

1 State of Arkansas *As Engrossed: S2/5/13 S2/20/13 H4/3/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 225

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5 By: Senator E. Williams

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For An Act To Be Entitled

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AN ACT TO PROTECT THE IDENTITIES OF CHILDREN FROM

9

BEING DISCLOSED TO THE PUBLIC IN MOTOR VEHICLE

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ACCIDENT AND INVESTIGATION REPORTS; AND FOR OTHER

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PURPOSES.

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Subtitle

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TO PROTECT THE IDENTITIES OF CHILDREN

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FROM BEING DISCLOSED TO THE PUBLIC IN

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MOTOR VEHICLE ACCIDENT AND INVESTIGATION

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REPORTS.

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

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SECTION 1. Arkansas Code § 27-53-202(b), regarding accident reports and supplemental reports, is amended to read as follows:

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(b)(1)(A) In addition to the requirements of subsection (a) of this section, the driver of any taxicab, motor bus, or other motor vehicle carrying passengers for hire involved in an accident resulting in injury to or death of any person shall notify the nearest law enforcement agency immediately.

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(B) The ~~drivers~~ driver of any taxicab, motor bus, or other motor vehicle carrying passengers for hire shall make ~~themselves~~ himself or herself readily available to the investigating agency's office or officers.

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(2)(A) ~~The~~ Except as provided under subdivision (b)(2)(B) of this section, the accident report shall contain a full and complete list of the names and addresses of all passengers occupying the taxicab, bus, or other vehicle at the time of the accident.

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1 (B) The name and address of a minor occupant who is under
 2 eighteen (18) years of age shall be included in the report, but the name and
 3 address of the minor occupant shall:

4 (i) Not be open to public inspection under this
 5 subchapter or the Freedom of Information Act of 1967, § 25-19-101 et seq.,
 6 unless the requestor is:

7 (a) The parent, legal guardian, or legal custodian of
 8 the minor occupant; or

9 (b) A representative of an insurance company that
 10 insures a person involved in the accident.; and

11 (ii) Be redacted on copies, including without
 12 limitation written, photostatic, or electronic copies, produced under this
 13 subchapter or the Freedom of Information Act of 1967, § 25-19-101 et seq.,
 14 unless the requestor is identified in subdivision (b)(2)(B)(i) of this
 15 section.

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 17 SECTION 2. Arkansas Code § 27-53-202 is amended to add an additional
 18 subsection to read as follows:

19 (e) Information contained in any other accident report is governed by
 20 subdivision (b)(2)(B) of this section.

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 22 SECTION 3. Arkansas Code § 27-53-208(a), regarding use of accident
 23 reports and supplemental reports, is amended to read as follows:

24 (a)(1) All required accident reports and supplemental reports shall be
 25 without prejudice to the individual so reporting and ~~shall be~~ are for the use
 26 of the Department of Arkansas State Police.

27 (2)(A) The Department of Arkansas State Police may disclose the
 28 identity of a person involved in an accident when the identity is not
 29 otherwise known or when the person denies his or her presence at the
 30 accident.

31 (B) They Except as provided under § 27-53-202(b)(2)(B),
 32 the department may disclose to any person involved in the accident or to
 33 ~~their~~ his or her attorney or agent the name and address of any ~~and all~~
 34 occupants and passengers in any of the vehicles involved in the accident as
 35 may be shown by the reports.

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1 SECTION 4. Arkansas Code § 27-53-209 is amended to read as follows:
2 27-53-209. Reports open to public inspection.

3 ~~All~~ Except as provided under § 27-53-202(b)(2)(B), all motor vehicle
4 accident reports made by the Department of Arkansas State Police, and its
5 records of traffic violations, shall be open to public inspection at all
6 reasonable times.

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8 SECTION 5. Arkansas Code § 27-53-210(a), regarding copies and fees for
9 accident reports, is amended to read as follows:

10 (a) ~~Photostatic~~ Except as provided under § 27-53-202(b)(2)(B),
11 photostatic or written copies of reports and records may be obtained from the
12 Director of the Department of Arkansas State Police, or from his or her duly
13 designated assistants, by any person who ~~shall request the Department of~~
14 ~~Arkansas State Police for them in writing~~ makes a written request for them to
15 the department.

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17 SECTION 6. Arkansas Code § 27-53-305(a), regarding reports to be
18 public records, is amended to read as follows:

19 (a) ~~All~~ Except as provided under § 27-53-202(b)(2)(B), all traffic
20 accident investigating officers' reports ~~shall be~~ are public records and ~~be~~
21 open to public inspection at all reasonable times.

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23 SECTION 7. EFFECTIVE DATE. This act is effective on and after January
24 1, 2015.

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27 /s/E. Williams

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30 **APPROVED: 04/16/2013**