

1 HB199
2 189441-2
3 By Representative Fridy
4 RFD: Public Safety and Homeland Security
5 First Read: 11-JAN-18

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8 SYNOPSIS: Under existing law, motor vehicle accident
9 reports are confidential.

10 This bill would further allow the Alabama
11 State Law Enforcement Agency to disclose motor
12 vehicle accident reports under certain
13 circumstances.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To amend Section 32-10-7, Code of Alabama 1975,
20 relating to motor vehicle accident reports; to provide that
21 the Alabama State Law Enforcement Agency may disclose motor
22 vehicle accident reports under certain circumstances.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 32-10-7, Code of Alabama 1975, is
25 amended to read as follows:

26 "§32-10-7.

1 "(a) Every law enforcement officer who in the
2 regular course of duty investigates a motor vehicle accident,
3 either at the time of and at the scene of the accident or
4 thereafter by interviewing participants or witnesses, shall,
5 within 24 hours after completing such investigation, forward
6 the necessary completed written report or copy thereof of such
7 accident to the director on the uniform accident report form
8 supplied by the director.

9 "(b) Accident reports prepared pursuant to this
10 section shall be made available to a news-gathering
11 organization solely for the purpose of publishing or
12 broadcasting the news. The news-gathering organization shall
13 not use or distribute the report, or knowingly allow its use
14 or distribution, for a commercial purpose other than the
15 news-gathering organization's publication or broadcasting of
16 the information in the report. A newspaper, periodical, or
17 radio or television station shall not be held to have used or
18 knowingly allowed the use of the report for a commercial
19 purpose merely because of its publication or broadcast. The
20 news-gathering organization shall not distribute the report or
21 any of the contents of the report, including personal
22 information contained in the report, to any third party for
23 any other purpose. For 30 days following the accident, the
24 Alabama State Law Enforcement Agency shall limit any personal
25 identifying information contained in any accident report
26 released pursuant to this subsection to the name and age of
27 the person involved. The complete report shall be made

1 available after that date. Except as provided above and in
2 subsection (c), disclosure of accident reports shall be made
3 only under the following circumstances:

4 "(1) When the identity of a person involved in an
5 accident is not otherwise known or when he or she denies his
6 or her presence at an accident.

7 "(2) When disclosure is directed by a properly
8 executed subpoena or court order.

9 "(3) When requested by any of the following persons:

10 "a. A person involved in the accident made the basis
11 of the accident report, including, but not limited to, drivers
12 of and passengers in the automobiles and pedestrians involved
13 in the accident that is the subject of the report.

14 "b. A parent or guardian of a minor who is a person
15 involved in the accident made the basis of the accident
16 report.

17 "c. A personal representative, executor, or other
18 legal representative of the estate of a deceased person who
19 was involved in the accident made the basis of the accident
20 report. Where no personal representative has been appointed by
21 a probate court of competent jurisdiction regarding the
22 probate or administration of the estate of a decedent, any
23 heir of the decedent shall be authorized to receive an
24 accident report. The authority of the heir to act on behalf of
25 the decedent shall terminate upon the appointment of a
26 personal representative of the estate of the decedent. The
27 Alabama State Law Enforcement Agency or local law enforcement

1 agency may rely upon the affidavit of the heir stating that he
2 or she meets the requirements of this section, and that a
3 personal representative has not been appointed by a probate
4 court with respect to the estate of the decedent. For purposes
5 of this section, heir means a person who is entitled to a
6 distribution from the estate of an intestate decedent or a
7 person who would be entitled to a distribution from the estate
8 of a testate decedent if that decedent had died intestate.

9 "d. An insurer or its written designee of a person
10 involved in the accident made the basis of the accident
11 report, if the purpose of the request is for insurance
12 business purposes.

13 "e. An attorney of a person involved in the accident
14 made the basis of the accident report, or an employee of the
15 attorney.

16 "f. A governmental entity responsible for
17 maintenance, repair, and oversight of the public road or
18 bridge on which the accident occurred.

19 "g. An owner or lienholder of an automobile in the
20 accident that is the subject of the report.

21 "(c) The Alabama State Law Enforcement Agency, as a
22 matter of public safety, may contract with an outside entity
23 and release vehicle damage data extracted from accident
24 reports to such an entity if the data is used solely for the
25 purpose of providing the public a means of determining a
26 vehicle's accident history. The department may contract with a
27 third party to provide electronic access to reports for

1 persons and entities who are entitled to such reports under
2 subsection (b)."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.