

ASSEMBLY, No. 4935

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED DECEMBER 5, 2022

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

SYNOPSIS

Concerns electronic transmission of crash reports.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2022)

1 AN ACT requiring electronic transmission of crash reports and
2 amending R.S.39:4-131.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S. 39:4-131 is amended to read as follows:

8 39:4-131. The commission 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
11 motor vehicle accident, including the cause, the conditions then
12 existing, the persons and vehicles involved, the compliance with
13 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
14 passengers of the vehicles involved in the accident, whether the
15 operator of the vehicle was using a cellular telephone when the
16 accident occurred, and such other information as the chief
17 administrator may require.

18 Every law enforcement officer who investigates a vehicle
19 accident of which report must be made as required in this Title, or
20 who otherwise prepares a written or an electronic report as a result
21 of an accident or thereafter by interviewing the participants or
22 witnesses, shall **forward a written** electronically transmit an
23 electronic report of such accident to the commission, on forms
24 furnished by **it** and in the electronic format prescribed by the
25 commission, within five days after **his** the law enforcement
26 officer's investigation of the accident.

27 Such written or electronic reports required to be **forwarded**
28 prepared by law enforcement officers and the information contained
29 therein shall not be privileged or held confidential. Every citizen of
30 this State shall have the right, during regular business hours and
31 under supervision, to inspect and copy such reports and shall also
32 have the right in person to purchase copies of the reports at the
33 same fee established by section 6 of P.L.2001, c.404 (C.47:1A-5).
34 If copies of reports are requested other than in person, an additional
35 fee of up to **\$5.00** \$5 may be added to cover the administrative
36 costs of the report. Upon request, a police department shall send an
37 accident report to a person through the mail or via fax **as defined**
38 **in section 2 of P.L.1976, c.23 (C.19:59-2)**. The police department
39 may require the person requesting the report to provide a completed
40 request form and the appropriate fee prior to faxing or mailing the
41 report. The police department shall provide the person requesting
42 the report with the option of submitting the form and providing the
43 appropriate fee either in person, through the mail, or via fax **as**
44 **defined in section 2 of P.L.1976, c.23 (C.19:59-2)**.

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

Matter underlined thus is new matter.

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

5 When a motor vehicle accident results in the death or
6 incapacitation of the driver or any passenger, the law enforcement
7 officer responsible for notifying the next of kin that their relative is
8 deceased or incapacitated, also shall inform the relative, in writing,
9 how to obtain a copy of the accident report required by this section
10 and the name, address, and telephone number of the person storing
11 the motor vehicle pursuant to section 1 of P.L.1964, c.81
12 (C.39:10A-1).

13 The New Jersey Department of Transportation shall adopt,
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), rules and regulations to require law
16 enforcement officers to electronically transmit crash reports
17 required to be prepared pursuant to this section.

18 (cf: P.L.2010, c.75, s.2)

19
20 2. This act shall take effect immediately.

21
22
23 STATEMENT

24
25 This bill requires crash reports to be transmitted electronically
26 and requires the Department of Transportation (department) to
27 adopt rules and regulations to require the electronic transmission of
28 crash reports. Under current law, law enforcement agencies are
29 required to submit crash reports, which are sent to the department.
30 These crash reports are often handwritten. According to an audit
31 report issued by the Office of the State Auditor of the Department
32 of Transportation, Bureau of Transportation Data, and Support
33 Crash Records Unit processing paper or digitally scanned reports is
34 labor intensive and cost the department \$2.2 million in the 2019
35 calendar year. This bill implements a recommendation made in the
36 audit report to provide the department with statutory authority to
37 implement new regulations requiring the electronic transmission of
38 crash reports.