

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H2/13/17 H3/7/17

## A Bill

HOUSE BILL 1403

By: Representative Boyd

By: Senator Irvin

### For An Act To Be Entitled

AN ACT CONCERNING THE PUBLIC DISCLOSURE OF AN  
ACCIDENT REPORT; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE PUBLIC DISCLOSURE OF AN  
ACCIDENT REPORT.

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

*SECTION 1. Arkansas Code § 27-19-510 is amended to read as follows:*

*27-19-510. Confidentiality of information.*

~~*Accident reports and supplemental information in connection therewith required under this subchapter may be examined by any person named in the report or his or her representative designated in writing but shall not be open to general public inspection, nor shall copying of lists of accident reports be permitted.*~~

*(a) Until thirty (30) days have elapsed since the date of the completion of an accident report and except as provided in subsections (c) and (d) of this section, an accident report and supplemental information containing personal information as defined under 18 U.S.C. § 2725(3), as it existed on January 1, 2017, in connection with the accident report required under this subchapter is privileged, exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., and available only for the confidential use of:*

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



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

(b) At any time, following the completion of an accident report, on written request and payment of any required fee, the law enforcement entity or government entity shall release an accident report and any supplemental information to:

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

(2) The law enforcement agency that employs the law enforcement officer who investigated the accident and who sent the information to the law enforcement agency, or an agent of the law enforcement agency authorized by contract to receive the information;

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

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

(A) A person involved in the accident;

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

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

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

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

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

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

(H) 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;

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

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

(K) A person under contract to provide claims or

underwriting information to a person described in subdivisions (b)(4)(H)-(J) of this section;

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

(M) A newspaper that:

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

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

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

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

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

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

(c) In addition to an accident report and supplemental information that may be released under subsection (b) of this section, the law enforcement agency or government entity may release in an electronic format the vehicle identification number and specific accident information relating to that vehicle.

(d) The compiling, copying, or distribution of a list of accident reports to a person who is not employed by the agency that is the custodian of the reports or to a person who is not employed by an authorized agent under contract to receive the information under this section is not permitted under this subchapter.

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

27-53-209. Reports open to public inspection.

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

(a) Until thirty (30) days has elapsed since the date of the completion of an accident report and except as provided in subsection (c) of

this section, an accident report and supplemental information in connection with an accident report required under this subchapter is privileged, exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., and available only for the confidential use of:

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

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

(b) At any time, following the completion of an accident report, on written request and payment of any required fee, the law enforcement entity or government entity shall release an accident report and any supplemental information to:

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

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

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

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

(A) A person involved in the accident;

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

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

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

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

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

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

(H) 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;

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

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

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

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

(M) A newspaper that:

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

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

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

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

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

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

(c) 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 under this section is not permitted under this subchapter.

SECTION 3. Arkansas Code § 27-53-305 is amended to read as follows:

27-53-305. Reports to be public records.

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

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

(a) Until thirty (30) days have elapsed since the date of the

completion of a traffic accident report and except as provided in subsection (c) of this section, a traffic accident report and supplemental information in connection with a traffic accident report required under this subchapter is privileged, exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., and available only for the confidential use of:

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

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

(b) At any time, following the completion of an accident report, on written request and payment of any required fee, the law enforcement entity or government entity shall release an accident report and any supplemental information to:

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

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

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

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

(A) A person involved in the accident;

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

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

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

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

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

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

(H) 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;

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

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

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

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

(M) A newspaper that:

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

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

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

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

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

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

(c) 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 under this section is not permitted under this subchapter.

/s/Boyd