

INTERIM STUDY PROPOSAL 2009-212

1 State of Arkansas
2 87th General Assembly
3 First Extraordinary Session, 2010

A Bill

Call Item ##
MAG/CDS
SENATE BILL

5
6 By: Senator Altes

7
8 Filed with: Senate Committee on Transportation, Technology and Legislative Affairs
9 pursuant to A.C.A. §10-3-217.

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11 **For An Act To Be Entitled**

12 AN ACT TO PROVIDE THAT MOTOR VEHICLE ACCIDENT
13 REPORTS SHALL NOT BE USED FOR COMMERCIAL PURPOSES
14 FOR NINETY (90) DAYS AFTER THE ACCIDENT; AND FOR
15 OTHER PURPOSES.

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18 **Subtitle**

19 TO PROVIDE THAT MOTOR VEHICLE ACCIDENT
20 REPORTS SHALL NOT BE USED FOR COMMERCIAL
21 PURPOSES FOR NINETY (90) DAYS AFTER THE
22 ACCIDENT.

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

26
27 SECTION 1. Arkansas Code § 27-53-209 is amended to read as follows:
28 27-53-209. Reports open to public inspection.

29 (a) As used in this section:

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

32 (A) Another motor vehicle;

33 (B) A pedestrian;

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

36 (2)(A) "Commercial solicitation" means an attempt to use or

1 offer for use information contained in a motor vehicle accident report to
2 solicit a:

3 (i) Person named in the motor vehicle accident
4 report;

5 (ii) Relative of the person; or

6 (iii) Professional, business, or commercial
7 relation.

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

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

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

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

22 (B) "Motor vehicle accident report" does not include the
23 report required by § 27-19-501;

24 (4) "Newspaper" means a news publication that:

25 (A) Bears a fixed title or name;

26 (B) Is published at a fixed place of business;

27 (C) Issues regularly at fixed intervals at least one (1)
28 time each week;

29 (D) Has a second-class mailing privilege; and

30 (E) Has at least four (4) pages of five (5) columns each;
31 and

32 (5) "Radio or television broadcaster" means a radio station or
33 television station that is licensed by the Federal Communications Commission
34 and which provides news reports to the public or its listeners.

35 (b) All Except as provided in subsection (c) of this section, motor
36 vehicle accident reports made by the Department of Arkansas State Police or a

1 county or municipal law enforcement agency, and its ~~records~~ record of traffic
2 violations, shall be open to public inspection at all reasonable times
3 confidential and shall not be used for commercial solicitation for ninety
4 (90) days after a motor vehicle accident report is prepared.

5 (c) An accident report is to be open to:

6 (1) A person involved in the accident;

7 (2) A person who sustains property damage resulting from
8 the accident;

9 (3) A legal representative of a person involved in the accident,
10 but only upon providing a written statement that the legal representative is
11 authorized to act on behalf of the person involved in the collision;

12 (4) A local, county, state, or federal law enforcement agency;

13 (5) A state or federal agency required by law to receive the
14 report;

15 (6) A person or agency that is authorized to receive the report
16 under an agreement entered into by the State of Arkansas;

17 (7) Insurance agents of a person involved in the accident;

18 (8) Insurers of a person involved in the accident;

19 (9) A prosecuting attorney, United States Attorney, or an
20 attorney who is authorized to charge violations of any local, state, or
21 federal law in a court of competent jurisdiction;

22 (10) A newspaper;

23 (11) A radio or television broadcaster;

24 (12) A licensed private investigator employed by a person
25 involved in the accident; or

26 (13) A person engaged in the profession of reconstructing motor
27 vehicle accidents who is employed by a person involved in the accident.

28 (d) A newspaper or radio or television broadcaster that receives a
29 motor vehicle accident report shall not provide a copy of the report within
30 ninety (90) days of the motor vehicle accident to a person not entitled to
31 receive a copy under subsection (b) of this section.

32 (e) An employee of a local, county, or state department or agency
33 shall not permit a person to receive, examine, or reproduce a motor vehicle
34 accident report unless the person requesting the report is authorized to
35 receive a copy of the report under subsection (b) of this section.

36 (f) A person, other than an employee of a local, state, or federal

1 department or agency or a party to the accident, who requests a motor vehicle
2 accident report within ninety (90) days of the date of the accident shall be
3 required to state in writing and under penalty of perjury that the motor
4 vehicle accident report will not be examined, reproduced, or used for
5 commercial solicitation purposes.

6 (g) A knowing violation of this section is a Class A misdemeanor.

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