

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

A Bill

HOUSE BILL 2211

4
5 By: Representative Perry
6 By: Senator Altes

For An Act To Be Entitled

10 AN ACT TO DISCOURAGE THE FILING OF FRIVOLOUS
11 INSURANCE CLAIMS; TO PROMOTE INFORMED DECISIONS
12 FOLLOWING A MOTOR VEHICLE ACCIDENT; AND FOR OTHER
13 PURPOSES.

Subtitle

16 TO DISCOURAGE THE FILING OF FRIVOLOUS
17 INSURANCE CLAIMS; TO PROMOTE INFORMED
18 DECISIONS FOLLOWING A MOTOR VEHICLE
19 ACCIDENT.

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

23
24 SECTION 1. Findings and legislative intent. Not to be codified.

25 (a) The General Assembly finds that:

26 (1) The citizens of this state are routinely inundated with
27 unsolicited offers for claims settlement and claims litigation assistance
28 following a motor vehicle accident; and

29 (2) The information provided to citizens following a motor
30 vehicle accident can be confusing or misleading, and can prohibit informed
31 decision-making by a victim of a motor vehicle accident.

32 (b) The purpose of the amendment of this section is to promote
33 informed decisions following a motor vehicle accident and to discourage the
34 filing of frivolous insurance claims.

35
36 SECTION 2. Arkansas Code § 27-53-209 is amended to read as follows:



1 27-53-209. Reports open to public inspection – Exception.

2 (a) As used in this section:

3 (1) “Accident” or “motor vehicle accident” means contact on a
 4 public road, street, or highway or on private property between a motor
 5 vehicle and one (1) or more of the following:

6 (A) Another motor vehicle;

7 (B) A pedestrian; or

8 (C) An item, object, or animal;

9 (2)(A) “Commercial solicitation” means to use or attempt to use
 10 information contained in a motor vehicle accident report to offer services
 11 for a fee to:

12 (i) An individual named in a motor vehicle accident
 13 report;

14 (ii) A relative of an individual named in a motor
 15 vehicle accident report; or

16 (iii) An individual or business entity that provides
 17 services in connection with a motor vehicle accident.

18 (B) “Commercial solicitation” does not include:

19 (i) Publication by a newspaper, by a radio or
 20 television broadcast, or by the news media for news purposes; or

21 (ii) Actions by an insurance company or attorney
 22 retained by a party to an accident to obtain information to verify or settle
 23 a claim or potential claim; and

24 (3)(A) “Motor vehicle accident report” means the report of a
 25 motor vehicle accident required under § 27-53-206, a supplemental report to a
 26 motor vehicle accident report, or a similar report regarding a motor vehicle
 27 accident that occurred within the State of Arkansas on a form prescribed or
 28 used by the Department of Arkansas State Police, the Arkansas Highway Police
 29 Division of the Arkansas State Highway and Transportation Department, a
 30 police department, or a sheriff’s office within the State of Arkansas.

31 (B) “Motor vehicle accident report” does not include the
 32 report required by § 27-19-501.

33 (b)(1) ~~All~~ Except as provided in subdivision (b)(2) of this section,
 34 motor vehicle accident reports made by the Department of Arkansas State
 35 Police, the Arkansas Highway Police Division of the Arkansas State Highway
 36 and Transportation Department, a police department, or a sheriff’s office,

1 and ~~its~~ their records of traffic violations, shall be open to public
2 inspection at all reasonable times.

3 (2) A motor vehicle accident report shall not be used for
4 commercial solicitation for thirty (30) days after the motor vehicle accident
5 report is prepared.

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

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