

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H2/13/17 H3/7/17

A Bill

HOUSE BILL 1403

5 By: Representative Boyd
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE PUBLIC DISCLOSURE OF AN
10 ACCIDENT REPORT; AND FOR OTHER PURPOSES.
11

Subtitle

14 CONCERNING THE PUBLIC DISCLOSURE OF AN
15 ACCIDENT REPORT.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 *SECTION 1. Arkansas Code § 27-19-510 is amended to read as follows:*

21 *27-19-510. Confidentiality of information.*

22 ~~*Accident reports and supplemental information in connection therewith*~~
23 ~~*required under this subchapter may be examined by any person named in the*~~
24 ~~*report or his or her representative designated in writing but shall not be*~~
25 ~~*open to general public inspection, nor shall copying of lists of accident*~~
26 ~~*reports be permitted.*~~

27 *(a) Until thirty (30) days have elapsed since the date of the*
28 *completion of an accident report and except as provided in subsections (c)*
29 *and (d) of this section, an accident report and supplemental information*
30 *containing personal information as defined under 18 U.S.C. § 2725(3), as it*
31 *existed on January 1, 2017, in connection with the accident report required*
32 *under this subchapter is privileged, exempt from disclosure under the Freedom*
33 *of Information Act of 1967, § 25-19-101 et seq., and available only for the*
34 *confidential use of:*

35 *(1) The law enforcement entity that prepared the accident*
36 *report; or*



1 (2) A federal or state agency, or a local government of this
2 state that uses the information contained in an accident report or
3 supplemental information for accident prevention purposes.

4 (b) At any time, following the completion of an accident report, on
5 written request and payment of any required fee, the law enforcement entity
6 or government entity shall release an accident report and any supplemental
7 information to:

8 (1) An entity described by subsection (a) of this section;

9 (2) The law enforcement agency that employs the law enforcement
10 officer who investigated the accident and who sent the information to the law
11 enforcement agency, or an agent of the law enforcement agency authorized by
12 contract to receive the information;

13 (3) The court in which a case involving a person involved in the
14 accident is pending if the report is subpoenaed; or

15 (4) A person directly concerned in the accident or having a
16 proper interest in the accident, including:

17 (A) A person involved in the accident;

18 (B) The authorized legal representative of a person
19 involved in the accident;

20 (C) A driver or passenger involved in the accident;

21 (D) A person who owns or leases an interest in property
22 actually damaged in the accident;

23 (E) A person who is a prosecuting attorney or a law
24 enforcement officer;

25 (F) An attorney who represents a party to a civil or
26 criminal action involving the accident;

27 (G) An employer, parent, or legal guardian of a driver
28 involved in the accident;

29 (H) A person who has established financial responsibility
30 for a vehicle involved in the accident, including a policyholder of a motor
31 vehicle liability insurance policy covering the vehicle;

32 (I) An insurance company that issued an insurance policy
33 covering a vehicle involved in the accident;

34 (J) An insurance company that issued an insurance policy
35 covering a person involved in the accident;

36 (K) A person under contract to provide claims or

1 underwriting information to a person described in subdivisions (b)(4)(H)-(J)
2 of this section;

3 (L) A radio or television station that holds a license
4 issued by the Federal Communications Commission;

5 (M) A newspaper that:

6 (i) Is a print newspaper of general circulation
7 qualified to publish legal notices;

8 (ii) Is published at least one (1) time per week;

9 (iii) Is available and of interest to the general
10 public in connection with the dissemination of news;

11 (iv) Devotes not less than twenty-five percent (25%)
12 of its total column lineage to general interest items; and

13 (v) Has been published regularly and continuously
14 for at least twelve (12) months before the government entity issues the
15 accident report; or

16 (N) A person who may have standing to file a lawsuit
17 because of a death or injury resulting from the accident.

18 (c) In addition to an accident report and supplemental information
19 that may be released under subsection (b) of this section, the law
20 enforcement agency or government entity may release in an electronic format
21 the vehicle identification number and specific accident information relating
22 to that vehicle.

23 (d) The compiling, copying, or distribution of a list of accident
24 reports to a person who is not employed by the agency that is the custodian
25 of the reports or to a person who is not employed by an authorized agent
26 under contract to receive the information under this section is not permitted
27 under this subchapter.

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29 SECTION 2. Arkansas Code § 27-53-209 is amended to read as follows:
30 27-53-209. Reports open to public inspection.

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

35 (a) Until thirty (30) days has elapsed since the date of the
36 completion of an accident report and except as provided in subsection (c) of

1 this section, an accident report and supplemental information in connection
2 with an accident report required under this subchapter is privileged, exempt
3 from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et
4 seq., and available only for the confidential use of:

5 (1) The law enforcement entity that prepared the accident
6 report; or

7 (2) A federal or state agency, or a local government of this
8 state that uses the information contained in an accident report or
9 supplemental information for accident prevention purposes.

10 (b) At any time, following the completion of an accident report, on
11 written request and payment of any required fee, the law enforcement entity
12 or government entity shall release an accident report and any supplemental
13 information to:

14 (1) An entity described by subsection (a) of this section;

15 (2) The law enforcement agency that employs the law enforcement
16 officer who investigated the accident and sent the information to the law
17 enforcement agency;

18 (3) The court in which a case involving a person involved in the
19 accident is pending if the report is subpoenaed; or

20 (4) A person directly concerned in the accident or having a
21 proper interest in the accident, including:

22 (A) A person involved in the accident;

23 (B) The authorized legal representative of a person
24 involved in the accident;

25 (C) A driver or passenger involved in the accident;

26 (D) A person who owns or leases an interest in property
27 actually damaged in the accident;

28 (E) A person who is a prosecuting attorney or a law
29 enforcement officer;

30 (F) An attorney who represents a party to a civil or
31 criminal action involving the accident;

32 (G) An employer, parent, or legal guardian of a driver
33 involved in the accident;

34 (H) A person who has established financial responsibility
35 for a vehicle involved in the accident, including a policyholder of a motor
36 vehicle liability insurance policy covering the vehicle;

1 (I) An insurance company that issued an insurance policy
2 covering a vehicle involved in the accident;

3 (J) An insurance company that issued an insurance policy
4 covering a person involved in the accident;

5 (K) A person under contract to provide claims or
6 underwriting information to a person described in subdivisions (b)(4)(H)-(J)
7 of this section;

8 (L) A radio or television station that holds a license
9 issued by the Federal Communications Commission;

10 (M) A newspaper that:

11 (i) Is a print newspaper of general circulation
12 qualified to publish legal notices;

13 (ii) Is published at least one (1) time per week;

14 (iii) Is available and of interest to the general
15 public in connection with the dissemination of news;

16 (iv) Devotes not less than twenty-five percent (25%)
17 of its total column lineage to general interest items; and

18 (v) Has been published regularly and continuously
19 for at least twelve (12) months before the government entity issues the
20 accident report; or

21 (N) A person who may have standing to file a lawsuit
22 because of a death or injury resulting from the accident.

23 (c) The compiling, copying, or distribution of a list of accident
24 reports to a person not employed by an agency that is the custodian of the
25 reports under this section is not permitted under this subchapter.

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27 SECTION 3. Arkansas Code § 27-53-305 is amended to read as follows:

28 27-53-305. Reports to be public records.

29 ~~(a) Except as provided under § 27-53-202(b)(2)(B), all traffic~~
30 ~~accident investigating officers' reports are public records and open to~~
31 ~~public inspection at all reasonable times.~~

32 ~~(b) Photostatic or written copies of the reports may be obtained from~~
33 ~~the Department of Arkansas State Police in the same manner and for the same~~
34 ~~fees as prescribed by § 27-53-210 for the motor vehicle accident reports made~~
35 ~~by members of the Department of Arkansas State Police.~~

36 (a) Until thirty (30) days have elapsed since the date of the

1 completion of a traffic accident report and except as provided in subsection
2 (c) of this section, a traffic accident report and supplemental information
3 in connection with a traffic accident report required under this subchapter
4 is privileged, exempt from disclosure under the Freedom of Information Act of
5 1967, § 25-19-101 et seq., and available only for the confidential use of:

6 (1) The law enforcement entity that prepared the accident
7 report; or

8 (2) A federal or state agency, or a local government of this
9 state that uses the information contained in an accident report or
10 supplemental information for accident prevention purposes.

11 (b) At any time, following the completion of an accident report, on
12 written request and payment of any required fee, the law enforcement entity
13 or government entity shall release an accident report and any supplemental
14 information to:

15 (1) An entity described by subsection (a) of this section;

16 (2) The law enforcement agency that employs the law enforcement
17 officer who investigated the accident and sent the information to the law
18 enforcement agency;

19 (3) The court in which a case involving a person involved in the
20 accident is pending if the report is subpoenaed; or

21 (4) A person directly concerned in the accident or having a
22 proper interest in the accident, including:

23 (A) A person involved in the accident;

24 (B) The authorized legal representative of a person
25 involved in the accident;

26 (C) A driver or passenger involved in the accident;

27 (D) A person who owns or leases an interest in property
28 actually damaged in the accident;

29 (E) A person who is a prosecuting attorney or a law
30 enforcement officer;

31 (F) An attorney who represents a party to a civil or
32 criminal action involving the accident;

33 (G) An employer, parent, or legal guardian of a driver
34 involved in the accident;

35 (H) A person who has established financial responsibility
36 for a vehicle involved in the accident, including a policyholder of a motor

1 vehicle liability insurance policy covering the vehicle;

2 (I) An insurance company that issued an insurance policy
3 covering a vehicle involved in the accident;

4 (J) An insurance company that issued an insurance policy
5 covering a person involved in the accident;

6 (K) A person under contract to provide claims or
7 underwriting information to a person described in subdivisions (b)(4)(H)–(J)
8 of this section;

9 (L) A radio or television station that holds a license
10 issued by the Federal Communications Commission;

11 (M) A newspaper that:

12 (i) Is a print newspaper of general circulation
13 qualified to publish legal notices;

14 (ii) Is published at least one (1) time per week;

15 (iii) Is available and of interest to the general
16 public in connection with the dissemination of news;

17 (iv) Devotes not less than twenty-five percent (25%)
18 of its total column lineage to general interest items; and

19 (v) Has been published regularly and continuously
20 for at least twelve (12) months before the government entity issues the
21 accident report; or

22 (N) A person who may have standing file a lawsuit because
23 of a death or injury resulting from the accident.

24 (c) The compiling, copying, or distribution of a list of accident
25 reports to a person not employed by an agency that is the custodian of the
26 reports under this section is not permitted under this subchapter.

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28 /s/Boyd
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