



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3521/1  
ARG:rs&jld:jf

## 2001 SENATE BILL 321

November 21, 2001 - Introduced by Senator DARLING, cosponsored by Representatives WASSERMAN, MCCORMICK, STARZYK, ALBERS, GUNDERSON and AINSWORTH. Referred to Committee on Insurance, Tourism, and Transportation.

1 **AN ACT to amend** 346.70 (4) (a), 346.70 (4) (f) and 346.70 (4) (h); and **to create**  
2 346.70 (4) (i) of the statutes; **relating to:** release of traffic accident reports  
3 relating to accidents resulting in death.

---

### *Analysis by the Legislative Reference Bureau*

Current law requires every law enforcement agency investigating a traffic accident resulting in injury or death to a person or property damage in excess of a specified amount to make a report on a uniform traffic accident report form or in an automated format and to forward the report to the department of transportation (DOT) within ten days after the date of the accident. Any person may examine or copy this report during the law enforcement agency's office hours.

This bill requires any law enforcement agency that completes a uniform traffic accident report arising from an accident resulting in the death of a person to, immediately upon completion of the report, make every reasonable effort to identify the person's next of kin and to offer to provide a copy of the completed report, without charge, to the person's next of kin. The report may not be made publicly available for examination and copying, and may not be forwarded to DOT, until a copy of the report has been provided to, or offered to and declined by, the person's next of kin, or until 48 hours after the report is completed, whichever occurs first.

**SENATE BILL 321**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 346.70 (4) (a) of the statutes is amended to read:

2           346.70 (4) (a) ~~Every~~ Subject to par. (i), every law enforcement agency  
3           investigating or receiving a report of a traffic accident as described in sub. (1) shall  
4           forward an original written report of the accident or a report of the accident in an  
5           automated format to the department within 10 days after the date of the accident.

6           **SECTION 2.** 346.70 (4) (f) of the statutes is amended to read:

7           346.70 (4) (f) Notwithstanding s. 346.73 and subject to par. (i), any person may  
8           with proper care, during office hours, and subject to such orders or regulations as the  
9           custodian thereof prescribes, examine or copy such uniform traffic accident reports,  
10          including supplemental or additional reports, statements of witnesses, photographs,  
11          and diagrams, retained by local authorities, the state traffic patrol, or any other  
12          investigating law enforcement agency.

13          **SECTION 3.** 346.70 (4) (h) of the statutes is amended to read:

14          346.70 (4) (h) ~~Every~~ Subject to par. (i), every law enforcement agency  
15          investigating or receiving a report of a traffic accident as described in sub. (1) shall  
16          forward a copy of the report of the accident to the county traffic safety commission  
17          or to the person designated to maintain spot maps under s. 83.013 (1) (a) in the county  
18          where the accident occurred when the accident occurred on a county or town road or  
19          on a street where the population of the city, village, or town is less than 5,000. ~~For~~  
20          Subject to par. (i), for traffic accidents occurring within a city or village with a  
21          population of 5,000 or more, the law enforcement agency investigating or receiving

**SENATE BILL 321**

1 a report shall forward a copy of the report of the accident to the city or village where  
2 the accident occurred.

3 **SECTION 4.** 346.70 (4) (i) of the statutes is created to read:

4 346.70 (4) (i) Any law enforcement agency that completes a uniform traffic  
5 accident report arising from an accident resulting in the death of a person shall,  
6 immediately upon completion of the report, make every reasonable effort to identify  
7 the person's next of kin and offer to provide a copy of the completed report, without  
8 charge, to the person's next of kin. The report may not be made available under par.  
9 (f), and may not be forwarded under par. (a) or (h), until a copy of the report has been  
10 provided to, or offered to and declined by, the person's next of kin, or until 48 hours  
11 after the report is completed, whichever occurs first.

12 **SECTION 5. Initial applicability.**

13 (1) This act first applies to accident reports completed on the effective date of  
14 this subsection.

15 **SECTION 6. Effective date.**

16 (1) This act takes effect on the first day of the 4th month beginning after  
17 publication.

18 (END)