

## **Motor Vehicle Division Informational Memo # 23-15**

### ***2023 Legislation—Crash Reports***

**DATE:** May 4, 2023

**FROM:** Kasey Lee, MVD Compliance Officer

**TO:** All Motor Vehicle Division staff, and Iowa County Treasurers and County Treasurer's staff that issue driver's licenses and non-operator's identification cards

**EFFECTIVE:** July 1<sup>st</sup>, 2023

#### **SUBJECT**

This informational memo explains legislation passed during the 2023 legislative session which provides authorization to release crash reports to other law enforcement agencies that were previously not able to receive them.

#### **SUMMARY**

SF 490 was enacted in the 2023 legislative session and adds "other law enforcement agencies" to the list of authorized agencies in Iowa Code section 321.271 that can receive a copy of a crash report upon written request and payment of a fee. Prior to passage of this legislation, crash reports could be released only to a party of the accident, a party's insurance company or attorney, FMCSA or the Attorney General.

The DOT receives and retains crash reports from law enforcement agencies that have responded to a crash and completed the report (see Iowa Code section 321.266). Crash reports contain confidential personal identifiable information (PII) of the parties involved in the crash that is protected by Iowa law and federal DPPA law.

This legislation addresses situations where one law enforcement agency starts an investigation, but another state agency completes it. The agency that began the investigation is not able to request a final copy of the crash report after its completion under Iowa law as they are not the agency that filed the final report. This legislation allows other law enforcement agencies that did not submit the final crash report, to submit a written request and pay a fee to receive a copy of a crash report.

Law enforcement agencies do not need to be in the same jurisdiction that the crash occurred to request a crash report.

**The legislation is effective July 1, 2023.**

#### **LINK TO LEGISLATION**

<https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF490>

#### **CURRENT**

Currently, the DOT can provide crash reports upon receipt of a written request and applicable fee to:

- A party to the accident
- A party's insurance company or attorney
- FMCSA

- Attorney General

## **NEW**

Effective July 1<sup>st</sup>, 2023, the DOT can provide crash reports upon receipt of a written request an applicable fee to:

- A party to the accident
- A party's insurance company or attorney
- FMCSA
- Attorney General
- Other law enforcement agencies

## **BUSINESS IMPACT**

This legislation will impact MVD records staff that receive and process requests for crash reports. The MVD will expand the existing process to add any law enforcement agency as an eligible entity that can receive a crash report.

## **QUESTIONS AND ANSWERS**

### **HOW DOES A LAW ENFORCEMENT AGENCY REQUEST A CRASH REPORT?**

A law enforcement agency or any other the other eligible entities should send a written request with the date of the accident, time, location, names and driver's license numbers of the drivers or complete Form #431007 and submit to the address below along with the \$4 fee.

Iowa Department of Transportation  
Systems & Administration Bureau  
P.O. Box 9204  
Des Moines, Iowa 50306-9204

There is more information on our website about requesting a crash report:

<https://iowadot.gov/mvd/driverslicense/accidents#:~:text=Obtaining%20a%20copy%20of%20an%20accident%20report&text=Driver%27s%20report%3A%20To%20obtain%20a,cents%20for%20each%20accident%20report.>

### **WHAT IS THE FEE TO RECEIVE A CRASH REPORT?**

The fee to receive a crash report is \$4.

### **WHO IS EXEMPT FROM PAYING THE FEE FOR A CRASH REPORT?**

The legislation dictates that only the Attorney General and FMCSA are exempt from the fee. Any party to the accident, their insurance companies and attorneys and other law enforcement agencies must pay the fee.