

ASSEMBLY, No. 2918

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

By Assemblyman IMPREVEDUTO and Assemblywoman
QUIGLEY

1 AN ACT concerning motor vehicle accident reports and amending
2 R.S.39:4-131.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. R.S:39:4-131 is amended to read as follows:
8 39:4-131. The division shall prepare and supply to police
9 departments and other suitable agencies, forms for accident reports
10 calling for sufficiently detailed information with reference to a motor
11 vehicle accident, including the cause, the conditions then existing, the
12 persons and vehicles involved, the compliance with P.L.1984, c.179
13 (C.39:3-76.2e et seq.) by the operators and passengers of the vehicles
14 involved in the accident, and such information as the director may
15 require.

16 Every law enforcement officer who investigates a vehicle accident
17 of which report must be made as required in this Title, or who
18 otherwise prepares a written report as a result of an accident or
19 thereafter by interviewing the participants or witnesses, shall forward
20 a written report of such accident to the division, on forms furnished by
21 it, within five days after his investigation of the accident.

22 The division shall make no entry of the accident on the driving
23 record of a driver if the officer notes on the accident report form that
24 the driver was, in his judgment, not at fault. If it is subsequently
25 determined, as a result of a later police accident report, claim
26 adjudication or a judicial or arbitrator's decision that a driver was, in
27 fact, at fault, the accident shall be entered on the driver's record.

28 Such written reports required to be forwarded by law enforcement
29 officers and the information contained therein shall not be privileged
30 or held confidential. Every citizen of this State shall have the right,
31 during regular business hours and under supervision, to inspect and
32 copy such reports and shall also have the right in person to purchase
33 copies of the reports at the same fee established by section 2 of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 P.L.1963, c.73 (C.47:1A-2). If copies of reports are requested other
2 than in person, an additional fee of up to \$5.00 for the first three pages
3 and \$1.00 per page thereafter may be added to cover the
4 administrative costs of the report.

5 The provisions of any other law or regulation to the contrary
6 notwithstanding, reports obtained pursuant to this act shall not be
7 subject to confidentiality requirements except as provided by section
8 28 of P.L.1960, c.52 (C.2A:84A-28).

9 (cf: P.L.1987, c.26, s.1)

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11 2. This act shall take effect on the first day of the sixth month after
12 enactment and shall apply only to accidents which occur after the
13 effective date.

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16 STATEMENT

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18 This bill addresses the problem of the potential improper use of
19 motor vehicle accident data by insurance companies and other business
20 organizations that use the Division of Motor Vehicles' (DMV) data
21 base of police accident reports.

22 When a motor vehicle accident occurs, a police report is submitted
23 to the DMV which is required to include detailed information about
24 the collision including the cause, conditions, persons involved and
25 seatbelt compliance. However, all that is included on a motorist's
26 driving record is that he was involved in a collision.

27 Insurance eligibility points can only be assigned by an insurer for
28 at-fault accidents under the Fair Automobile Insurance Reform Act of
29 1990. Accidents which are not the fault of a driver, however, are
30 placed on a driver's record where they may be accessed by business
31 organizations seeking to determine his insurability, employability or
32 credit worthiness. Such collisions are ordinarily noted on the record
33 only as an involvement in an accident, without regard to fault.

34 This bill would require that no entry of an accident be placed on a
35 motorist's driving record if the officer notes that the driver was, in his
36 judgment, not at fault. Subsequent determinations of liability would
37 be added to the record at a later date.

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42 Requires only at-fault accidents to appear on DMV driving records.