

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1403

Amendment Number: H1

Bill Subtitle: CONCERNING THE PUBLIC DISCLOSURE OF AN ACCIDENT REPORT.

Basic Change :

Sponsors: Representative Boyd and Senator Irvin

HB1403, as amended by H1, provides that accident reports and supplemental information in connection with an accident report shall not be open to general public inspection and are exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., until thirty (30) days have elapsed since the date of the accident. Also, the compiling, copying or distribution of a list of accident reports to a person not employed by an agency that is the custodian of the reports is not permitted.

The traffic accident report and supplemental information in connection with a traffic accident report may be examined by any person named in the report or their representative designated in writing at any time. They are not required to wait the 30 day period. This amendment adds the following persons who may view the report before the 30-day limit for their confidential use:

1. The law enforcement entity that prepared the accident report;
2. A federal or state agency or local government that uses the information for accident prevention purposes;
3. The law enforcement agency that employs the law enforcement officer who investigated the accident;
4. The court in which a case involving a person in the accident is pending if the report is subpoenaed;
5. A person who owns or leases an interest in property actually damaged in the accident;
6. A person who is a prosecuting attorney or a law enforcement officer;
7. An attorney who represents a party to a civil or criminal action involving the accident;
8. A person who has established financial responsibility for a vehicle involved in the accident, including a policyholder of a motor vehicle liability insurance policy covering the vehicle;
9. An insurance company that issued an insurance policy covering a vehicle involved in the accident;
10. A person under contract to provide claims or underwriting information;
11. A radio or television station that holds a license issued by the Federal Communications Commission;
12. A newspaper that is a print newspaper of general circulation qualified to publish legal notices; is published at least one time per week; is available and of interest to the general public in connection with the dissemination of news; devotes not less than 25% of its total column lineage to general interest items; and has been published regularly and continuously for at least twelve months before the government entity issues the accident report; or
13. A person who may have standing to file a lawsuit because of a death or injury resulting from the accident.

Revenue Impact :

None.

Taxpayer Impact :

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The general public not involved in the accident and not listed in the exemptions provided in this amendment will have access to accident reports 30 days after the date of the accident if this bill is passed.

Resources Required :

None.

Time Required :

Adequate time is provided for implementation.

Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

HB1403 prevents the release of traffic accident reports and information to the public for thirty days after the date of the accident. HB1403-H1 lists exceptions to the thirty day restriction to include federal and state agencies, insurance companies, other parties to the accident, news reporters, employers, anyone who may have a claim based on the accident, among other exceptions. DFA records accident reports for driving records. HB1403-H1 allows DFA to receive accident reports sooner than the thirty day restriction.