

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 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1044

5 By: Representative D. Altes
6

For An Act To Be Entitled

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

Subtitle

12 TO PROVIDE THAT MOTOR VEHICLE ACCIDENT
13 REPORTS SHALL NOT BE USED FOR COMMERCIAL
14 PURPOSES FOR NINETY (90) DAYS AFTER THE
15 ACCIDENT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 27-53-209 is amended to read as follows:
23 27-53-209. Reports open to public inspection.

24 (a) As used in this section:

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

27 (A) Another motor vehicle;

28 (B) A pedestrian; or

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

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

34 (i) Person named in the motor vehicle accident
35 report;

36 (ii) Relative of the person; or



1 (iii) Professional, business, or commercial relation
 2 of the person.

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

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

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

10 (3)(A) "Motor vehicle accident report" means:

11 (i) The report of a motor vehicle accident required
 12 under § 27-53-206;

13 (ii) A supplemental report to a motor vehicle
 14 accident report; or

15 (iii) Any report regarding a motor vehicle accident
 16 that occurred within the State of Arkansas on a form prescribed or used by
 17 the Department of Arkansas State Police, the Arkansas Highway Police Division
 18 of the Arkansas State Highway and Transportation Department, or a police
 19 department or sheriff's department within the State of Arkansas.

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

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

23 (A) Bears a fixed title or name;

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

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

27 (D) Has a second-class mailing privilege; and

28 (E) Has at least four (4) pages of five (5) columns each;

29 and

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

33 (b) All ~~Except as provided in subsection (c) of this section, a motor~~
 34 vehicle accident ~~reports~~ report made by the Department of Arkansas State
 35 Police ~~or a county or municipal law enforcement agency,~~ and its ~~records~~
 36 ~~record~~ of traffic violations, shall be ~~open to public inspection at all~~

1 ~~reasonable times~~ confidential and shall not be used for commercial
2 solicitation for ninety (90) days after a motor vehicle accident report is
3 prepared.

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

5 (1) A person involved in the accident;

6 (2) A person who sustains property damage resulting from the
7 accident;

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

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

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

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

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

17 (8) Insurers of a person involved in the accident;

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

21 (10) Any reporter from each newspaper;

22 (11) Any radio or television broadcaster;

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

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

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

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

35 (f) A person, other than an employee of a local, state, or federal
36 department or agency or a party to the accident, who requests a motor vehicle

1 accident report within ninety (90) days of the date of the accident shall be
2 required to state in writing and under penalty of perjury that the motor
3 vehicle accident report will not be examined, reproduced, or used for
4 commercial solicitation purposes.

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

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