

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  
4

As Engrossed: S2/3/09 S2/10/09

# A Bill

SENATE BILL 251

5 By: Senator Altes  
6  
7

## For An Act To Be Entitled

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

## Subtitle

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 27-53-209 is amended to read as follows:  
25 27-53-209. Reports open to public inspection.

26 (a) As used in this section:

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

29 (A) Another motor vehicle;

30 (B) A pedestrian;

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

33 (2)(A) "Commercial solicitation" means an attempt to use or  
34 offer for use information contained in a motor vehicle accident report to  
35 solicit a:

36 (i) Person named in the motor vehicle accident



1 report;

2 (ii) Relative of the person; or

3 (iii) Professional, business, or commercial

4 relation.

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

6 (i) Publication by a newspaper, a broadcast by a  
7 radio or television broadcaster, or other news media source of information  
8 for news purposes; or

9 (ii) Obtaining information to verify or settle  
10 claims by insurance companies or attorneys retained by a party to the  
11 accident;

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

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

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

22 (A) Bears a fixed title or name;

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

24 (C) Issues regularly at fixed intervals at least one (1)  
25 time each week; and

26 (D) Has at least four (4) pages of five (5) columns each;

27 and

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

31 (b) All ~~Except~~ as provided in subsection (c) of this section, motor  
32 vehicle accident reports made by the Department of Arkansas State Police ~~or a~~  
33 county or municipal law enforcement agency, and its ~~records~~ record of traffic  
34 violations, shall be ~~open to public inspection at all reasonable times~~  
35 confidential and shall not be used for commercial solicitation for ninety  
36 (90) days after a motor vehicle accident report is prepared.

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

2                     (1) A person involved in the accident;

3                     (2) A person who sustains property damage resulting from  
4 the accident;

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

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

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

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

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

14                    (8) Insurers of a person involved in the *accident or a company*  
15 *as an agent on behalf of the insurer;*

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

19                    (10) A newspaper;

20                    (11) A radio or television broadcaster;

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

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

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

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

33           (f) A person, other than an employee of a local, state, or federal  
34 department or agency or a party to the accident, who requests a motor vehicle  
35 accident report within ninety (90) days of the date of the accident shall be  
36 required to state in writing and under penalty of perjury that the motor

1 vehicle accident report will not be examined, reproduced, or used for  
2 commercial solicitation purposes.

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

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