

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/3/09 S2/10/09 H3/4/09

A Bill

SENATE BILL 251

5 By: Senator Altes
6 By: Representative Perry
7

For An Act To Be Entitled

8
9
10 AN ACT TO PROVIDE THAT MOTOR VEHICLE ACCIDENT
11 REPORTS SHALL NOT BE USED FOR COMMERCIAL PURPOSES
12 FOR *THIRTY (30)* DAYS AFTER THE ACCIDENT; AND FOR
13 OTHER PURPOSES.
14

Subtitle

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16
17 TO PROVIDE THAT MOTOR VEHICLE ACCIDENT
18 REPORTS SHALL NOT BE USED FOR COMMERCIAL
19 PURPOSES FOR *THIRTY (30)* DAYS AFTER THE
20 ACCIDENT.
21

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 27-53-209 is amended to read as follows:

26 27-53-209. Reports open to public inspection.

27 (a) As used in this section:

28 (1) "Accident" or "motor vehicle accident" means contact between
29 a motor vehicle and one (1) or more of the following:

30 (A) Another motor vehicle;

31 (B) A pedestrian;

32 (C) An item, object, or animal, whether on a public road,
33 street, or highway or on private property;

34 (2)(A) "Commercial solicitation" means an attempt to use or
35 offer for use information contained in a motor vehicle accident report to
36 solicit a:



1 (i) Person named in the motor vehicle accident
2 report;

3 (ii) Relative of the person; or

4 (iii) Professional, business, or commercial
5 relation.

6 (B) "Commercial solicitation" does not include:

7 (i) Publication by a newspaper, a broadcast by a
8 radio or television broadcaster, or other news media source of information
9 for news purposes; or

10 (ii) Obtaining information to verify or settle
11 claims by insurance companies or attorneys retained by a party to the
12 accident; and

13 (3)(A) "Motor vehicle accident report" means the report of a
14 motor vehicle accident required under § 27-53-206, a supplemental report to a
15 motor vehicle accident report, or other report regarding a motor vehicle
16 accident that occurred within the State of Arkansas on a form prescribed or
17 used by the Department of Arkansas State Police, the Arkansas Highway Police
18 Division of the Arkansas State Highway and Transportation Department, or a
19 police department or sheriff's department within the State of Arkansas.

20 (B) "Motor vehicle accident report" does not include the
21 report required by § 27-19-501.

22 (b)(1) All Except as provided in subsection (c) of this section, motor
23 vehicle accident reports made by the Department of Arkansas State Police or a
24 county or municipal law enforcement agency, and its ~~records~~ record of traffic
25 violations, shall be open to public inspection at all reasonable times.

26 (2) However, the motor vehicle accident report shall not be used
27 for commercial solicitation for thirty (30) days after a motor vehicle
28 accident report is prepared.

29 (c)(1) A knowing violation of this section is a Class A misdemeanor.

30 (2) Upon a second subsequent conviction within three (3) years
31 of a prior conviction, a person violating this section shall be guilty of a
32 Class D felony.

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35 /s/ Altes
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