

**HOUSE BILL NO. 1098**

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 39-08-13 of the North Dakota Century Code,  
2 relating to providing copies of accident reports.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 39-08-13 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-08-13. Accident report forms.**

- 7 1. The director shall prepare and supply to law enforcement agencies, garages, and  
8 other suitable agencies or individuals forms for accident reports required by law,  
9 appropriate with respect to the purposes to be served. The reports to be made by  
10 investigating officers shall call for sufficiently detailed information to disclose the  
11 cause of a traffic accident, conditions then existing, persons and vehicles involved,  
12 and whether the requirements for the deposit of security under section 39-16-05  
13 are applicable.
- 14 2. Every accident report required to be made to the director must be made in the  
15 appropriate format or approved by the director and must contain all the information  
16 required therein unless not available.
- 17 3. Every law enforcement officer who investigates a vehicle accident for which a  
18 report must be made as required in this chapter shall forward a report of such  
19 accident to the department within ten days after the accident.
- 20 4. The reports required to be forwarded by law enforcement officers and the  
21 information contained therein shall not be privileged or held confidential. If,  
22 however, the investigating officer expresses an opinion as to fault or responsibility  
23 for the accident, the opinion is confidential and not open to public inspection,  
24 except as provided in subsection 5.

- 1           5.   Upon affirmation by a party to the accident, a party's legal representative, or the  
2           insurer of any party to the accident that the investigating officer's opinion is  
3           material to a determination of liability and upon payment of a fee of five dollars, the  
4           director may release a copy of the investigating officer's opinion to the entity  
5           requesting the information. The request must be made on an appropriate form  
6           approved by the director.
- 7           6.   Upon request of any person and upon payment of a fee of two dollars, the director  
8           may furnish to a requestor a copy of that portion of an investigating officer's  
9           accident report which does not disclose the opinion of the reporting officer, if the  
10          report shows that the accident is one for which a driver is required to file a report  
11          under section 39-08-09.
- 12          7.   Copies of accident reports are not admissible as evidence in any action for  
13          damages or criminal proceedings arising out of a motor vehicle accident.
- 14          8.   The director, without a request under subsection 4 or 5, may send a copy of an  
15          accident report to the registered owner of each vehicle involved as indicated by the  
16          report.