

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

As Engrossed: H2/13/17

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 has elapsed since the date of an accident*
28 *and except as provided in subsection (c) of this section, an accident report*
29 *and supplemental information in connection with an accident report required*
30 *under this subchapter is privileged, exempt from disclosure under the Freedom*
31 *of Information Act of 1967, § 25-19-101 et seq., and available only for the*
32 *confidential use of:*

33 *(1) The law enforcement entity that prepared the accident*
34 *report; or*

35 *(2) A federal or state agency, or a local government of this*
36 *state that uses the information contained in an accident report or*



1 supplemental information for accident prevention purposes.

2 (b) On written request and payment of any required fee, the law
3 enforcement entity or government entity shall release an accident report and
4 any supplemental information to:

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

6 (2) The law enforcement agency that employs the law enforcement
7 officer who investigated the accident and sent the information to the law
8 enforcement agency;

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

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

13 (A) A person involved in the accident;

14 (B) The authorized legal representative of a person
15 involved in the accident;

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

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

19 (E) A person who is a prosecuting attorney or a law
20 enforcement officer;

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

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

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

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

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

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

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

1 (M) A newspaper that:

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

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

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

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

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

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

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

17
18 SECTION 2. Arkansas Code § 27-53-209 is amended to read as follows:
19 27-53-209. Reports open to public inspection.

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

24 (a) Until thirty (30) days has elapsed since the date of an accident
25 and except as provided in subsection (c) of this section, an accident report
26 and supplemental information in connection with an accident report required
27 under this subchapter is privileged, exempt from disclosure under the Freedom
28 of Information Act of 1967, § 25-19-101 et seq., and available only for the
29 confidential use of:

30 (1) The law enforcement entity that prepared the accident
31 report; or

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

35 (b) On written request and payment of any required fee, the law
36 enforcement entity or government entity shall release an accident report and

1 any supplemental information to:

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

3 (2) The law enforcement agency that employs the law enforcement
4 officer who investigated the accident and sent the information to the law
5 enforcement agency;

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

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

10 (A) A person involved in the accident;

11 (B) The authorized legal representative of a person
12 involved in the accident;

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

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

16 (E) A person who is a prosecuting attorney or a law
17 enforcement officer;

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

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

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

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

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

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

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

34 (M) A newspaper that:

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

1 (ii) Is published at least one (1) time per week;
2 (iii) Is available and of interest to the general
3 public in connection with the dissemination of news;
4 (iv) Devotes not less than twenty-five percent (25%)
5 of its total column lineage to general interest items; and
6 (v) Has been published regularly and continuously
7 for at least twelve (12) months before the government entity issues the
8 accident report; or
9 (N) A person who may have standing to file a lawsuit
10 because of a death or injury resulting from the accident.

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

14
15 SECTION 3. Arkansas Code § 27-53-305 is amended to read as follows:
16 27-53-305. Reports to be public records.

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

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

24 (a) Until thirty (30) days has elapsed since the date of a traffic
25 accident and except as provided in subsection (c) of this section, a traffic
26 accident report and supplemental information in connection with a traffic
27 accident report required under this subchapter is privileged, exempt from
28 disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.,
29 and available only for the confidential use of:

30 (1) The law enforcement entity that prepared the accident
31 report; or

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

35 (b) On written request and payment of any required fee, the law
36 enforcement entity or government entity shall release an accident report and

1 any supplemental information to:

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

3 (2) The law enforcement agency that employs the law enforcement
4 officer who investigated the accident and sent the information to the law
5 enforcement agency;

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

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

10 (A) A person involved in the accident;

11 (B) The authorized legal representative of a person
12 involved in the accident;

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

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

16 (E) A person who is a prosecuting attorney or a law
17 enforcement officer;

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

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

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

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

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

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

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

34 (M) A newspaper that:

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

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

2 (iii) Is available and of interest to the general

3 public in connection with the dissemination of news;

4 (iv) Devotes not less than twenty-five percent (25%)

5 of its total column lineage to general interest items; and

6 (v) Has been published regularly and continuously

7 for at least twelve (12) months before the government entity issues the

8 accident report; or

9 (N) A person who may have standing file a lawsuit because

10 of a death or injury resulting from the accident.

11 (c) The compiling, copying, or distribution of a list of accident

12 reports to a person not employed by an agency that is the custodian of the

13 reports under this section is not permitted under this subchapter.

14
15 /s/Boyd
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36