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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2126

03/11/2021 Authored by Xiong, T., The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; authorizing release of crash reports to prosecuting
1.3 attorneys; amending Minnesota Statutes 2020, section 169.09, subdivision 13.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 169.09, subdivision 13, is amended to read:

1.6 Subd. 13. Reports confidential; evidence, fee, penalty, appropriation. (a) All reports
1.7 and supplemental information required under this section must be for the use of the
1.8 commissioner of public safety and other appropriate state, federal, county, and municipal
1.9 governmental agencies for accident analysis purposes, except:

1.10 (1) upon written request, the commissioner of public safety or any law enforcement
1.11 agency shall disclose the report required under subdivision 8 to:

1.12 (i) any individual involved in the accident, the representative of the individual's estate,
1.13 or the surviving spouse, or one or more surviving next of kin, or a trustee appointed under
1.14 section 573.02;

1.15 (ii) any other person injured in person, property, or means of support, or who incurs
1.16 other pecuniary loss by virtue of the accident;

1.17 (iii) legal counsel of a person described in item (i) or (ii); ~~or~~

1.18 (iv) a representative of the insurer of any person described in item (i) or (ii); or

1.19 (v) a city or county attorney or an attorney representing the state in an implied consent
1.20 action who is charged with the prosecution of a traffic or criminal offense that is the result
1.21 of a traffic crash investigation conducted by law enforcement;

2.1 (2) the commissioner of public safety shall, upon written request, provide the driver
2.2 filing a report under subdivision 7 with a copy of the report filed by the driver;

2.3 (3) the commissioner of public safety may verify with insurance companies vehicle
2.4 insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

2.5 (4) the commissioner of public safety shall provide the commissioner of transportation
2.6 the information obtained for each traffic accident involving a commercial motor vehicle,
2.7 for purposes of administering commercial vehicle safety regulations;

2.8 (5) upon specific request, the commissioner of public safety shall provide the
2.9 commissioner of transportation the information obtained regarding each traffic accident
2.10 involving damage to identified state-owned infrastructure, for purposes of debt collection
2.11 under section 161.20, subdivision 4; and

2.12 (6) the commissioner of public safety may give to the United States Department of
2.13 Transportation commercial vehicle accident information in connection with federal grant
2.14 programs relating to safety.

2.15 (b) Accident reports and data contained in the reports are not discoverable under any
2.16 provision of law or rule of court. No report shall be used as evidence in any trial, civil or
2.17 criminal, or any action for damages or criminal proceedings arising out of an accident.
2.18 However, the commissioner of public safety shall furnish, upon the demand of any person
2.19 who has or claims to have made a report or upon demand of any court, a certificate showing
2.20 that a specified accident report has or has not been made to the commissioner solely to prove
2.21 compliance or failure to comply with the requirements that the report be made to the
2.22 commissioner.

2.23 (c) Nothing in this subdivision prevents any individual who has made a report under
2.24 this section from providing information to any individuals involved in an accident or their
2.25 representatives or from testifying in any trial, civil or criminal, arising out of an accident,
2.26 as to facts within the individual's knowledge. It is intended by this subdivision to render
2.27 privileged the reports required, but it is not intended to prohibit proof of the facts to which
2.28 the reports relate.

2.29 (d) Disclosing any information contained in any accident report, except as provided in
2.30 this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

2.31 (e) The commissioner of public safety shall charge authorized persons as described in
2.32 paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee collected
2.33 under this paragraph must be deposited in the special revenue fund and credited to the driver

3.1 services operating account established in section 299A.705 and ten percent must be deposited
3.2 in the general fund. The commissioner may also furnish an electronic copy of the database
3.3 of accident records, which must not contain personal or private data on an individual, to
3.4 private agencies as provided in paragraph (g), for not less than the cost of preparing the
3.5 copies on a bulk basis as provided in section 13.03, subdivision 3.

3.6 (f) The fees specified in paragraph (e) notwithstanding, the commissioner and law
3.7 enforcement agencies shall charge commercial users who request access to response or
3.8 incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial
3.9 user" is a user who in one location requests access to data in more than five accident reports
3.10 per month, unless the user establishes that access is not for a commercial purpose. Of the
3.11 money collected by the commissioner under this paragraph, 90 percent must be deposited
3.12 in the special revenue fund and credited to the driver services operating account established
3.13 in section 299A.705 and ten percent must be deposited in the general fund.

3.14 (g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner shall provide
3.15 an electronic copy of the accident records database to the public on a case-by-case basis
3.16 using the cost-recovery charges provided for under section 13.03, subdivision 3. The database
3.17 provided must not contain personal or private data on an individual. However, unless the
3.18 accident records database includes the vehicle identification number, the commissioner
3.19 shall include the vehicle registration plate number if a private agency certifies and agrees
3.20 that the agency:

3.21 (1) is in the business of collecting accident and damage information on vehicles;

3.22 (2) will use the vehicle registration plate number only for identifying vehicles that have
3.23 been involved in accidents or damaged, to provide this information to persons seeking access
3.24 to a vehicle's history and not for identifying individuals or for any other purpose; and

3.25 (3) will be subject to the penalties and remedies under sections 13.08 and 13.09.