

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1744

4
5 By: Representatives Teague, Rodgers, Faris, T. Smith, Milum and Thomas
6 By: Senators Hill, Beebe, Harriman and Bell

For An Act To Be Entitled

10 "AN ACT TO AMEND TITLE 27, CHAPTER 19, SUBCHAPTER 209
11 PERTAINING TO THE PUBLIC INSPECTION OF RECORDS; TO AMEND
12 CHAPTER 27, CHAPTER 53, SUBCHAPTER 407 PERTAINING TO
13 REPORTS OPEN TO PUBLIC INSPECTION; AND FOR OTHER
14 PURPOSES."

Subtitle

18 "AN ACT TO AMEND TITLE 27, CHAPTER 19,
19 SUBCHAPTER 209 PERTAINING TO THE PUBLIC
20 INSPECTION OF RECORDS; TO AMEND CHAPTER
21 27, CHAPTER 53, SUBCHAPTER 407
22 PERTAINING TO REPORTS OPEN TO PUBLIC
23 INSPECTION; AND FOR OTHER PURPOSES."

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27 SECTION 1. The General Assembly finds and declares that:
28 This state has a substantial interest in protecting the well-being,
29 tranquility, and privacy of the home of persons involved in vehicle accidents
30 from unwanted intrusions by persons attempting to solicit commercial business.
31 Moreover, the Supreme Court of the United States has stated that a special
32 benefit of the privacy all citizens enjoy within their own walls, which the
33 State may legislate to protect, is an ability to avoid intrusions. Therefore,
34 it is determined and declared that restricting the inspection of vehicle
35 accident reports is within the public interest.

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1 SECTION 2. Arkansas Code 27-53-209 is amended to read as follows:

2 "27-53-209. Reports open to public inspection.

3 (a) All motor vehicle accident reports made by the Department of
 4 Arkansas State Police and other persons authorized to prepare traffic accident
 5 reports under Arkansas Code § 12-9-110, and its records of traffic violations,
 6 shall be open to public inspection at all reasonable times. confidential and
 7 without prejudice to the individual so reporting and shall be privileged and
 8 for the confidential use of the agencies of the United States, this state, or
 9 local governments of this state having use for the records for accident
 10 prevention purposes.

11 (b)(1) For a period of thirty (30) days after the date of a vehicle
 12 accident, the Office of Driver Services of the Revenue Division of the
 13 Department of Finance and Administration, the Department of Arkansas State
 14 Police, the county sheriffs office, the municipal police office and any other
 15 law enforcement agency authorized to prepare traffic accident reports shall
 16 only release a copy of the vehicle accident report to:

17 (A) An agency described under subsection (a) of this section;

18 (B) A court in which a case involving one of the persons involved in
 19 the accident is pending pursuant to a lawful subpoena;

20 (C) The guardian or conservator of a person involved in the vehicle
 21 accident;

22 (D) A parent of a minor involved in the vehicle accident;

23 (E) Authorized representatives of a driver, passenger, or other person
 24 involved in the vehicle accident, including, but not limited to
 25 representatives from the legal profession, health care profession, motor
 26 vehicle repair businesses and insurance businesses;

27 (F) A representative of a person killed or injured in the vehicle
 28 accident;

29 (G) An owner of property damaged as a result of the accident;

30 (H) A person who may be subject to civil liability as a result of the
 31 vehicle accident;

32 (I) Media that disseminates news to the public at large, including wire
 33 services, newspapers of general circulation, television stations, and radio
 34 stations;

35 (J) A person who employs or who is considering employing a driver
 36 involved in the vehicle accident; or

1 (K) Persons whose name appears in the traffic accident report.

2 (2) Any person involved in a traffic accident may, by designating in
 3 writing on the form provided in subdivision (3) of this section, provide that
 4 the traffic accident report shall be open to the public immediately upon
 5 filing of the traffic reports.

6 (A) The form shall be provided to each person whose name appears on the
 7 traffic accident report and shall be signed by each person involved in the
 8 traffic accident at the site of the accident.

9 (B) In the event a person involved in the traffic accident is unable to
 10 sign the form provided under subdivision (3) of this section, subdivision (1)
 11 of this section shall apply.

12 (3) The Office of Driver Services of the Revenue Division of the
 13 Department of Finance and Administration shall establish a form which it shall
 14 make available for the purpose of determining whether the person or entity
 15 requesting the information is eligible to receive the information as provided
 16 under subdivisions (1) and (2) of this subsection.

17 (4) The Office of Driver Services of the Revenue Division of the
 18 Department of Finance and Administration, the Department of Arkansas State
 19 Police, the county sheriffs office, the municipal police office and any other
 20 law enforcement agency authorized to prepare traffic reports shall not release
 21 a copy of the accident report before the expiration of the period established
 22 under subdivision (1) of this subsection, except as provided for by that
 23 subdivision.

24 (c) Thirty (30) days after the vehicle accident, an accident report
 25 prepared by a law enforcement officer or other person authorized to prepare
 26 traffic accident reports under Arkansas Code §12-9-110 is a public record and
 27 shall be open to public inspection."

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29 SECTION 3. Arkansas Code 27-53-210(a) is amended to read as follows:

30 "(a) Photostatic or written copies of reports and records may be
 31 obtained from the Director of the Department of Arkansas State Police, or from
 32 his duly designated assistants, by any person ~~who shall request the department~~
 33 ~~for them in writing~~ authorized under Arkansas Code § 27-53-209."

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35 SECTION 4. Arkansas Code 27-19-407 is amended to read as follows:

36 "27-19-407. Public inspection of records.

1 All records of the office shall be open to public inspection at any
 2 reasonable time~~er~~ , except for motor vehicle accident reports. Motor vehicle
 3 accident reports shall be open to public inspection in accordance with
 4 Arkansas Code § 27-53-209."

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6 SECTION 5. Arkansas Code 27-19-510 is amended to read as follows:
 7 "27-19-510. Confidentiality of information.

8 (a) Accident reports and supplemental information in connection
 9 therewith required under this subchapter may be examined by any person named
 10 in the report or his representative designated in writing but shall not be
 11 open to general public inspection, nor shall copying of lists of accident
 12 reports be permitted until thirty (30) days after the vehicle accident."

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14 SECTION 6. All provisions of this act of a general and permanent nature
 15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 7. If any provision of this act or the application thereof to
 19 any person or circumstance is held invalid, such invalidity shall not affect
 20 other provisions or applications of the act which can be given effect without
 21 the invalid provision or application, and to this end the provisions of this
 22 act are declared to be severable.

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24 SECTION 8. All laws and parts of laws in conflict with this act are
 25 hereby repealed.

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