JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 15:010. Traffic collision ~~[Accident]~~ reports.

RELATES TO: KRS 189.635
STATUTORY AUTHORITY: KRS 15A.160, 189.635
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 authorizes the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations for the administration of all laws and functions which are vested in the cabinet, except laws and functions vested in the Department of Public Advocacy. KRS 189.635 requires the Department of Kentucky State Police to establish a reporting system for vehicle collisions~~[accidents]~~, including reporting procedures, collision report dissemination fee schedule and forms. This administrative regulation establishes the reporting system dissemination procedures, forms, and fee schedule.

Section 1. Definitions.
(1) "Cabinet" is defined by KRS 16.010(2).
(2) "Department" is defined by KRS 16.010(8).
(3) "Person" is defined by KRS 446.010(33).

Section 2. The "Uniform Police Traffic Collision Report" form provided~~[published]~~ by the department~~[Department of Kentucky State Police]~~ shall be the official vehicle accident report form for all law enforcement agencies in Kentucky.

Section 3. ~~[Section 2.]~~ Interpretation and classification of traffic accidents in connection with completion of a Kentucky uniform police traffic collision~~[accident]~~ report form shall follow instructions in the most recent version of the "Kentucky Uniform Police Traffic Accident Report Manual" provided~~[published]~~ by the Justice and Public Safety Cabinet on the electronic collision reporting portal and instructions not in conflict with the Kentucky manual contained in the most recent version of the "Manual on Classification of Motor Vehicle Traffic Collision," published by the National Safety Council.

Section 4. ~~[Section 3.]~~ A law enforcement agency whose officers make a traffic collision~~[accident]~~ report shall be the originating agency with respect to the report and shall retain a copy of the report. Responsibility for providing copies of traffic collision~~[accident]~~ reports to the parties authorized by KRS 189.635 shall remain with the originating agency.

Section 5. ~~[Section 4.]~~ A law enforcement agency whose officers create a traffic collision report shall utilize the electronic submission application as provided by the department~~[receiving a vehicle accident report pursuant to KRS 189.635 shall forward the original copy of the report to the "CRASH Section, Criminal Identification and Records Branch" Department of Kentucky State Police, Justice and Public Safety Cabinet, Frankfort, Kentucky 40601, in envelopes provided by the cabinet within ten (10) days of receiving the report. The report shall be mailed flat and shall not be folded]~~.

Section 6. ~~[Section 5.]~~ Fees for Vehicle Collision~~[Accident]~~ Reports. Vehicle Collision~~[Accident]~~ Reports may be obtained by authorized parties pursuant to KRS 189.635 upon payment of the following fees:
(1) Paper copies: five (5) dollars; and
(2) Reports obtained via the Kentucky State Police Web site: ten (10) dollars.

Section 7. ~~[Section 6.]~~ News-gathering organization. An organization requesting a vehicle collision report pursuant to KRS 189.635(8) shall complete and sign KSP Form 029, News-

gathering organization certification and submit the form according to the procedures described on the department Web site.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) KSP Form 74, "Kentucky Uniform Police Traffic Collision Report[,]",[Form KSP 74,]2008 edition[Revised 1/2000"];

(b) "Kentucky Uniform Police Traffic Collision Report Manual", 2008 edition[July 2000"];

(c) "Manual on Classification of Motor Vehicle Traffic Accidents[, 6th edition]"; and

(d) KSP Form 029, "News gathering organization certification", 2017 edition ["Vehicle accident report envelope, 1st edition"].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of State Police, Criminal Identification and Records Branch[Headquarters],1266 Louisville Road[919 Versailles Road], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This regulation establishes the reporting system, dissemination procedures, forms, and fee schedule for traffic collision reports.

(b) The necessity of this administrative regulation:
This regulation is necessary to provide additional guidance related to the reporting system for traffic collisions.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
This regulation conforms to the authorizing statute by establishing and providing guidance as to the reporting system for traffic collisions, as required by KRS 189.635.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
The regulation assists in the administration of the statutes by establishing the forms and procedures that effectuate the reporting system.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
The primary amendments to this regulation include: replacing the term "accident" with "collision; including reference to the electronic submission of the reports; and including the news gathering certification as a material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation:
The amendment is necessary to update the regulation to the correct procedures in place by the department.

(c) How the amendment conforms to the content of the authorizing statutes:
These amendments assist in the implementation of KRS 189.635.

(d) How the amendment will assist in the effective administration of the statutes:
The amendment includes updated references to terms and materials that are utilized in maintaining the reporting system for traffic collisions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
The Department of State Police; persons operating vehicles on the highways as prescribed in KRS 189.635; certified peace officers throughout the state; and the approximately 400 law enforcement agencies in the state. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken on behalf of the regulated entities. (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing. (c) As a result of compliance, what benefits will accrue to the entities: The amendment provides additional guidance to the regulated entities.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:
No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):
No answer provided.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):
No answer provided.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:
Nothing.

(b) On a continuing basis:
Nothing.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:
Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:
No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:
The amendment of this regulation does not establish any new fees or increase any current fees, directly or indirectly.

(9) TIERING: Is tiering applied?
No. Tiering was not applied because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department of State Police; persons operating vehicles on the highways as prescribed in KRS 189.635; certified peace officers throughout the state; and the approximately 400 law enforcement agencies in the state.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

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(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

Nothing.

(d) How much will it cost to administer this program for subsequent years?

Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):None.

Expenditures (+/-):None.

Other Explanation:

None.