

2009 SENATE TRANSPORTATION

SB 2279

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2279

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 30, 2009

Recorder Job Number: 8213

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Lee opened the Transportation Committee. The clerk took the attendance. All members were present.

Senator Lee opened the hearing on SB 2279 relating to the parties from whom a motor vehicle accident investigating officer's opinion may be obtained.

Senator Nething introduced the bill and explained why this bill is necessary. The problem is that sometimes it gets to be a lengthy time before the investigating report is given to parties.

This bill will give the investigating agency the ability to release the accident report.

Patrick Ward representing the Association of ND Insurers testified in support of SB 2279.

Written testimony #1.

Senator Fiebiger questioned the use of the word "may" and that the use of the word makes it discretionary.

Ward said that the police association didn't want a mandate and said they would rather have "may" than shall.

Discussion followed on the words "may" versus "shall".

Larry Maslowski representing ND Insurance Department testified in support of SB 2279. On the insurance side it should speed things up and on the consumers side this bill should speed thing up and make things more efficient.

Kent Olson lobbyist for NDPIA testified in support of SB 2279. He said we were in the internet age and the customer wants to get things done right away.

Glenn Jackson, Interim Director of the Drivers License and Traffic Safety Division of the ND Department of Transportation came before the board with neutral testimony. Written Testimony #2. The ND Department of Transportation has no objections to SB 2279 because it should allow the public more timely access.

Closed the hearing on SB 2279.

Senator Nodland moved a Do Pass on SB 2279.

Senator Potter seconded.

Roll call vote: 6-0-0.

Senator Nething will be the carrier.

REPORT OF STANDING COMMITTEE (410)
January 30, 2009 1:14 p.m.

Module No: SR-19-1295
Carrier: Nething
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2279: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the
Eleventh order on the calendar.

2009 HOUSE TRANSPORTATION

SB 2279

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2279**

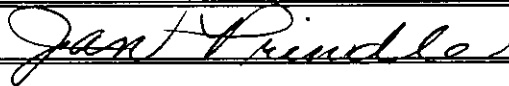
House Transportation Committee

Check here for Conference Committee

Hearing Date: **6 March 2009**

Recorder Job Number: 10349 and 10351

Committee Clerk Signature



Minutes:

Chairman Ruby opened the hearing of SB 2279.

Senator Dwight Cook, District 34, introduced the bill. I am not a sponsor of this bill but I have lived the results of this bill. Senator Nething asked me to share my embarrassing story and ask for your encouragement and support of this bill. On December 31 early in the day I was involved in a car accident. A gentleman ran a red light and we met in the intersection and the police came and he said I ran the red light and I said he ran the red light. Luckily there was a witness that stayed. The police got his name and telephone number. The investigating officer said that on the following Monday, the day before we started the session, I could go to the police department and pick up the police officer's investigative report. At 8 a.m. on that Monday morning I was at the Mandan police station to pick up that report. The chief of police, a friend of mine, was there and said it was there. I said I need the name of the witness to give to the insurance company. The chief said I can't give it to you because it is against the law. I asked if he could read the report to me. He did and I wrote down the name of the witness and the telephone number and I had the information that I needed. He could not give me that report because we have a law that says that report first has to go to DOT and you

have to go there to get the report. This bill would allow, if they wanted to, the local police station to hand over the report.

Chairman Ruby: I wonder if all the law enforcement agencies realize that. It seems when I got into an accident and the other person was cited by a county deputy, they sent me the report when I requested it over the phone.

Senator Cook: I think we made this error just last session.

Representative Delmore: Insurance companies would not be able to do it except through the Director than either. Is that correct?

Senator Cook: As it is right now the insurance companies also have to get their reports through the director. If we pass this the local jurisdiction offered to give it to them they could. This will speed up the whole process of getting this report in the hands of the people that need it.

Patrick Ward, representing the Association of ND Insurers, testified in favor of the bill.

(Attachment 1)

Representative Vigesaa: Is the report you get from the investigating agency exactly the same as the one a person would get from DOT?

Ward: DOT takes the data from law enforcement and they input it in to a form. Nowadays officers do it on computers so it is faster than it used to be. The traditional process was that the officer would hand draw his diagram and report and then it would go to DOT and someone would input into their computers. That's where the delay was. DOT does sometimes catch mistakes that they later can fix. If we talk about serious accident, there is a much more serious investigation, and what insurance companies would do in that case is probably get the officer's opinion right away so they have an idea of what's going on but then go back and still get the official report from DOT.

Representative Weiler: The word "may" was wanted to be changed to "shall." Can you tell us who wanted that?

Ward: I believe the guy was a county sheriff from around the Beulah area. I can't recall his name.

Representative Weiler: My concern is that if we are trying to resolve a problem by where someone can obtain this document by using the word "may" it leaves it open. They still don't have to do it. Are we going to run in to problems with some of these agencies that are going to say they don't have to?

Ward: I didn't feel I was in a position to dictate to them. I really think if we go this far this time it should be enough. There are well-intentioned law enforcement agencies in the state that just feel like their hands are tied right now. If we change it to "may" we untie their hands. If we run in to problems with someone refusing to give us this, we might be back to change it to "shall."

Representative Weiler: This bill is in front of us because someone said they don't have to give it you. The problem we are trying to solve is to say that agency has to give you a copy. If we say here that they "may" we are not solving the problem. What kind of problem will it cause if we say they "shall" release it?

Ward: It wouldn't cause a problem for us. I didn't want to push too hard because I didn't want them to push back. I think most law enforcement agencies would be willing to give it to us. Some of them think they can't. Some don't care and do it. In some of the bigger cities in the state the police are just giving it to the adjusters.

Representative Weiler: If I go to an agency and request the report and it is going to cause a problem if I don't get it, I think we would be doing a much better job if we say they have to give it to you.

Ward: I don't disagree with you but I do think if we pass it the way it is worded here most of them are going to go along with it. I don't think we are going to have a problem.

Representative Weiler: "A party's legal representative or the insurer of that party" in Senator's Cook's situation does this mean that the person involved can go down himself and get it or do they have to have a legal representative or their insurance company get it.

Ward: It can be a party to the accident as well.

Representative Potter: Can you tell me why this law was made the way it was originally. There must have been some kind of thought that this was the best way to do it.

Ward: I'm not exactly sure how or when this came about. I think the reason it's on the books at all is to keep non-parties to the accident—ambulance chasers—from getting these reports.

Chairman Ruby: In a subsection of this same section, number 4, it talks about ". . . the report is required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential . . . the opinion is confidential. . ." "So you have to be a party.

Ward: There are two parts to these crash reports and the one with all the data eventually becomes the public record. What we really need is the officer's opinion.

Representative Delmore: I would agree with Representative Weiler. I think it should be "shall." I think it's pretty wide open. "The request must be made in the appropriate form" is that form available to law enforcement?

Ward: I believe that form is available. I did think about striking that sentence from this because they may want to just come up with their own form or do it by telephone. If you are thinking about amending this, you may want to strike that.

Representative Schmidt: Senator Cook was requesting the witness information. Will you be able to get that under this bill?

Ward: The investigating officer collects that so it is included in what is available.

Representative Kelsch: So the biggest issue here is just the fact it is causing a delay in actually getting these reports. I think I agree with Representatives Weiler and Delmore that it probably should be "shall" because I think it may make the turnaround much quicker. That's basically what you are aiming at here. In my accident in December, my vehicle sat there for two weeks before either insurance company could get the information they needed.

Ward: I can't put it any better than the way you expressed it. There is just a tremendous amount of frustration especially in fender-benders. People want their cars fixed.

Larry Maslowsky, ND Insurance Department, testified in favor of the bill. I would just like to say "Ditto." Insurance companies are not able to get the information they need to settle claims. I urge your support.

Representative Delmore: Would you be in favor of making it "shall" rather than "may."

Maslowsky: We don't have a position on that. I think it would probably do the job.

Lt. Mike Arnold, Bismarck Police Department: I will try to answer a few questions that came up. The reason "may" was stated because with serious accidents it takes an investigation. If we put in "shall" a person could demand a report, and it would be incomplete. Probably 99% of accidents can be completed within a day. We cannot release the officer's opinion without going to DOT. We can give them general information we just can't give the full report. Sometimes depending on the seriousness of the incident, it can take 6 days to get the full extent of the report. Sometimes we have to track down witnesses to question them again.

Representative Delmore: I don't think we are directing you to do it in 24 hours. Even if we change this to "shall" it is when the report is ready. People will have to be patient. I think we should have access to it as should the insurance people because people want that settled.

There is no time in the bill so you still have some flexibility. Under that, do you think “shall” will work?

Lt. Arnold: The problem is if you put “shall” in there, and someone shows up two days later, they want that report. If it’s in law, I want it. There will be a percentage of people who say they want that report right now. We just worry that someone will come in too soon and they won’t be able to get it and then there will be a big argument.

Representative Weiler: Would it be okay if we said on line 10 “or investigating agent shall release a copy of the completed investigating officer’s . . .” That way it takes care of your concerns.

Lt. Arnold: I’m not sure I understand the wording on that. I do have. . .

Representative Weiler: We are only saying that they have to give it if it is completed. If it’s not completed, you can’t give it.

Lt. Arnold: In this law earlier, it says that within 10 days the completed accident has to be up at DOT. So we already have a time frame of a 10 day limit. On serious accidents and the insurance people already stated they understand it is going to take a little bit longer so within 10 days. . . Our particular agency, in a serious accident, we can get all the information done, accident reconstruction done, get all the witnesses done—we’ll have them done within 3-5 days and they are shipped electronically right away to DOT. There is not a long time frame. By law already it says within 10 days they have to be done.

Chairman Ruby: And, you believe the language of “may” encompasses that? Or we could say the investigating agency “shall, when completed.”

Lt. Arnold: That would work out perfectly.

Representative Thorpe: I see this is old language here but on line 11, the first word there when they are talking about releasing information it says, "release a copy of the investigating officer's opinion." Is that the right word or should it be "findings" or "information"?

Lt. Arnold: We agree with you. It's not really the officer's opinion, it is the written statement. We don't have a great problem with the verbiage, but it's not an "opinion," it is the written statement of what he can see from the accident scene, and the statements he received from witnesses. If you choose to make that change we would like to see "officer's written statement." We train our officers to never put their opinion—you put down facts at the scene.

Representative Schmidt: Do you have a deadline to get your report to the DOT.

Lt. Arnold: In the law it is 10 days that we have to get it up there. Our records personnel are pretty compliant on that. When we get a completed report they get it up there right away.

Linda Butts, deputy director for Driver and Vehicle Services, DOT, testified in favor of the bill. (Attachment 2)

Chairman Ruby: So you would have less income from it but you would have less cost too.

Butts: Yes, it's a wash.

Representative Delmore: However, nothing would preclude an insurance company from probably wanting that final report anyway which they probably would pay for. I think we are looking at this to expedite the first part of the process. They probably would want the final report anyway.

Butts: Yes.

Representative Frantsvog: We talked about the errors in the written crash reports that you receive. If there are errors do you tell the reporting officers or agencies of those errors and tell them of the corrections you made so they can verify if it is correct or not?

Butts: That is correct. We do communicate with law enforcement and sometimes we have to go back. If we can't figure out the error then we do have to call them back.

Representative Delmore: That request form, does every police department have access to it? Would there be any reason not to take out the form request "appropriate form approved by the director"?

Butts: We don't have a standard form that we use. Each agency develops their own but it has to be approved by the director.

Karin Mogeon, Traffic Safety Office, DOT: For our purposes, we do have a standard form by which people need to request the information from our office. As I understand it there are certain law enforcement agencies that do release information to the public upon request.

What their processes are I think are less formal than what we have in place. They probably don't require a form.

There being no further testimony, Chairman Ruby closed the hearing of SB 2279

Later on the same morning Chairman Ruby opened discussion of SB 2279

Chairman Ruby: There was no one opposed to this bill. What's happening is when someone requests an accident report from a law enforcement agency according to the way the law is right now, they are being told they can't give them the report. It has to be submitted to DOT first and they have to go to DOT to get it. This would allow them to give them the report. There was discussion of an amendment for changing "may" to "shall."

. . . (Unstructured discussion regarding the wording for an amendment. . .)

Representative Thorpe: If we are going to do an amendment, I would like to see us change the word "opinion" to "findings."

Representative Delmore: I would move to strike that last line because I don't think that "appropriate form" is in most police departments. What form they decide to use is up to them.

Chairman Ruby: There is reference to the language of the form earlier in the other subsections dealing with the report that needs to be filed with DOT.

Representative Gruchalla: I understand the reason for this change for insurance companies. Some of the agencies are swamped and had to add people to give out these reports and take the \$5, going to the bank, etc. It's quite a paper chase. Sometimes agencies hold back the officer's written statement.

Representative Delmore: Law enforcement didn't have a big problem with it nor did the DOT. There was no opposition to it. The big thing is that is not just insurance companies; it is private citizens that want that information because they want to be able to get their vehicles back.

There should not be any heartburn. There may be a couple of amendments that we want to put on the bill, but it was on very solid footing in here from all the testimony we heard.

Representative Gruchalla: Not everyone can get access to the information that is the opinion or statement, only the stuff that is considered open records. It is only the interested parties which would be the insurance companies and the owner that can get the more confidential information.

Representative Potter: Did I misunderstand when Karin Mogeon was up there. I thought she did say that there was pretty much a standardized form that was used.

Representative Delmore: I heard just the opposite. I thought she said they had a standardized form we used but what they do at the local department's level could be very different. That was my reason for moving to strike it.

(. . Unstructured discussion of amendment possibilities. .)

Representative Schmidt: There might be some small changes to be made on these bills.

Remember if we make changes, we will be sitting here until the first of May fighting with the Senate. Maybe the changes aren't big enough to warrant that.

Chairman Ruby: If we decide to make this to "shall" and we think we should do that, we should do it and we should defend our position on it.

Representative Weiler: I move we amend the bill on page 1, line 10, to strike the word "may" and add "shall" and after the word "the" in line 10, add "completed."

Representative Delmore: Second.

(. . Unstructured discussion. . .)

Representative Heller: Could someone explain to me why to me why Senator Cook couldn't get that information. Why couldn't they give it to him?

Chairman Ruby: Because he had to go to DOT, he couldn't get it from the investigating agency.

(. . Unstructured discussion. . .)

A voice was taken on the Weiler amendment: Passed.

Representative Kelsch: I move Do Pass as Amended.

Representative Weiler: Second

A roll call vote was taken: Yes: 9, No: 5, Absent: 0

Representative Kelsch will carry the bill.

VR
3/6/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2279

Page 1, line 10, remove "or investigating agency", overstrike "may" and insert immediately thereafter "or investigating agency shall", and after "a" insert "completed"

Renumber accordingly

Date: 3/6/09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2279

House TRANSPORTATION Committee

Amendment

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Don't Pass Amended

Motion Made By Weiler Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman			Representative Delmore		
Rep. Weiler - Vice Chairman			Representative Griffin		
Representative Frantsvog			Representative Gruchalla		
Representative Heller			Representative Potter		
Representative R. Kelsch			Representative Schmidt		
Representative Sukut			Representative Thorpe		
Representative Vigesaa					
Representative Weisz					

Total Yes _____ No _____

Absent _____

Bill Carrier _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/6/09

Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2279

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Don't Pass Amended

Motion Made By Kelsch Seconded By Weiler

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla		✓
Representative Heller	✓		Representative Potter		✓
Representative R. Kelsch	✓		Representative Schmidt		✓
Representative Sukut	✓		Representative Thorpe		✓
Representative Vigasaa	✓				
Representative Weisz		✓			

Total Yes 9 No 5

Absent _____

Bill Carrier Kelsch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2279: Transportation Committee (Rep. Ruby, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "or investigating agency", overstrike "may" and insert immediately thereafter "or investigating agency shall", and after "a" insert "completed"

Renumber accordingly

2009 TESTIMONY

SB 2279

#1

TESTIMONY IN SUPPORT OF SB 2279

Senate Transportation Committee

January 30, 2009

Chairman Lee and Members of the Senate Transportation Committee

My name is Patrick Ward. I represent the Association of North Dakota Insurers.

We urge you to support a do pass on SB 2279.

SB 2279 is designed to make a simple change in the way in which a party to an accident, that party's legal representative or their insurer, can go about obtaining the investigating officer's opinion as to fault for an accident.

Current statute provides that the request must be made to the Department of Transportation. Several domestic insurance companies have approached me regarding the fact that the process is cumbersome and the delays cause frustration in handling claims. Insurance consumers do not understand why a small fender bender claim is not being resolved.

Adjusters were experiencing delays sometimes as much as two or three weeks after an accident before obtaining the crash report and officer's opinion. We have worked with DOT to improve this turnaround and we have seen improvement. Several years ago the question was raised in an attorney general's opinion issued by Attorney General Heidi Heitkamp. At that time, she

indicated that because of the language of the statute (still the same today) the insurer or party was required to obtain the report from the director and not directly from the investigating agency. Many of the investigating agencies would have no problem giving their report directly to the insurance investigator and it would expedite the process. In fact, some already do.

If you pass this bill, you are simply changing the statute so that those law enforcement agencies that choose to release a copy of the investigating officer's opinion to a requesting party or insurer can feel free to do so. Insurers can then have the information they need to decide fault to more quickly pay property damage claims.

We urge a do pass on SB 2279.

2

SENATE TRANSPORTATION COMMITTEE
January 30, 2009 9:00 a.m. Lewis and Clark Room

North Dakota Department of Transportation
Glenn Jackson, Interim Director, Drivers License and Traffic Safety Division, NDDOT

SB 2279

Mr. Chairman, members of the committee, my name is Glenn Jackson, Interim Director of the Drivers License and Traffic Safety Division of the North Dakota Department of Transportation (NDDOT).

This bill would allow for a complete crash report to be released by the law enforcement agency investigating the crash to the party's legal representative or the insurer of the party. Currently, only the NDDOT can release the portion of the crash report that involves the investigating officer's opinion to these groups. This causes a delay in the release of the report.

Current Crash Reporting Processes

NDCC 39-08-13(3) requires a law enforcement officer who investigates a motor vehicle crash to submit a crash report to the NDDOT within ten days after the crash. This creates an immediate 10-day lapse in the NDDOT's ability to provide a crash report in response to a request from the public.

The NDDOT receives crash reports from law enforcement both electronically and in paper form. It is important for the NDDOT to assure data accuracy because crash data is used to determine causal crash factors resulting in fatalities and serious injuries and allocates funding for prevention of these crash types in accordance with the data. The data is also examined by highway engineers in making safety modifications to roads.

NDDOT routinely edits both paper and electronic reports. The majority of the edits affecting NDDOT funding may not impact the decisions that need to be made in the legal and insurance systems.

More than half of all crash reports are submitted to the NDDOT electronically and the rest are submitted in paper form. With the paper crash reports, the NDDOT edits the form and then enters the data into the NDDOT's crash report database. About 75 percent of paper crash reports require some form of editing before manual data entry into the database. This creates an additional lapse in time before the report is made available to the public.

With electronic reporting, the crash reports are submitted to the NDDOT by law enforcement via an electronic crash reporting system called TraCS (**T**raffic **a**nd **C**riminal **S**oftware) and then electronically written to the crash report database on a daily basis. Electronic crashes are verified and corrected prior to transmission to NDDOT. As is apparent, electronic crash reports

result in improved accuracy and timeliness. The NDDOT estimates that the electronic crash reports are written to the database about two weeks in advance of reports submitted via paper.

NDCC 39-08-13(6) provides for a fee of two dollars to be paid by the requesting entity prior to the receipt of a crash report. The NDDOT collected \$28,489 in a 12-month period (July 2007 to June 2008) for the provision of about 14,000 crash reports.

The NDDOT has no objections to this bill because it should allow the public more timely access to the crash reports and will decrease the administrative burden to the NDDOT in responding to all crash report requests on a statewide basis.

Mr. Chairman, I am happy to take your questions at this time.

MOTOR VEHICLE CRASH REPORT

North Dakota Department of Transportation

Drivers License & Traffic Safety

ND 2355 (Rev. 12-2006)



NDDOT USE ONLY	
CRASH NO.	RPT. SEQ.

Form _____
Of _____

A	Crash Date (M / D / Y)	Time (24 HR)	Officer No.	Officer Name	Agency Name	Agency Report No.
	Police Notified (M / D / Y)	Time (24 HR)	Emergency Unit Responding	Emg. Unit No.	Lat / Long Decimal Degrees N	
B	County	Co. Code	City Code	City	R / U	Function W
	Highway	Hundredths MI / Km		From Reference Point (Mile Marker)		Toward Reference Point (Mile Marker)
	Township	Range	Route	Hundredths Miles / Kilometers		From Node
	On (Street Name)		At intersection With (Street Name)			Node
D	Or FT / M From (Intersecting Street)			Node	Toward (Intersecting Street)	
	Node		Node		Node	
E	Operator Name (Last, First, MI)			Owner Name if not operator (Last, First, MI)		
	Address		Phone	Address if different from operator		Phone
F	City	State	Zip	City	State	Zip
	Damage Amount \$	Operator License Number	St Iss	DOB (M / D / Y)	Plate Number	State
G	Insurance Code (NDDOT use Only)	Policy Number	Insurance Company Name (Not Agent)			
	Insured by <input type="checkbox"/> Owner <input type="checkbox"/> Driver	Card Issued <input type="checkbox"/> Yes	Spd Lmt	DVR Number	VIN (Out-of-State Vehicles Only)	Retesting <input type="checkbox"/> Yes **
H	Operator Name (Last, First, MI)			Owner Name if not operator (Last, First, MI)		
	Address		Phone	Address if different from operator		Phone
I	City	State	Zip	City	State	Zip
	Damage Amount \$	Operator License Number	St Iss	DOB (M / D / Y)	Plate Number	State
J	Insurance Code (NDDOT use Only)	Policy Number	Insurance Company Name (Not Agent)			
	Insured by <input type="checkbox"/> Owner <input type="checkbox"/> Driver	Card Iss. <input type="checkbox"/> Yes	Spd Lmt	DVR Number	VIN (Out-of-State Vehicles Only)	Retesting <input type="checkbox"/> Yes **
K	Complete this section for trucks (including pickups) over 10,000 # gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) AND for vehicles designed to transport 9 or more people counting the driver AND for vehicles displaying a hazardous placard or transporting hazardous cargo. DO NOT COMPLETE IF THE VEHICLE IS BEING USED FOR PRIVATE/NON-BUSINESS PURPOSES ONLY. Refer to guide for completing this section or call (701)328-4404.					
	Carrier Name	Carrier's Identification Number (USDOT OR ICCMC)		Is Carrier Interstate? <input type="checkbox"/> Yes <input type="checkbox"/> No		
L	Carrier's Address	Phone	Source of Carrier Name <input type="checkbox"/> Side of Vehicle <input type="checkbox"/> Shipping Papers or Trip Manifest (Bus)			
	City	State	Zip	GVWR GCWR	Lbs.	Axles on Vehicle (Including Trailer)
M	Hazardous Materials Placard? <input type="checkbox"/> Yes <input type="checkbox"/> No		Haz. Mat. 4-Digit No.	Haz. Mat. 1-Digit No.	Was Hazardous Cargo From Vehicle Released? (Do Not Count Fuel From Fuel Tank) <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Hazardous Material Name			Estimate Total Length (Feet / Meter) From Front Bumper to end of Last Trailer		
N	Other Prop. Damage	Action Sequence, Citations, and Damage		VEHMT	CONFAC	CONFAC
	\$	Vehicle 1	Vehicle 2	CITATN	EVAAC	DVRCON
O	UNIT	SEAT	AGE	SEX	ADI	AT
	1					
P	SAFETY EQUIP.	AIR BAG	INJ.	EJC. EXT.	OWN. NOT.	OCCUPANT, WITNESS, PROPERTY OWNER
	2					NAME, ADDRESS, PHONE, PROPERTY DESCRIPTION
Q	OCCUPANT, WIT, PROP					
	1					
R	OCCUPANT, WIT, PROP					
	2					

R
1
2
S
1
2
T
1
2
U
1
2
V
1
2
W
1
2
X
Y
Z
AA
1
2
AA
1
2
BB
1
2

NOTE: If more than two units (or six occupant / witnesses) are involved, use an extra form, and attach it to the original.

* Describe or Explain in Narrative

** Explain in REQUEST FOR RE-EXAMINATION Form.

**THREE-STAGE CRASH DIAGRAM
(PRE-CRASH, POST-CRASH)**

NDDOT USE ONLY

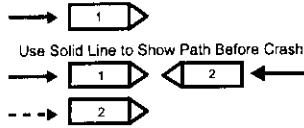
Crash Number

Report Seq.

Diagram What Happened:

Draw outline of roadway at place of crash.

Number each vehicle and show direction of travel by arrow.



Show Pedestrian by: X

Show Railroad by:

Show Utility Poles by:

Show Motorcycle by:

Show Animal by:

Indicate North by Drawing Arrow Through Circle



Large dotted grid area for drawing the crash diagram.

Officer's Narrative: Observations and Asterisk Items. (Please Print)

Horizontal lines for writing the officer's narrative.

Date of Report:

Signature(s):

Attachment #1

TESTIMONY IN SUPPORT OF SB 2279

House Transportation Committee

March 6, 2009

Chairman Ruby and Members of the House Transportation Committee

My name is Patrick Ward. I represent the Association of North Dakota Insurers.

We urge you to support a do pass on SB 2279.

SB 2279 is designed to make a simple change in the way in which a party to an accident, that party's legal representative or their insurer, can go about obtaining the investigating officer's opinion as to fault for an accident.

Adjusters have experienced delays sometimes as much as two or three weeks after an accident before obtaining the crash report and officer's opinion. We have worked with DOT to improve this turnaround and we have seen improvement.

Current statute provides that the request must be made only to the Department of Transportation. Several years ago the question was raised in an attorney general's opinion issued by Attorney General Heidi Heitkamp. At that time, she indicated that because of the language of the statute (still the same today) the insurer or party was required to obtain the report from the director and not directly from the investigating agency. Many of the investigating agencies would

have no problem giving their report directly to the insurance investigator and it would expedite the process. In fact, some already do. Several domestic insurance companies have approached me regarding the fact that the process is cumbersome and the delays cause frustration in handling claims. Insurance consumers do not understand why a small fender bender claim cannot be resolved more quickly.

If you pass this bill, you are simply changing the statute so that those law enforcement agencies that choose to release a copy of the investigating officer's opinion to a requesting party or insurer can feel free to do so. Insurers can then have the information they need to decide fault to more quickly pay property damage claims. I have talked to Highway Patrol and the Sheriff's Association and they do not have a problem with this change.

We urge a do pass on SB 2279. I will try to answer any questions.

Attachment #2

HOUSE TRANSPORTATION COMMITTEE

March 6, 2009, 9:00 a.m.

Fort Totten Room

North Dakota Department of Transportation
Linda Butts, Deputy Director for Driver and Vehicle Services

SB 2279

Mr. Chairman, members of the committee, my name is Linda Butts, Deputy Director for Driver and Vehicle Services of the North Dakota Department of Transportation (NDDOT).

This bill would allow for a complete crash report to be released by the law enforcement agency investigating the crash to the party's legal representative or the insurer of the party. Currently, only the NDDOT can release the portion of the crash report that involves the investigating officer's opinion to these groups. This causes a delay in the release of the report.

Current Crash Reporting Processes

NDCC 39-08-13(3) requires a law enforcement officer who investigates a motor vehicle crash to submit a crash report to the NDDOT within ten days after the crash. This creates an immediate 10-day lapse in the NDDOT's ability to provide a crash report in response to a request from the public.

The NDDOT receives crash reports from law enforcement both electronically and in paper form. It is important for the NDDOT to assure data accuracy because crash data is used to determine causal crash factors resulting in fatalities and serious injuries and allocates funding for prevention of these crash types in accordance with the data. The data is also examined by highway engineers in making safety modifications to roads.

NDDOT routinely edits both paper and electronic reports. The majority of the edits affecting NDDOT funding may not impact the decisions that need to be made in the legal and insurance systems.

More than half of all crash reports are submitted to the NDDOT electronically and the rest are submitted in paper form. With the paper crash reports, the NDDOT edits the form and then enters the data into the NDDOT's crash report database. About 75 percent of paper crash reports require some form of editing before manual data entry into the database. This creates an additional lapse in time before the report is made available to the public.

With electronic reporting, the crash reports are submitted to the NDDOT by law enforcement via an electronic crash reporting system called TraCS (Traffic and Criminal Software) and then electronically written to the crash report database on a daily basis. Electronic crashes are verified and corrected prior to transmission to NDDOT. As is apparent, electronic crash reports

result in improved accuracy and timeliness. The NDDOT estimates that the electronic crash reports are written to the database about two weeks in advance of reports submitted via paper.

NDCC 39-08-13(6) provides for a fee of two dollars to be paid by the requesting entity prior to the receipt of a crash report. The NDDOT collected \$28,489 in a 12-month period (July 2007 to June 2008) for the provision of about 14,000 crash reports.

The NDDOT has no objections to this bill because it should allow the public more timely access to the crash reports and will decrease the administrative burden to the NDDOT in responding to all crash report requests on a statewide basis.

Mr. Chairman, I am happy to take your questions at this time.