of more than 15,000, the driver must report it to the chief of police of that city.

Kansas -- The law specifies a minimum property damage amount of \$200, and provides that the driver must forward a written report to the Department of Motor Vehicles within 15 days.

Maine -- The law specifies a minimum property damage amount of \$200, and provides that the driver "or some person acting for him" must make a written report to the Secretary of State within 48 hours.

Minnesota -- The law specifies a minimum property damage amount of \$100, and provides that the driver must "promptly" forward a written report to the Commissioner of Public Safety.

New Jersey -- The law specifies a minimum property damage amount of \$200, and provides that the "driver of a vehicle or street car" must forward a written report to the Division of Motor Vehicles within 5 days.

New Mexico -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the Division of Motor Vehicles within 5 days.

North Carolina -- The law specifies a minimum property damage amount of \$200, and provides that the driver must furnish proof of financial responsibility on forms prescribed by the Department.

North Dakota -- The law specifies a minimum property damage amount of \$200, and provides that the driver must forward a written report to the Highway Commissioner within 5 days.

Oklahoma -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the Department of Public Safety within 10 days.

South Carolina -- The law specifies a minimum property damage amount of \$100, and provides that the driver must forward a written report to the Highway Department within 5 days.

Utah -- The law specifies a minimum property damage amount of \$200, and provides that the driver must forward a written report to the Department of Public Safety within 5 days.

Virginia -- The law specifies a minimum property damage amount of \$200, and provides that the driver must make a written report to the Secretary of State within 5 days.

Washington -- The law specifies a minimum property damage amount of \$100, and provides that the driver must make a written report within 24 hours to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns.

West Virginia -- The law specifies a minimum property damage amount of \$100, and provides that the driver or the attorney or agent of such driver must forward a written report to the Department of Motor Vehicles within 5 days.

Wisconsin -- The law specifies a minimum property damage amount of \$200, and provides that the operator of a vehicle must forward a written report to the Division of Motor Vehicles within 10 days.

The remaining eight of these 27 laws apply only to the driver of a motor vehicle. These laws require the driver of a motor vehicle involved in an accident in which any person is killed or injured or in which the property of any one person is damaged in excess of a specified threshold to file a written report. These eight states and notable differences among their laws are as follows:

Connecticut -- The law specifies a minimum property damage amount of \$400, and provides that the "driver of any motor vehicle

or any road roller" or "the owner of such motor vehicle" must make a written report to the Commissioner of Motor Vehicles within 5 days. The law states that it applies to accidents occurring "on a highway in this state or in an off-street parking area offered for public use with or without payment of a fee."

Maryland -- The law specifies a minimum property damage amount of \$100, and provides that the driver and/or owner must make a written report to the Motor Vehicle Administration within 15 days, and file with the report any evidence of liability insurance. The law further provides that a driver is not required to file a written report if such a report was filed by a police officer investigating the accident.

Massachusetts -- The law specifies a minimum property damage amount of \$200, and provides that the driver must make a written report within 5 days to the Motor Vehicles Registrar and send a copy thereof to the police department having jurisdiction over the place on the highway where such accident occurred.

Montana -- The law specifies a minimum property damage amount of \$250, and provides that the driver must make a written report to the Supervisor of the Highway Patrol within 10 days.

New Hampshire -- The law specifies a minimum property damage amount of \$300, and provides that the driver make a written report to the Director of the Division of Motor Vehicles within 5 days.

New York -- The law specifies a minimum property damage amount of \$200, and provides that the driver must make a written report to the Commissioner of Motor Vehicles within 10 days.

Pennsylvania -- The law specifies a minimum property damage amount of \$200, and provides that the driver must forward a written report to the Department of Transportation within 5 days.

A second law, applicable to accidents involving school buses, provides:

[T]he owner or operator of every school bus including buses subject to the jurisdiction of the Pennsylvania Public Utility Commission when used as school buses, shall report every accident resulting in bodily injury or death to any person or damage to the property of any person in excess of one hundred dollars (\$100.00) in which any such school bus may be involved within

five (5) days thereafter to the Bureau of Traffic Safety of the department.^{12/}

Vermont -- The law specifies a minimum property damage amount of \$100, and provides that the driver must make a written report to the Commissioner of Motor Vehicles within 72 hours.

The laws of five jurisdictions also have a single provision requiring drivers to file written accident reports, but these provisions are codified among financial responsibility laws rather than among general accident report laws. These five laws apply only to the driver of a motor vehicle. The laws require the driver of a motor vehicle involved in an accident in which any person is killed or injured, or in which the damage to the property of any one person meets or exceeds the specified threshold to make a written report of the accident to the appropriate state agency. These five jurisdictions and notable differences among their laws are as follows:

Alabama -- The law specifies a minimum property damage amount of \$50, and provides that the driver must make a written report to the Director of Public Safety within 10 days.

Georgia -- The law specifies a minimum property damage amount of \$100, and provides that the driver must make a written report to the Director of Public Safety within 10 days.

Missouri -- The law specifies a minimum property damage amount of \$100, and provides that the driver must make a written report to the Director of Revenue within 10 days.

Ohio -- The law specifies a minimum property damage amount of \$150, and provides that the driver must forward a written report to the Registrar of Motor Vehicles within 30 days.

District of Columbia -- The law specifies a minimum property damage amount of \$100, and provides that the driver of a vehicle subject to registration under the motor vehicle laws must make a written report to the Commissioner of the District of Columbia within 5 days.

Sixteen states have more than one law requiring drivers to file a written accident report. In 15 of these states, one provision is set forth among general accident reporting laws and a second provision is set forth among financial responsibility laws. Idaho has one provision among general accident laws and a second among laws

pertaining to the department of motor vehicles. (In discussing the laws of these states, the provision set forth among general accident laws will be referred to as the "first" provision, and the other provision will be referred to as the "second.")

In 14 of these 16 states, the first provision applies to the driver of a vehicle and the second applies to the driver of a motor vehicle. In the other two states (Idaho and Oregon), both provisions apply to the driver of a vehicle. In 15 states, both provisions require the driver involved in an accident in which a person is killed or injured or in which the damage done to property equals or exceeds a specified amount to file a written report of such accident with the appropriate state agency. In the other state (California), the first provision applies when a person has been killed or injured in an accident, but not when property has been damaged, and the second provision applies in accidents resulting in personal injury or death or in property damage which exceeds a specified amount.

In eight of these 16 states, both provisions specify the same minimum property damage amount and the same time limit for filing written reports. These eight states and notable differences among their provisions are as follows:

Alaska -- Both provisions specify a minimum property damage amount of \$100, and require that a written report be forwarded to the Department of Public Safety within 2 days. The first provision also requires that a report be forwarded to the local police department if the accident occurs within a municipality. The second law further provides:

If the accident results in bodily injury or death or property damage in excess of \$200, the person preparing the report shall also complete the insurance information portion of the accident report form.^{13/}

Colorado -- Both provisions specify a minimum property damage amount of \$100, and require the driver to make a written report to the Department of Revenue within 10 days. The second provision also applies to the owner of a motor vehicle. The first law further provides:

Except when supplemental reports are required . . . this shall be the only written report required of the driver for any and all of the purposes specified in this article and in article 7 of this chapter

[the financial responsibility law], and said report shall be required of the driver whether or not the accident was investigated by the police authority.^{14/}

Idaho -- Both provisions specify a minimum property damage amount of \$100, and require the driver to forward a written report to the Department of State Law Enforcement within 5 days. The second law further provides that when such accident occurs within an unincorporated city, such report shall be made within 24 hours to the police department of such city.

Kentucky -- Both provisions specify a minimum property damage amount of \$200, and require the driver to make a written report to the Department of Public Safety within 10 days.

Nebraska -- Both provisions specify a minimum property damage amount of \$250, and require the driver to make a written report to the Department of Motor Vehicles within 10 days.

Nevada -- Both provisions specify a minimum property damage amount of \$250, and require that a written report be filed within 10 days. The first provision requires that the report be forwarded to the Department of Motor Vehicles; the second requires that the report be made to the Drivers' License Division of the Department of Motor Vehicles. The second law further provides:

In the case of any operator of any motor vehicle subject to the jurisdiction of the Interstate Commerce Commission or the public service commission of Nevada, such report need not be filed until the 10th day of the month following the month in which the accident occurred.^{15/}

Oregon -- Both provisions specify a minimum property damage amount of \$200, and require that a written report be filed within 72 hours. The first provision requires that the report be forwarded to the sheriff of the county, or to the chief of police of the city in which such accident occurs, or to such other agency as the Motor Vehicles Division may establish for the purpose of receiving such accident reports. The second provision requires that the report be made to the Motor Vehicles Division of the Department of Transportation.

Rhode Island -- Both provisions specify a minimum property damage amount of \$150, and require the driver to make a written report to the Registry of Motor Vehicles within 10 days.

In the other eight of these 16 states, the two provisions specify minimum property damage amounts or time limits which do not coincide. These eight states and notable differences among their laws are as follows:

Arkansas -- The first provision specifies a minimum property damage amount of \$50, and requires that the driver forward a written report to the State Police within 48 hours. The second provision specifies a minimum property damage amount of \$100, and requires the driver "of a vehicle of a type subject to registration under the motor-vehicle laws of this State" to make a written report to the Department of Revenues within 5 days.

Another law applicable to accidents involving vehicles carrying passengers for hire, provides:

The driver of any taxicab, motor bus, or other motor vehicle carrying passengers for hire involved in an accident resulting in injury to or death of any person, shall within 48 hours after such accident, forward a written report of such accident to the Arkansas State Police, which report shall contain a full and complete list of the names and addresses of all passengers occupying said taxicab, bus, or other vehicle at the time of said accident. 16/

California -- The first provision, which does not apply to accidents involving only property damage, requires that the driver of a vehicle other than a "common carrier vehicle" make a written report within 24 hours to the Department of the California Highway Patrol or, if the accident occurred within a city, to either the Department of the California Highway Patrol or to the police department of the city in which the accident occurred. The law further provides that the owner or driver of a common carrier vehicle involved in such an accident must make a written report to the Department of California Highway Patrol on or before the 10th day of the month following the accident.

The second provision specifies a minimum property damage amount of \$250, and requires that the driver must make a written report to the Department of Motor Vehicles within 15 days. This law further provides:

A report shall not be required in the event that the motor vehicle involved in the accident was owned or

leased by or under the direction of the United States, this state, or any political subdivision of this state or municipality thereof.^{17/}

Delaware -- The first provision specifies a minimum property damage amount of \$100, and requires the driver to report such accidents immediately to the nearest State Police Station, except that when such accident occurs within the City of Wilmington, such report must be made to the Department of Public Safety in that city. (This law does not specifically require that the report be written, but could be interpreted as requiring written reports.)

The second provision requires "all persons involved in accidents coming under section 2921" to make written reports to the Department of Public Safety within 5 days. Section 2921 applies security deposit provisions to any "motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$100."

Louisiana -- The first provision specifies a minimum property damage amount of \$100, and requires the driver to make a written report within 24 hours. The second provision specifies a minimum property damage amount of \$200, and requires the driver to make a written report within 10 days. Both provisions require that the report be made to the Department of Public Safety.

Mississippi -- The first provision specifies a minimum property damage amount of \$50, and requires the driver to forward a written report within 24 hours. The second provision specifies a minimum property damage amount of \$100, and requires the report to be made within 5 days. Both provisions require that the report be made to the Department of Public Safety.

Tennessee -- The first provision specifies a minimum property damage amount of \$100, and requires that the driver forward a written report to the Department of Safety within 10 days. The second provision specifies a minimum property damage amount of \$200, and requires that the driver make a written report to the Commissioner of Public Safety within 10 days. Persons making the written report required in the second provision need not forward the written report required in the first provision.

Texas -- The first provision specifies a minimum property damage amount of \$25, and requires the driver to forward a written report within 10 days. The second provision specifies a minimum

property damage amount of \$250, and requires the driver to make a written report within 10 days. Both provisions require that the report be made to the Department of Public Safety.

Wyoming -- The first provision specifies a minimum property damage amount of \$250, and requires that the driver forward a written report to the State Highway Department within 5 days. The second provision specifies a minimum property damage amount of \$250, and requires that the driver make a written report to the Superintendent.

The remaining three states have no law providing that a driver involved in an accident must file a written accident report:

Hawaii

Michigan

South Dakota

It is interesting to note that all three had such laws, and all repealed them within the last four years.

When Driver Is Incapacitated

No Report Required

The Uniform Vehicle Code exempts drivers from the duty to file written accident reports when they are physically incapable of complying with that requirement. UVC § 10-107(c) provides:

A written accident report is not required under this chapter from any person who is physically incapable of making a report during the period of such incapacity.

Eleven jurisdictions have laws which are in substantial conformity with the Code subsection. Nine of these 11 laws are included among the accident reporting provisions of their respective state codes, while two (Alabama and the District of Columbia) are codified among the financial responsibility provisions. The 11 jurisdictions are:

Alaska	Kansas	Nevada	Wyoming
Arkansas	Maryland	Oklahoma	District of
Florida	Montana	Tennessee	Columbia

The laws of three other states exempt physically incapacitated drivers from the duty to file written reports. Two of these laws are included in the financial responsibility provisions of their respective state codes, while the Massachusetts law is part of the

general accident reporting requirements. These three states and their provisions are as follows:

Delaware -- The law provides in relevant part:

The Secretary of Public Safety shall require all persons involved in accidents . . . to make reports of such accidents . . . provided the person is sufficiently mentally and physically able to make such reports. In the event a person is unable either mentally or physically to make such reports, then he shall be exempted under this section from making such report of accidents until such time as the disability is removed, at which time he shall make the report required within five days from date the disability is removed. The burden of proving such disability is on the person claiming the exemption.^{18/}

Massachusetts -- The law provides:

Such report shall not be required during the period of incapacity of any person who is physically incapable of making a report.^{19/}

Ohio -- The law provides in relevant part:

A driver involved in a motor vehicle accident is not subject to section 4509.06 of the Revised Code [requiring written accident reports] if, during the time provided in such section, the driver is physically incapable of making a report. . . .^{20/}

The remaining 37 states have no comparable provision

Alabama	Iowa	New Hampshire	South Carolina
Arizona	Kentucky	New Jersey	South Dakota
California	Louisiana	New Mexico	Texas
Colorado	Maine	New York	Utah
Connecticut	Michigan	North Carolina	Vermont
Georgia	Minnesota	North Dakota	Virginia
Hawaii	Mississippi	Oregon	Washington
Idaho	Missouri	Pennsylvania	West Virginia
Illinois	Nebraska	Rhode Island	Wisconsin
Indiana			

Owner to Report

The Uniform Vehicle Code provides that if the incapacitated driver is not also the owner of the vehicle, then the owner must file the written accident report. UVC § 10-107(d) provides:

Whenever the driver is physically incapable of making a written report of an accident as required in this section and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within 10 days after the accident make such report not made by the driver.

The laws of 16 states, like the Code, have a single law, included among general accident reporting laws, which provides that the owner of the vehicle may be required to file the written accident report.

Nine of these 16 laws are in substantial conformity with the Code subsection. All nine laws include time limits within which reports must be filed which differ from that specified in the Code however. Florida law requires that the report be made within five days "after the accident." Montana law specifies a time limit of 10 days "after learning of the accident." The remaining seven of these laws provide that the owner must make a written report within five days "after learning of the accident." These nine states are:

Alaska	Idaho	North Dakota
Arizona	Montana	South Carolina
Florida	New Mexico	West Virginia

The remaining seven of these 16 laws do not conform to the Code. These seven states and their provisions are as follows:

Illinois -- The law provides:

If said driver fails for any reason to make such report, the owner of the vehicle involved in such accident, shall, as soon as he learns of the accident, make said report to the Administrator.^{21/}

Maryland -- The law provides:

If the driver is physically incapable of making the report or is unavailable or refuses to do so the

Administration in its discretion may accept a report of the accident from the owner. The owner of the motor vehicle involved in the accident shall report the matter in writing to the Administration and file the evidence of insurance required above.22/

Massachusetts -- The law provides:

If the operator is not the owner of the vehicle and is physically incapable of making such written report, the owner shall within five days after the accident make such report based on such knowledge as he may have and such information as he can obtain regarding the accident.23/

New Hampshire -- The law provides:

If such operator be physically or mentally incapable of making such report, the owner of the motor vehicle involved in such accident or his representative shall, after learning of the accident, forthwith make such report.24/

New Jersey -- The law provides:

Whenever the driver is physically incapable of making a written report of an accident as required by this section and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall make such report not made by the driver.25/

New York -- The law provides:

If the operator or chauffeur involved in such accident be unable to make such report, the owner of the motor vehicle involved in such accident, if such owner be not involved in such accident or incapacitated, shall within ten days after he learns of the fact of such accident report the matter to the commissioner together with such information as may have come to his knowledge relating to such accident.26/

Wisconsin -- The law provides:

If there is no other occupant of the vehicle or if such occupant is physically or mentally incapable of giving the notice and making the report, the owner of the vehicle involved in the accident shall, as soon as he learns of the accident, give the notice and make the report required. . . .^{27/}

Fourteen other jurisdictions also have a single law which requires an owner to file a written report for an incapacitated driver, but these laws are included among the financial responsibility provisions rather than among the general accident reporting laws.

Seven of these 14 laws provide: "If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report." These seven states are:

Alabama

Georgia

Nebraska

Connecticut

Louisiana

Texas

Missouri

Three of these seven laws differ somewhat as follows: The Georgia law further specifies that the provision applies when the operator is not the owner of the motor vehicle involved. Nebraska law also differs in part, requiring that the driver, within 10 days from the time he learns of the accident, report the matter in writing to the department. The Missouri law further provides:

If the operator is also the owner and is incapable of filing such report as is required by this section then the report will be filed as soon as the operator-owner is so capable. If the report is late by reason of incapability, a doctor's certificate must accompany the report certifying same.^{28/}

The remaining seven of these 14 jurisdictions set forth varying provisions, as follows:

Arkansas -- The law provides:

If any driver be physically incapable of making a required accident report and is not the owner of the vehicle involved in such accident, then the owner

of such vehicle shall within 5 days after he learns of the accident make such report not made by the driver.^{29/}

California -- The law provides:

If any driver is physically incapable of making the report, and is not the owner of the motor vehicle involved in the accident, the owner shall, as soon as he learns of the accident, report the matter in writing to the department.^{30/}

Kentucky -- The law provides:

If the operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the department.^{31/}

Mississippi -- The law provides in relevant part:

If such operator be physically incapable of making such report . . . the owner of the motor vehicle shall make such report.^{32/}

Ohio -- The law provides in relevant part that when the driver is physically incapable of making a report:

[T]he owner, if he were not the driver of the motor vehicle involved in the accident, shall within thirty days after learning of the accident make the report.^{33/}

Oregon -- The law provides in relevant part:

If any driver not the owner of the vehicle involved in the accident does not make the report . . . the owner shall, as soon as he learns of the accident, make the report.^{34/}

District of Columbia -- The law provides:

If any driver be physically incapable of making a required accident report or refuses or neglects to make such report, and is not the owner of the vehicle involved in such accident, then the owner of such

vehicle shall within five days after he learns of the accident make such report not made by the driver.^{35/}

Six states have more than one law which provides that the owner of a vehicle may be required to file the written accident report. In all six states, one provision applies to owners of all vehicles and is included among general accident reporting laws, while a second provision applies only to owners of motor vehicles and is included among financial responsibility laws. These six states are:

Colorado
Nevada

Rhode Island
Tennessee

Utah
Wyoming

In all six of these states, the provision in the general accident report laws is in substantial conformity with the Code. Five of these laws (all except Colorado) specify time limits within which reports must be filed which differ from that specified in the Code, however. Nevada law requires that the report be made within 10 days "after knowledge of the accident." Rhode Island law specifies a time limit of 10 days "after learning of the accident." The remaining three laws provide that the owner must make a written report within five days "after learning of the accident."

Of the provisions included in the financial responsibility laws, those in Colorado, Nevada, Rhode Island and Utah provide essentially as follows: "If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report." Colorado law further specifies that the provision applies when the operator "is not the owner of the motor vehicle involved." The remaining two laws (Tennessee and Wyoming) do not specify a time limit, but rather provide that the owner "shall, as soon as he learns of the accident, report the matter in writing."

The remaining 15 states have no comparable provision. These 15 states are:

Delaware
Hawaii
Indiana
Iowa

Kansas
Maine
Michigan
Minnesota

North Carolina
Oklahoma
Pennsylvania
South Dakota

Vermont
Virginia
Washington

Other Persons to Report

The laws of 14 states provide that if the driver of a vehicle is physically incapable of making a required accident report and

there was another occupant in the vehicle at the time of the accident, such occupant must make the report or cause it to be made. The laws of 13 of these states are included among general accident reporting provisions. Mississippi has two provisions, one among general accident reporting laws and the other among financial responsibility laws. The Uniform Vehicle Code has no comparable provision. These 14 states are:

Arizona	Indiana	Kentucky	Oregon
Arkansas	Iowa	Mississippi	Virginia
California	Kansas	New Jersey	Washington
Florida			Wisconsin

The Virginia law adds that the report made by an occupant shall not include a certificate of insurance. The Washington law further provides that upon recovery the driver shall make the report in the manner required by law.

The laws of five other states provide that other persons may be required to file accident reports for incapacitated drivers. Three of these provisions (Maine, New York and Pennsylvania) are located in general accident reporting laws, while the other two are codified among financial responsibility laws. These five states and their provisions are as follows:

Colorado -- The law provides:

If the operator and owner are the same person and such person is physically incapable of making such report within the required ten-day period, such person may designate some other person to make the report on his behalf or shall file the report as soon as he is able to do so.^{36/}

Georgia -- The law provides:

If the operator and owner are the same person and physically incapable of making such report within the required 10-day period, such person shall file the report as soon as he is able to do so, and, in the meantime, the Director has authority to request a report of the accident from any officer who investigated the accident.^{37/}

Maine -- The law provides that the driver or some person acting for him must make a written accident report.

New York -- The law provides:

If such operator or chauffeur be physically incapable of making such report and there be another participant in the accident not incapacitated, such participant shall make such report within ten days after such accident.^{38/}

Pennsylvania -- The law provides:

If the operator is physically incapable, as a result of the accident, of making a report, it shall be the duty of any other participant in the accident, who is not incapacitated as the result of the accident, to forward such report.^{39/}

The Uniform Vehicle Code, between 1934 and 1962, authorized the department to require written reports from accident witnesses. Although the Code no longer authorizes such reports, the laws of 24 states provide that the department can require witnesses to make a report:

Arizona	Illinois	Montana	Utah
Arkansas	Indiana	New Mexico	Virginia
California	Iowa	Oregon	Washington
Colorado	Kentucky	South Carolina	West Virginia
Florida	Louisiana	Tennessee	Wisconsin
Idaho	Mississippi	Texas	Wyoming

Supplemental Written Reports

The Uniform Vehicle Code provides that a driver may be required to file supplemental written reports when his original report was inadequate. UVC § 10-107(b) provides:

The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

The laws of 26 states, like the Code, have a single provision, included in the accident reporting laws, which specifies that drivers may be required to file supplemental written reports. Seventeen of these 26 laws are in substantial conformity with the Code subsection:

Arizona	Kansas	North Carolina	Virginia
Delaware	Maryland	Oklahoma	Washington
Florida	Montana	Pennsylvania	West Virginia
Indiana	New Mexico	South Carolina	Wisconsin
Iowa			

The Maryland law also specifically authorizes requiring supplemental reports from vehicle owners, as well as drivers. Wisconsin authorizes requiring supplemental reports from any operator, occupant or owner of a vehicle. The Montana and Pennsylvania laws apply only to the driver of a motor vehicle.

The remaining nine of the 26 laws differ from the Code section somewhat, as follows:

California -- The law provides:

The Department of the California Highway Patrol may require any driver, or the owner of a common carrier vehicle, involved in any accident of which a report must be made as provided in Section 20008 to file supplemental reports to it whenever the original report is insufficient in the opinion of such department.^{40/}

Illinois -- The law provides:

The Administrator may require any driver, occupant or owner of a vehicle involved in an accident of which report must be made as provided in this Section or Section 11-410 of this Chapter to file supplemental reports whenever the original report is insufficient in the opinion of the Secretary of State or the Administrator, and may require witnesses of the accident to submit written reports to the Administrator. The report may include photographs, charts, sketches, and graphs.^{41/}

Massachusetts -- The law provides:

The registrar may require any such operator or owner to file a supplementary written report whenever in the opinion of the registrar the original report is insufficient.^{42/}

Minnesota -- The law provides:

If, in the opinion of the commissioner of public safety, 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 he may require the driver to file supplementary reports.^{43/}

New Hampshire -- The law provides:

The operator or the owner shall furnish such additional relevant information as said director shall require.^{44/}

New Jersey -- The law provides:

The division may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it when in the opinion of the division, the original report is insufficient.^{45/}

New York -- The law provides:

Every such operator or chauffeur of a motor vehicle, or participant in any such accident, or owner of the motor vehicle involved in any such accident, shall make such other and additional reports as the commissioner shall require.^{46/}

South Dakota -- The law provides:

The superintendent of the highway patrol may require drivers, involved in accidents, or peace officers to file supplemental reports of the accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the superintendent. . . .^{47/}

This section is without effect, however, since South Dakota has repealed all other written accident report requirements.

Vermont -- The law provides:

The commissioner may require further facts concerning the accident to be provided upon forms furnished by him.^{48/}

Another five jurisdictions also have a single law which provides that drivers may be required to file supplemental reports, but these laws are codified among the financial responsibility provisions rather than among the general accident reporting laws. These laws generally provide that the operator or the owner must furnish such additional relevant information as the director requires. The five jurisdictions are:

Alabama
Georgia

Missouri
Ohio

District of
Columbia

Seventeen states have more than one law providing that drivers may be required to file supplemental reports. In 16 of these states, one provision is included among general accident reporting laws and a second provision is located in the financial responsibility laws. Idaho has one provision among general accident reporting laws and a second among laws pertaining to the department of motor vehicles. (In discussing the laws of these states, the provision codified with the general accident laws will be referred to as the "first" provision, and the other provision will be referred to as the "second.") In 15 of these 17 states, the first provision applies to the driver of a vehicle and the second applies to the driver of a motor vehicle. In the other two states (Idaho and Oregon) both provisions apply to the driver of a vehicle.

The first provisions of 11 states are in substantial conformity with the Code:

Alaska
Arkansas
Colorado

Idaho
Mississippi
Nevada

Rhode Island
Tennessee
Texas

Utah
Wyoming

All 11 of these states also have a second provision. Generally these provide that the driver or owner may be required to furnish such additional relevant information as may be required. The Mississippi law also provides that supplemental reports may be required from vehicle occupants. Two of the 11 laws differ as follows:

Alaska -- The law provides:

The department may require additional reports or information which, in its opinion, are necessary to properly process the report and determine the necessary action to be taken. The supplemental reports shall be returned to the department within 14 calendar

days from the date the request for the supplemental information was deposited in the mail by the department.49/

Idaho -- The law provides:

The department may require drivers, involved in accidents, or police departments to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the department.50/

The remaining six of these 17 states have two provisions, neither of which is in conformity with the Code. These six states and their provisions are as follows:

Connecticut -- The first law provides in relevant part:

Any operator, whether resident or nonresident, of any motor vehicle or any road roller involved in an accident . . . shall supplement such report by a detailed statement, on forms of the type prescribed in section 14-108a and provided by the commissioner. . . . The commissioner may require such report from the owner of such motor vehicle. . . .

The second law provides:

The operator or the owner shall furnish such additional relevant information as the commissioner requires.52/

Kentucky -- The first law provides:

The State Police may require the operator to file supplemental reports whenever the original report required by subsection (2), is, in its opinion, insufficient. It may also require witnesses of accidents to render reports to the State Police.53/

The second law provides:

The operator or the owner shall make such other and additional reports relating to such accident as the department shall require.54/

Louisiana -- The first law provides:

The department of public safety may require the driver of a vehicle involved in an accident or a collision which is required to be reported by this section, to file a supplemental report when the original report is insufficient in the opinion of the department of public safety, and the department of public safety may require witnesses of a collision to render reports.55/

The second law provides:

The operator or the owner shall furnish such additional relevant information as the commissioner shall require.56/

Maine -- The first law provides:

The Secretary of State may require drivers of vehicles involved in any such accident to file supplemental reports whenever the original report is insufficient in the opinion of the Secretary of State.57/

The second law provides:

The driver, or the person acting for him in reporting, shall furnish such additional relevant information as the Secretary of State shall require.58/

Nebraska -- The first law provides:

The Department of Roads or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the department.59/

The second law provides:

The operator or the owner shall make such other and additional reports relating to such accident as the Department of Roads or Department of Motor Vehicles shall require.60/

Oregon -- The first law provides:

Whenever the original report is insufficient in the opinion of the Motor Vehicles Division, the division may require drivers involved in accidents to file supplemental reports of accidents, and may also require witnesses of accidents to render reports to the division.^{61/}

The second law provides:

The driver and the owner shall make such other and additional reports as the division may require.^{62/}

The remaining three states have no law providing that drivers may be required to file supplemental accident reports:

Hawaii

Michigan

North Dakota

Status and Use of Written Reports

Confidential Status

The Uniform Vehicle Code specifies that written accident reports are generally confidential, but they may be used by state agencies for accident prevention purposes, the identity of a person involved in the accident may be disclosed, and insurance information must be disclosed. UVC § 10-107(e) provides as follows:

All written reports required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other State agencies having use for the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. The department shall disclose whether any person or vehicle was covered by a vehicle insurance policy and the name of the insurer upon payment of a fee not to exceed \$..... (REVISED, 1975)

The underlined portion dealing with disclosure of insurance information was added to the Code in 1975.

Thirty-eight jurisdictions have comparable laws dealing with the confidential nature of written accident reports. Thirty-six of these jurisdictions, all except Connecticut and the District of Columbia, include the provision that written accident reports shall be without prejudice to the individual so reporting. The 36 states are:

Alabama	Indiana	New Jersey	South Carolina
Arizona	Iowa	New Mexico	Tennessee
Arkansas	Kentucky	North Carolina	Texas
California	Maine	North Dakota	Utah
Colorado	Minnesota	Ohio	Virginia
Delaware	Mississippi	Oklahoma	Washington
Florida	Montana	Oregon	West Virginia
Idaho	Nebraska	Pennsylvania	Wisconsin
Illinois	Nevada	Rhode Island	Wyoming

Thirty-one of the 38 jurisdictions with comparable laws include the provision that such reports are for the confidential use of the department. Twenty of these 31 (marked with asterisks in the list below) also include authorization for use of the reports by other state agencies for accident prevention purposes. Eleven of the 20 (marked with double asterisks in the list) also include authorization for use of the reports in administration of the financial responsibility laws. The 31 states are:

Alabama*	Indiana*	North Carolina	Texas*
Arizona**	Iowa	North Dakota**	Utah**
Arkansas	Kentucky	Ohio	Virginia*
California	Minnesota	Oklahoma**	Washington*
Colorado	Mississippi	Oregon*	West Virginia**
Florida*	Montana**	Rhode Island**	Wisconsin
Idaho**	Nevada*	South Carolina*	Wyoming**
Illinois	New Mexico**	Tennessee**	

Four of these states, Montana, North Dakota, Oklahoma and Wyoming, each have an additional law providing that written accident reports "shall be confidential," and are not open to public inspection, nor may any copy of lists of such reports be made.

Four more of the 38 have laws similar to the 31 discussed above, but these four laws do not use the word confidential. The laws specify that written accident reports are for information of the

department and are not open to public inspection. These four states are:

Delaware Nebraska New Jersey Pennsylvania

The remaining three of the 38 jurisdictions provide as follows regarding the confidentiality of written accident reports:

Connecticut -- No law is directly comparable to UVC § 10-107(c), but one law specifies certain records of the department (written accident reports are not specifically included) shall be open to public inspection, and that all other departmental records may be regarded as confidential by the commissioner.

Maine -- The law provides that such reports shall be without prejudice to the person making the report, but is otherwise silent regarding confidentiality.

District of Columbia -- The law does not specifically declare such reports confidential, but specifies that they are not open to public inspection and no copy of a list of such reports may be made.

With regard to the exceptions to the confidential nature of written accident reports, 24 of the 38 jurisdictions have the Code exception that the department may disclose the identity of a person involved in the accident when it is otherwise unknown or when the person denies involvement. The 24 states are:

Alabama	Idaho	Nevada	Texas
Arizona	Illinois	New Mexico	Utah
Arkansas	Indiana	North Carolina	Virginia
California	Kentucky	Rhode Island	Washington
Colorado	Minnesota	South Carolina	West Virginia
Florida	Mississippi	Tennessee	Wisconsin

Four jurisdictions have laws specifying that written accident reports may be examined by any person named in the report, or by his representative. The four jurisdictions are:

Montana	Wyoming
Oklahoma	District of Columbia

Another eight states have similar exceptions to the general rule of confidentiality of written accident reports. These exceptions are generally limited to certain interested parties, and in

some cases only a partial disclosure of the report is authorized or required. The eight laws provide as follows:

Arkansas -- The state police may disclose to any person involved in the accident, or his attorney or agent, the name and address of all occupants of any vehicles involved in the accident.

California -- The department must disclose the entire contents of the report to any person who has a proper interest therein, including the drivers involved, or their parents, guardians or authorized representatives; any persons injured; owners of damaged vehicles or property; and any attorney representing any of the involved parties.

Indiana -- The department may disclose to persons sustaining loss or injury, or such person's agent or attorney, the names and addresses of the owners and operators of involved vehicles, license numbers and descriptions of such vehicles, time and place of the accident, names and addresses of persons killed or injured, and the names and addresses of witnesses. But the county prosecuting attorney may request that such information not be provided if criminal charges are pending against any person as a result of the accident, and the department must then withhold the information.

Iowa -- Upon the request of any person involved in the accident, his attorney, or an insurance company, the department must disclose the names and addresses of other involved persons.

Ohio -- The department must provide a copy of the report, upon payment of a fee, to any person claiming to have been injured or damaged in the motor vehicle accident, or to his attorney.

Oregon -- The department must disclose, upon request, to any party involved in the accident, or in the event of his death to a family member or personal representative, the identity of the owners, drivers and occupants of involved motor vehicles, the license number of the vehicle, and the identity of any witnesses.

Virginia -- Accident reports are open to inspection of any person involved in the accident, or his attorney. Upon request of any such person, attorney or any "insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident," the department must furnish a copy of the report, at the expense of the person requesting the copy.

Washington -- The names and addresses of involved persons and witnesses, the vehicle license numbers and descriptions of involved vehicles, and the date, time and location must be disclosed to any person with a proper interest therein, including an involved driver, his parent or guardian; any injured person; any owners of vehicles or property damaged; and any authorized representative or attorney for such a person.

A provision added to the Uniform Vehicle Code section in 1975 requires the department to disclose insurance information. Six states have comparable provisions relating to disclosure of insurance information from written accident reports:

Idaho -- The law allows disclosure of insurance information.

Illinois -- The law requires disclosure of an insurance carrier's identity.

New Mexico -- The law allows disclosure of insurance information.

North Carolina -- The law specifically does not prohibit disclosure to interested parties of the names of insurers, and insured persons, and the insurance policy numbers.

Oregon -- The names of any companies insuring the owners or drivers of involved vehicles must be provided upon request to any party involved in the accident, or to a member of his family or his personal representative if the involved party is dead.

South Carolina -- The department may disclose, upon request, to any person who has suffered injury to his person or property, any information contained in the report regarding the existence of insurance coverage.

Privileged Status

The Uniform Vehicle Code specifies that written reports may not be used as evidence in any civil or criminal trial arising out of the accident, but the department may furnish a certificate showing that a report has or has not been made, and certain limited factual information contained in any such report, upon the demand of any party to such a trial or any court. Written accident reports may also be used as evidence in a prosecution for making a false report. UVC § 10-107(f) provides as follows:

No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating officers. The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of § 10-108.

Forty-one jurisdictions have comparable laws. The 10 states lacking such comparable laws are:

Connecticut	Maryland	Michigan	South Dakota
Hawaii	Massachusetts	New Hampshire	Vermont
Kansas		New York	

All 41 of the jurisdictions with comparable laws prohibit the use of written accident reports as evidence in a civil trial. Four of these jurisdictions have provisions in their financial responsibility laws which provide essentially as follows:

The report required following an accident, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, and the security filed as provided in this chapter, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.^{63/}

The four jurisdictions with such laws are:

Georgia	Missouri
Louisiana	District of Columbia

One state, Texas, has a law which simply provides that written accident reports are "privileged." Such a law should preclude use of the reports as evidence in both civil and criminal trials.

The remaining 36 states all have provisions similar to UVC § 10-107(f) specifying that written accident reports may not be used as evidence in either a civil or a criminal trial:

Alabama	Illinois	Nevada	Rhode Island
Alaska	Indiana	New Jersey	South Carolina
Arizona	Iowa	New Mexico	Tennessee
Arkansas	Kentucky	North Carolina	Utah
California	Maine	North Dakota	Virginia
Colorado	Minnesota	Ohio	Washington
Delaware	Mississippi	Oklahoma	West Virginia
Florida	Montana	Oregon	Wisconsin
Idaho	Nebraska	Pennsylvania	Wyoming

Regarding the exceptions specified in the laws, only the Nevada law is in substantial conformity with the Code subsection by allowing a certificate disclosing the date, time and location of the accident and the names and addresses of the drivers, vehicle owners and investigating officer, and by specifically allowing reports to be used in a trial on charges of making a false report.

Twenty-eight states, including Nevada, allow a more limited certificate merely showing that a report was or was not made, solely to prove compliance with the reporting requirement. Five of the 28, Nevada, North Dakota, Oklahoma, Tennessee, and Wyoming, authorize such a certificate upon the demand of a party to such a trial or upon demand of the court. The others authorize a certificate upon demand of a person who has, or claims to have, made a written report, or upon demand of the court. The 28 states are:

Alabama	Illinois	New Mexico	Tennessee
Arizona	Indiana	North Dakota	Utah
Arkansas	Kentucky	Ohio	Virginia
California	Minnesota	Oklahoma	Washington
Colorado	Mississippi	Oregon	West Virginia
Florida	Montana	Rhode Island	Wisconsin
Idaho	Nevada	South Carolina	Wyoming

Another six states have laws which do not authorize any certificate, but which do provide that the fact that a report has been made is admissible to show compliance with the requirement. The six states are:

Delaware	Nebraska	North Carolina
Maine	New Jersey	Pennsylvania

Local Authorities May Require Reports

The Uniform Vehicle Code specifies that local authorities may by ordinance require an involved driver, or the owner of an involved vehicle, to file a written accident report. Such reports are subject to the provisions of UVC § 10-107, including those provisions relating to the privileged and confidential nature of written accident reports. UVC § 10-115 provides as follows:

Any local authority may by ordinance require that the driver of a vehicle involved in an accident, or the owner of such vehicle, shall also file with the designated municipal department a written report of such accident or a copy of any report herein required to be filed with the department on accidents occurring within their jurisdiction. All such reports shall be for the confidential use of the municipal department and subject to the provisions of § 10-107 of this act.

Twenty-four states have similar laws authorizing local authorities to require written accident reports. Two of the 24, Florida and Pennsylvania, authorize requiring accident reports in very general terms without specifying from whom the reports may be required. The other 22 differ from the Code section by authorizing local authorities to require such reports only from involved drivers, and not also from vehicle owners. The 24 states are:

Arizona	Iowa	North Dakota	Texas
Arkansas	Kansas	Oklahoma	Utah
Florida	Kentucky	Oregon	Virginia
Idaho	Mississippi	Pennsylvania	West Virginia
Illinois	Montana	Rhode Island	Wisconsin
Indiana	New Mexico	South Carolina	Wyoming

Three of these states, Idaho, Iowa and Oregon, also have laws which require submitting a written accident report to municipal authorities when the accident occurs within a municipality. No local ordinance is required. Reporting to the municipal authorities is required by the state law. Another five states have similar laws requiring reports to municipalities when accidents occur within the local jurisdiction:

Alaska	Delaware	Massachusetts
California		Washington

The remaining 22 jurisdictions do not have a law comparable to UVC § 10-115. One of the 22, Nevada, has enacted a law which prohibits local ordinances regulating the duties of persons involved in accidents other than the duty to stop, render aid and provide information. The 22 jurisdictions are:

Alabama	Maine	Nevada	South Dakota
Colorado	Maryland	New Hampshire	Tennessee
Connecticut	Michigan	New Jersey	Vermont
Georgia	Minnesota	New York	District of
Hawaii	Missouri	North Carolina	Columbia
Louisiana	Nebraska	Ohio	

False Reports

The Uniform Vehicle Code prohibits false reports. UVC § 10-108 provides:

A person shall not give information in oral or written reports as required in this chapter knowing or having reason to believe that such information is false.

The laws of 33 jurisdictions have similar provisions specifically prohibiting false accident reports:

Alabama	Kansas	New York	Tennessee
Alaska	Kentucky	North Carolina	Texas
Arkansas	Louisiana	North Dakota	Utah
California	Maine	Ohio	Virginia
Connecticut	Maryland	Oklahoma	Wisconsin
Florida	Mississippi	Oregon	Wyoming
Georgia	Missouri	Pennsylvania	District of
Idaho	Nevada	Rhode Island	Columbia
Illinois	New Hampshire		

The remaining 18 states have no comparable provision:

Arizona	Iowa	Montana	South Carolina
Colorado	Massachusetts	Nebraska	South Dakota
Delaware	Michigan	New Jersey	Vermont
Hawaii	Minnesota	New Mexico	Washington
Indiana			West Virginia

Failure to Report

The Uniform Vehicle Code specifies that failure to make a required written report, or to make that report within the time prescribed, constitutes a misdemeanor. The Code also specifies that the department must suspend the license of a person failing to make a required report until the report has been made, and the department may extend the suspension for not more than 30 days thereafter. UVC § 10-109 provides:

The commissioner shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and the commissioner may extend such suspension not to exceed 30 days. Any person who shall fail to make a written report as required in this chapter and who shall fail to file such report with the department within the time prescribed shall be guilty of a misdemeanor and upon conviction shall be punished as provided in § 17-101.

All jurisdictions except Florida, Hawaii, Michigan and South Dakota have comparable laws. Hawaii, Michigan and South Dakota formerly had comparable laws but repealed them along with the written accident report requirement. Florida requires a written accident report but has no law directly comparable to UVC § 10-109. The other 47 jurisdictions all have comparable laws specifying a penalty or some administrative action for failure to make a required written accident report.

Forty-one of these 47 jurisdictions, like the Code, specify some administrative action in response to a failure to report. The six states that do not specify administrative action but only a penalty in their comparable laws are:

Arkansas
Nebraska

New Hampshire
Oregon

Vermont
Wisconsin

Of the 41 laws that specify some administrative action, 22, like the Code, provide for a mandatory suspension of the driver's license until the report is filed. These 22 states are:

Alabama	Georgia	Mississippi	South Carolina
Alaska	Illinois	Missouri	Texas
Arizona	Iowa	New Mexico	Utah
Colorado	Kansas	North Carolina	Washington
Connecticut	Louisiana	Rhode Island	West Virginia
Delaware			Wyoming

One other state, Indiana, provides for mandatory suspension or revocation of the license for failure to submit a required accident report. This law does not specify the duration of the suspension or revocation.

Fifteen of the 41 laws provide for discretionary rather than, mandatory license action. Nine of the 15 specify that the department may suspend the driver's license for failure to make a required report:

California	North Dakota	Pennsylvania
Minnesota	Ohio	Virginia
Nevada	Oklahoma	District of Columbia

The California, Nevada and Ohio laws do not specify the duration of the suspension. The other six laws specify that the suspension continues until the report is filed. The Virginia law allows suspension only if the person has been convicted of the offense of failing to report an accident as required.

The other six of the 15 laws providing for discretionary license action authorize the department to either suspend or revoke the driver's license:

Kentucky	Maryland	New Jersey
Maine	Massachusetts	New York

The New York law authorizes suspension or revocation, and provides that in addition, the license may be suspended until the report is filed. The other laws do not specify the duration of the suspension or revocation.

The remaining three of the 41 states have two laws which differ. (Some of the states already discussed also have two laws, one in the accident provisions and another in the financial responsibility provisions, but the laws are in substantive agreement.) One law in each of these three states provides for mandatory suspension, and the other law provides for discretionary suspension (discretionary suspension or revocation in the case of Idaho). The three states are:

Idaho

Montana

Tennessee

One of the Idaho laws does not specify the duration of the suspension or revocation, but the second Idaho law, and both Tennessee and Montana laws specify that the suspension continues until the report is filed.

Seventeen of the 41 jurisdictions discussed above include in their laws the Code provision that the suspension may be extended, at the discretion of the department, for not more than 30 days beyond the time of filing the report. The 17 jurisdictions are:

Alabama	Louisiana	North Carolina	Tennessee
Alaska	Mississippi	North Dakota	Texas
Connecticut	Missouri	Oklahoma	Utah
Georgia	Montana	Rhode Island	District of Columbia
Kansas			

SPECIAL INVESTIGATIONS

Coroner's Reports

The Uniform Vehicle Code requires the state agency which keeps death records to make a monthly report to the department of motor vehicles regarding the death of any person resulting from a vehicle accident. UVC § 10-110 provides as follows:

The state bureau of vital statistics (or other state agency keeping records of deaths) shall on or before the 10th day of each month report in writing to the department the death of any person resulting from a vehicle accident, giving the time and place of the accident and the circumstances relating thereto.

Prior to 1962 this section required periodic reports from coroners regarding vehicle accident deaths.

Two states, Kansas and Nevada, have laws which conform substantially with the Code section requiring the bureau of vital statistics to report.

Another 31 states have laws which are similar to the earlier Code provision requiring such reports periodically from coroners or medical examiners:

Alabama	Idaho	Nebraska	Texas
Arizona	Illinois	New Jersey	Vermont
Arkansas	Indiana	New Mexico	Virginia
California	Kentucky	North Carolina	Washington
Colorado	Louisiana	Oregon	West Virginia
Connecticut	Minnesota	Pennsylvania	Wisconsin
Florida	Mississippi	South Carolina	Wyoming
Georgia	Montana	Tennessee	

Five states, including four which require periodic coroner's reports as discussed above, have laws requiring coroners to give an immediate notice to the department with regard to any vehicle accident death which occurs in the coroner's jurisdiction. In all these states except New York the coroner must make a second written report to the department covering the same death. The five states are:

Alabama	Indiana	New York
Florida		Virginia

The remaining 17 jurisdictions do not have a provision in their vehicle code comparable to UVC § 10-110. Of course other state law may specify the duties of coroners or of the agency maintaining death records, and such laws may impose comparable duties. The 17 jurisdictions with no comparable vehicle code section are:

Alaska	Maryland	New Hampshire	Rhode Island
Delaware	Massachusetts	North Dakota	South Dakota
Hawaii	Michigan	Ohio	Utah
Iowa	Missouri	Oklahoma	District of Columbia
Maine			

Tests for Alcohol or Drugs

A 1975 amendment to the Uniform Vehicle Code added a section providing for the withdrawal of a bodily substance from a driver or pedestrian killed in a vehicle accident. The provision will be worded essentially as follows:

§ 10-116 -- Chemical tests in fatal crashes

(a) When an accident results in the death of any driver or pedestrian within four hours of the accident, the medical examiner (or official performing like functions) shall withdraw blood or another bodily substance from the deceased driver or pedestrian so the amount of alcohol in his

blood can be determined. When possible, the withdrawal shall occur within eight hours of death.

(b) Subsection (a) shall not require withdrawing blood or any other bodily substance from a pedestrian who was less than 16 years of age at the time of his death.

(c) The medical examiner (or official performing like functions) or an approved laboratory shall analyze the blood or other substance to determine the amount of alcohol in the dead driver's or pedestrian's blood.

(d) The results of the analysis required by this section shall be reported to the department and may be used by state and local officials only for statistical purposes that do not reveal the identity of the deceased person. Nothing in this subsection shall restrict the tests as evidence in criminal or civil proceedings.

(e) Withdrawal of blood or another bodily substance and its analysis shall comply with requirements of the (State department of health).
(NEW SECTION, 1975)

Fourteen states have adopted comparable laws:

Colorado	Indiana	Nevada	Pennsylvania
California	Minnesota	New Hampshire	Washington
Connecticut	Nebraska	North Dakota	West Virginia
Idaho			Wisconsin

All of these laws would require testing with respect to a fatally injured driver or pedestrian involved in a motor vehicle accident. Three of the laws (California, Nevada and North Dakota) would additionally require testing as to any fatally injured occupants of the vehicle, including the driver and any passengers. The Colorado law also provides that where it can not be immediately determined who was driving the vehicle, testing is required for all fatally injured vehicle occupants.

The Code provision specifies that a sample must be obtained from all dead drivers, and from dead pedestrians 16 years of age or older. Seven of the 14 laws are similar in providing a minimum age applicable to pedestrians while requiring testing of all dead drivers regardless of age. Three (Minnesota, Nebraska and Wisconsin), like the Code, use a minimum age of 16. Two (Indiana and Washington)

specify a minimum of 15. The other two (New Hampshire and West Virginia) refer to all drivers and all "adult pedestrians." Three more of the 14 states specify a minimum age applicable to both drivers and pedestrians. The Colorado and California laws apply only to persons 15 years of age or over, although the California law requires testing of younger persons if the surrounding circumstances indicate the possibility of alcohol, barbiturate or amphetamine consumption. The Pennsylvania law applies only to persons over the age of 16. The remaining four laws (Connecticut, Idaho, Nevada and North Dakota) do not specify any minimum age for application of the law.

Two of the 14 laws appear to cover some deaths in addition to those resulting from a vehicular accident. The California law covers any death "occurring while the deceased was driving or riding in a motor vehicle, or as a result of deceased being struck by a motor vehicle." The North Dakota law covers any death "resulting from a motor vehicle accident or other unnatural death occurring in a motor vehicle." All the other laws apply only to deaths resulting from a vehicle accident -- most applying only to such accidents involving a motor vehicle.

Eight of the laws, like the Uniform Vehicle Code provision, apply only where death takes place within four hours of the accident. The eight with this limitation are Colorado, Indiana, Minnesota, Nebraska, New Hampshire, Pennsylvania, Washington and West Virginia. The California law specifies that death must occur within 24 hours after the accident. The Wisconsin law specifies six hours. The Idaho law applies when death occurs "contemporaneously with" the accident. The Nevada law does not specify when death must occur in relation to the accident, but does specify that the blood sample must be withdrawn within eight hours after the accident, so death would have to occur within that eight hour period in order for the law to apply. The remaining two laws, Connecticut and North Dakota, do not specify when the death must occur in relation to the accident.

The Code section also provides that when possible the blood or other body substance should be withdrawn within eight hours of death. Only five of the laws contain similar provisions. The Connecticut law specifies that the sample must be taken within four hours after death. North Dakota provides that the sample must be taken within 24 hours after death. The West Virginia and Wisconsin laws specify that the sample must be taken within 12 hours after death. The Nevada law specifies that the sample must be taken within eight hours after the accident. The time limit for taking the sample in

relation to the time of death would thus be no more than eight hours, and could be less. The remaining nine laws do not specify any time limit between time of death and time of withdrawal of the sample. Five of the laws (California, Colorado, North Dakota, West Virginia and Wisconsin) do specify that the sample must be withdrawn prior to embalming the body. The Wisconsin law requires the mortician to obtain a release from the medical examiner prior to embalming any body covered by the law.

The Code section specifies that a sample of blood or another bodily substance is to be taken from the deceased accident victim. Only the Colorado law is like the Code section in this respect. Seven of the laws (Connecticut, Idaho, Nevada, New Hampshire, North Dakota, Washington, and West Virginia) require withdrawal of a blood sample. California specifies blood and urine. Pennsylvania specifies blood and/or urine. Wisconsin provides for withdrawal of a urine specimen only. Indiana refers to necessary specimen to determine the blood alcohol concentration. The Minnesota and Nebraska laws do not require taking samples, but specify that such tests as are necessary to determine the alcohol or drug content of the blood must be performed.

All of the laws except New Hampshire specify that the purpose of the test is to determine the alcohol content of the blood. New Hampshire does not specify the purpose of the test. Seven of the laws (California, Colorado, Idaho, Minnesota, Nebraska, North Dakota and Washington) also specify that the test is to determine the drug content. Colorado and North Dakota also test for carbon monoxide, and North Dakota also tests for "other toxic substances."

The Code specifies that the results of the testing are to be used for statistical purposes that do not reveal the identity of the deceased person. Six of the laws (Idaho, Minnesota, Nebraska, North Dakota, West Virginia and Wisconsin) contain similar restrictions on the use of the test results. The Code section also specifies, however, that the test results are not privileged. North Dakota specifies that the test results are obtainable for use in court by subpoena. Colorado and New Hampshire specify that the results are not to be open to the public but may be revealed to parties to legal actions arising out of the accident. Nevada specifies that the results are part of the public record. Three states, on the other hand, (Nebraska, Washington and West Virginia) provide that the test results are privileged and may not be used as evidence in any civil or criminal case. Four states (California, Connecticut, Indiana and Pennsylvania) do not specify the use of the test results.

Activities of the Department

The Uniform Vehicle Code specifies that the department of motor vehicles must tabulate all accident reports and publish statistical accident data. UVC § 10-114 provides as follows:

The department shall tabulate and may analyze all accident reports received in compliance with this chapter and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of vehicle accidents.

The vehicle codes of 36 states contain similar provisions under which some state agency takes the accident reports and compiles statistical accident data therefrom. The 36 states with comparable laws are:

Alabama	Illinois	Montana	Pennsylvania
Arizona	Indiana	Nevada	Rhode Island
- Arkansas	Iowa	New Hampshire	South Carolina
California	Kansas	New Mexico	Tennessee
Colorado	Kentucky	North Carolina	Texas
Connecticut	Louisiana	North Dakota	Utah
Delaware	Maine	Ohio	Washington
Florida	Michigan	Oklahoma	West Virginia
Idaho	Mississippi	Oregon	Wyoming

Several of these laws specify in greater detail the kind of information which the department should provide from its review of accident reports:

Colorado -- The information should be provided in such a way as to be valuable to the highway department in eliminating roadway hazards.

Indiana -- A second law provides that the department of safety must collect, compile, interpret and publish statistics and information relating to highway motor vehicle accidents. Where it appears that an undue hazard is causing accidents the department must call this to the attention of the proper local or state officials and enlist their cooperation in removing the hazard, so far as is practical.

Pennsylvania -- The secretary of revenue is authorized to compile any statistics he deems helpful in advancing highway safety. Three agencies are jointly responsible for establishing a central

accident analysis system capable of providing an annual statistical summary of motor vehicle accidents with break downs as to type, time, location, road and weather conditions, type of traffic control, conditions and actions of drivers, and conditions and types of vehicles. Such statistics should also identify hazardous road locations, provide information on the basis of which police duty assignments can be more effective in preventing accidents, and evaluate speed limits and traffic laws to aid the legislature in making needed changes.

Washington -- The information should show the number of accidents, their locations, their frequency and the circumstances thereof, and other data of assistance in determining the cause of vehicular accidents, and must be made available to appropriate agencies for further analysis relating to the regulation of highway traffic, highway construction, and regulation of vehicle operators.

Five of the states have laws which authorize the department to undertake further research to determine the cause of accidents and to evaluate methods of accident prevention. One of the five, Illinois, authorizes the department to conduct special investigations of accidents, and to require supplementary reports from drivers, owners and police agencies. Another Illinois law provides more detail:

The Department at its discretion may also provide for in-depth investigations of an accident by individuals or special investigation groups, including but not limited to police officers, photographers, engineers, doctors, mechanics, and as a result of the investigation may require the submission of written reports, photographs, charts, sketches, graphs, or a combination of all. Such individual written reports, photographs, charts, sketches, or graphs may be used only for accident studies and statistical or analytical purposes, shall be for the privileged use of the Department and held confidential, and shall not be used in any trial, civil or criminal. 64/

In four other states, California, Louisiana, North Carolina and Tennessee, the law provides that based upon its findings after analysis of accident reports, the department may conduct further necessary detailed research to more fully determine the cause and control of highway accidents, and may conduct experimental field tests to prove the practicability of various ideas advanced in traffic control and accident prevention.

OBSERVATIONS

1. While it would be premature to suggest that there is a trend in state accident laws away from emphasis on written accident reports by involved parties, this review of the laws does indicate that three states have recently repealed their written report requirements. Another two states have added provisions indicating that if a report is filed by an investigating police officer, no written report by the involved parties is required. This same exception to the written report requirement was just added to the Uniform Vehicle Code. Do written accident reports by involved parties really serve a useful function in providing information to help prevent future accidents? Such reports are subject to considerable bias and are likely to be less competent than a report submitted by a police officer trained and/or experienced in accident investigation and reporting. Possibly the primary actual function of written accident reports relates to the administration of financial responsibility laws. Where financial responsibility laws have been replaced, is it still necessary and desirable to require a written report from the involved parties, particularly where the investigating officer files a report?

2. Of course not all accidents are investigated by the police. Just which accidents should be investigated by the police is a question of continuing debate. Those who are interested in obtaining information about the causes of accidents argue the desirability of a careful and competent police investigation of every vehicular accident. Others argue that the police are overloaded with important functions and should not be wasting time investigating minor property-damage-only accidents. Under the Uniform Vehicle Code and the laws of most states the extent of police accident investigations will be determined by laws dictating which accidents must be immediately reported to the police, and by police department policies and work loads regulating which of those reported accidents will be investigated. In most states no immediate notice to the police is required with respect to a property-damage-only accident. In a minority of states immediate notice to the police is required if the property damage exceeds a specified dollar threshold. Even in these states such accidents may not be investigated, however, since only a few states require police to investigate all reported accidents, and where the police are not required by law to investigate, they may decide to apply their resources to more important functions. The Uniform Vehicle Code now requires immediate notice to the police when an accident results in death, injury or property damage to the extent that a vehicle is so disabled as to prevent its normal and safe operation. If the police

investigate any accident, they must file a written report, but nothing in the Code requires the police to investigate any accident.

3. Without regard to whether the police investigate and report an accident there is the question of whether they should respond to the accident to control and clear the scene and restore efficient traffic flow, in order to prevent another accident directly resulting from the first. One problem with the laws in those states which do not require immediate notice to police of a property-damage-only accident is that the police may not be made aware of the existence of a dangerous accident scene to which they should respond in order to control traffic and restore proper flow. Where a property-damage-only accident involves disablement of a vehicle, the police definitely should be notified and should respond to the scene.

4. Existing accident laws demand much of a person under very difficult circumstances of emotional stress, and possible physical injury. Greater uniformity in accident laws would be highly desirable. Such uniformity would increase the possibility that the driver would know and understand his responsibilities upon accident involvement, both in his home state and elsewhere. Such uniformity would also facilitate programs on a national level to educate drivers regarding these responsibilities. In this context, it should be observed that existing programs to educate drivers regarding their duties upon involvement in an accident too frequently stress the driver's duties in terms of avoiding civil liability, rather than in terms of complying with accident laws. One potential benefit of a no-fault insurance system is that drivers may finally be allowed to learn that clearing the accident scene, restoring traffic flow and preventing further accidents are more important than preserving evidence of who caused the accident.

FOOTNOTES

- 1/ This Commentary was prepared by the staff of the National Committee on Uniform Traffic Laws and Ordinances, 1776 Massachusetts Avenue, N.W., Washington, D.C., under contract with the National Highway Traffic Safety Administration. Research assistance for this Commentary was provided by Michael L. Gallavan, a student at the Washington College of Law, American University, Washington, D.C.
- 2/ UVC § 10-101 (1968).
- 3/ The New Hampshire law is worded somewhat differently than the others but probably has the same effect. It provides: "The provisions of this section shall be of general application and shall not be restricted to a public way as defined" N.H. Rev. Stat. Ann. § 262-A:67 (Supp. 1973).
- 4/ See, Fisher and Reeder, VEHICLE TRAFFIC LAW, p. 101, The Traffic Institute, Northwestern University (1974).
- 5/ See 25 Op. Conn. Atty. Gen. 26 (Feb. 25, 1974).
- 6/ Ark. Stat. Ann. § 75-923 (Supp. 1973).
- 7/ Ind. Stat. Ann. § 9-3-1-1(e) (1973).
- 8/ Ohio Rev. Code Ann. § 4509.01(J) (1973).
- 9/ Vt. Stat. Ann. tit. 23, § 1129 (Supp. 1975).
- 10/ The concept of this Code amendment is drawn from Highway Safety Program Standard No. 18, "Accident Investigation and Reporting," Issued May 8, 1972, U.S. Department of Transportation, National Highway Traffic Safety Administration and Federal Highway Administration. The Standard provides, in relevant part:
- Each State, in cooperation with its political subdivisions, shall have an accident investigation program meeting the requirements established herein.
- . . .
- C. Owner and driver reports. 1. In accidents involving only property damage, where the vehicle can be normally and safely driven away from the scene, the drivers or owners of vehicles involved shall be required to submit a written report consistent with State

reporting requirements, to the responsible State agency. A vehicle shall be considered capable of being normally and safely driven if it does not require towing and can be operated under its own power, in its customary manner, without further damage or hazard to itself, other traffic elements, or the roadway.

2. In all other accidents, the drivers or owners of motor vehicles involved shall be required to immediately notify the police of the jurisdiction in which the accident occurred. This includes, but is not limited to accidents involving: (1) fatal or nonfatal personal injury, or (2) damage to the extent that any motor vehicle involved cannot be driven under its own power, in its customary manner, without further damage or hazard to itself, other traffic elements, or the roadway, and therefore requires towing.

11/ Michigan formerly had a law which, like the current Code provision, required immediate notice to police of an accident resulting in death, injury or "a vehicle or vehicles becoming so disabled as to be incapable of being propelled in the usual manner." The law was amended in 1966 to substitute a property damage threshold of \$200 in place of the disabled vehicle criterion for reporting property-damage-only accidents. Mich. Stat. Ann. § 9.2322, amended by Gen. Laws 1966, ch. 171.

12/ Pa. Stat. Ann. tit. 75, § 1217(a.1) (1971, Supp. 1975).

13/ 13 Alaska Adm. Code § 08.085(a) (1975).

14/ Colo. Rev. Stat. Ann. § 13-5-22(2) (Supp. 1965).

15/ Nev. Rev. Stat. § 484.150(2) (1973).

16/ Ark. Stat. Ann. § 75-906(b) (1957).

17/ Cal. Vehicle Code § 16000 (Supp. 1975).

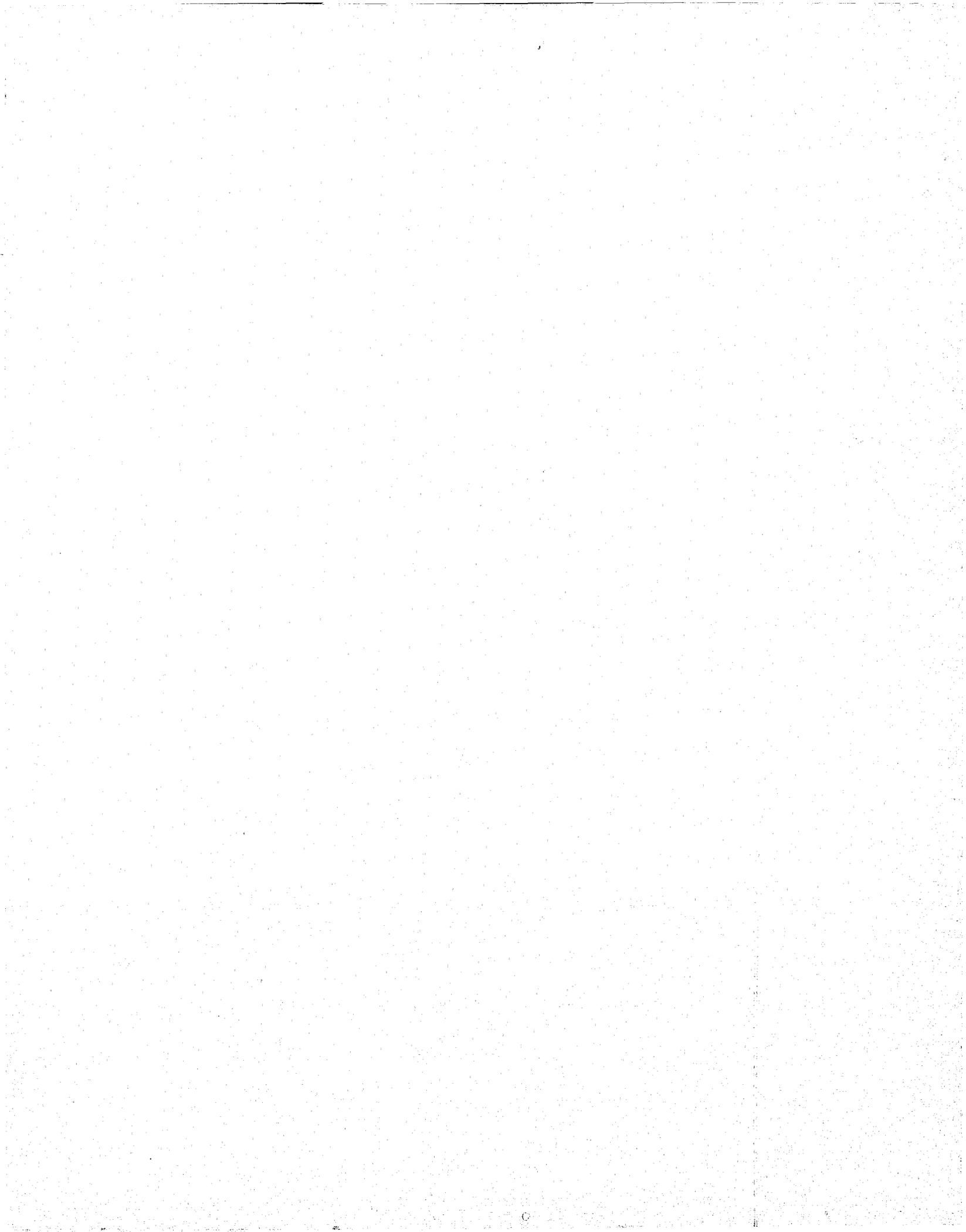
18/ Del. Code Ann. tit. 21, § 2909(a) (Supp. 1970).

19/ Mass. Ann. Laws ch. 90, § 26 (1967).

20/ Ohio Rev. Stat. Ann. § 4509.08 (1973).

- 21/ Ill. Ann. Stat. ch. 95 1/2, § 11-410 (Supp. 1975).
- 22/ Md. Ann. Code art. 66 1/2, § 10-107(a) (Supp. 1974).
- 23/ Mass. Ann. Laws ch. 90, § 26 (1967).
- 24/ N.H. Rev. Stat. Ann. § 262-A:67 (1966, Supp. 1973).
- 25/ N.J. Stat. Ann. § 39:4-130 (1973).
- 26/ N.Y. Veh. & Traf. Law § 605(a) (1970).
- 27/ Wis. Stat. Ann. § 346.70(3) (1971).
- 28/ Mo. Stat. Ann. § 303.040 (1972).
- 29/ Ark. Stat. Ann. § 75-1420(b) (1957).
- 30/ Cal. Vehicle Code § 16003 (Supp. 1975).
- 31/ Ky. Rev. Stat. Ann. § 187.320(1) (1969, Supp. 1972).
- 32/ Miss. Code Ann. § 63-15-9 (1972).
- 33/ Ohio Rev. Code Ann. § 4509.08 (1973).
- 34/ Ore. Rev. Stat. § 486.111 (1974).
- 35/ D.C. Code Ann. § 40-428(b) (1973).
- 36/ Colo. Rev. Stat. Ann. § 13-7-9(1) (Supp. 1965).
- 37/ Ga. Code Ann. § 92A-604 (1972).
- 38/ N.Y. Veh. & Traf. Law § 605(a) (1970).
- 39/ Pa. Stat. Ann. tit. 75, § 1217(a) (1971, Supp. 1975).
- 40/ Cal. Vehicle Code § 20009 (1972).
- 41/ Ill. Ann. Stat. ch. 95 1/2, § 11-406(b) (Supp. 1975).
- 42/ Mass. Ann. Laws ch. 90, § 26 (1967).
- 43/ Minn. Stat. Ann. § 169.09 (1960, Supp. 1975).

- 44/ N.H. Rev. Stat. Ann. § 262-A:67 (1966, Supp. 1973).
- 45/ N.J. Stat. Ann. § 39:4-130 (1973).
- 46/ N.Y. Veh. & Traf. Law § 605(a) (1970).
- 47/ S.D. Comp. Laws Ann. § 32-34-11 (1967).
- 48/ Vt. Stat. Ann. tit. 23, § 1129(b) (1975).
- 49/ 13 Alaska Adm. Code § 08.085(d) (1971).
- 50/ Idaho Code § 49-106(c) (1967, Supp. 1973).
- 51/ Conn. Gen. Stat. Ann. § 14-108 (1970, Supp. 1975).
- 52/ Conn. Gen. Stat. Ann. § 14-116 (1970, Supp. 1975).
- 53/ Ky. Rev. Stat. Ann. § 189.580(4) (1969, Supp. 1972).
- 54/ Ky. Rev. Stat. Ann. § 187.320(1) (1969, Supp. 1972).
- 55/ La. Rev. Stat. Ann. § 32:398(c) (1963).
- 56/ La. Rev. Stat. Ann. § 32:871 (1963, Supp. 1975).
- 57/ Me. Rev. Stat. Ann. tit. 29, § 871 (Supp. 1974).
- 58/ Me. Rev. Stat. Ann. tit. 29, § 783(1) (1964, Supp. 1973, Supp. 1974).
- 59/ Neb. Rev. Stat. § 39-6104.04 (1974).
- 60/ Neb. Rev. Stat. § 60-505 (1974).
- 61/ Ore. Rev. Stat. § 483.606(2) (1974).
- 62/ Ore. Rev. Stat. § 486.116 (1974).
- 63/ This provision was in the Uniform Vehicle Code from 1944 until 1971. UVC Act IV, § 11 (1944); UVC Act IV, § 42 (1952); UVC § 7-219 (1954, 1956, 1962, 1968). Several other states have similar laws (Alabama, Alaska, Iowa and Nevada, for example) but they also have laws similar to UVC § 10-107(f) which are discussed in the text.
- 64/ Ill. Ann. Stat., art. 95 1/2, § 11-408(c) (Supp. 1975).



END