

1 AN ACT relating to vehicle accident reports.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189.635 is amended to read as follows:

- 4 (1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall
5 be responsible for maintaining a reporting system for all vehicle accidents which
6 occur within the Commonwealth. Such accident reports shall be utilized for such
7 purposes as will improve the traffic safety program in the Commonwealth involving
8 the collection, processing, storing, and dissemination of such data and the
9 establishment of procedures by administrative regulations to insure that uniform
10 definitions, classifications, and other federal requirements are in compliance.
- 11 (2) Any person operating a vehicle on the highways of this state who is involved in an
12 accident resulting in fatal or nonfatal personal injury to any person or damage to the
13 vehicle rendering the vehicle inoperable shall be required to immediately notify a
14 law enforcement officer having jurisdiction. In the event the operator fails to notify
15 or is incapable of notifying a law enforcement officer having jurisdiction, such
16 responsibility shall rest with the owner of the vehicle or any occupant of the vehicle
17 at the time of the accident. A law enforcement officer having jurisdiction shall
18 investigate the accident and file a written report of the accident with his ***or her*** law
19 enforcement agency.
- 20 (3) Every law enforcement agency whose officers investigate a vehicle accident of
21 which a report must be made as required in this chapter shall file a report of the
22 accident with the Department of Kentucky State Police within ten (10) days after
23 investigation of the accident upon forms supplied by the department.
- 24 (4) Any person operating a vehicle on the highways of this state who is involved in an
25 accident resulting in any property damage exceeding five hundred dollars (\$500) in
26 which an investigation is not conducted by a law enforcement officer shall file a
27 written report of the accident with the Department of Kentucky State Police within

- 1 ten (10) days of occurrence of the accident upon forms provided by the department.
- 2 (5) All accident reports filed with the Department of Kentucky State Police in
3 compliance with subsection (4) above shall not be considered open records under
4 KRS 61.872 to 61.884 and shall remain confidential except that the department may
5 disclose the identity of a person involved in an accident when his or her identity is
6 not otherwise known or when he or she denies his or her presence at an accident.
7 Except as provided in subsection (9) of this section, all other accident reports
8 required by this section, and the information contained in the reports, shall be
9 confidential and exempt from public disclosure except when produced pursuant to a
10 properly executed subpoena or court order, or except pursuant to subsection (8) of
11 this section. These reports shall be made available only to the parties to the
12 accident, the parents or guardians of a minor who is party to the accident, and
13 insurers or their written designee for insurance business purposes of any party who
14 is the subject of the report, or to the attorneys of the parties.
- 15 (6) Except as provided for in this subsection, the department shall not release accident
16 reports for a commercial purpose. The department may, as a matter of public safety,
17 contract with an outside entity and release vehicle damage data extracted from
18 accident reports to such an entity if the data is used solely for the purpose of
19 providing the public a means of determining a vehicle's accident history. The
20 department may further contract with a third party to provide electronic access to
21 reports for persons and entities who are entitled to such reports under subsections
22 (5) and (9) of this section.
- 23 (7) The department shall promulgate administrative regulations in accordance with
24 KRS Chapter 13A to set out a fee schedule for accident reports made available
25 pursuant to subsections (5), (8), and (9) of this section. These fees shall be in
26 addition to those charged to the public for records produced under KRS Chapter 61.
- 27 (8) (a) The report shall be made available to a news-gathering organization, solely for

1 the purpose of publishing or broadcasting the news. The news-gathering
2 organization shall not use or distribute the report, or knowingly allow its use
3 or distribution, for a commercial purpose other than the news-gathering
4 organization's publication or broadcasting of the information in the report.

5 **(b) A newspaper or periodical shall be considered a news-gathering**
6 **organization if it:**

7 **1. Is published at least fifty (50) of fifty-two (52) weeks during a calendar**
8 **year;**

9 **2. Contains at least twenty-five percent (25%) news content in each issue**
10 **or no more than seventy-five percent (75%) advertising content in any**
11 **issue in the calendar year; and**

12 **3. Contains news of general interest to its readers that can include news**
13 **stories, editorials, sports, weddings, births, and death notices.**

14 **(c)** A newspaper, periodical, or radio or television station shall not be held to
15 have used or knowingly allowed the use of the report for a commercial
16 purpose merely because of its publication or broadcast.

17 **(d) For the purposes of this section, the meaning of "news-gathering**
18 **organizations" does not include any product or publication:**

19 **1. Which is intended primarily for members of a particular profession or**
20 **occupational group; or**

21 **2. With the primary purpose of distributing advertising or of publishing**
22 **names and other personal identifying information concerning parties**
23 **to motor vehicle accidents which may be used to solicit for services**
24 **covered under Subtitle 39 of KRS Chapter 304.**

25 **(e) A request under this section shall be completed using a form promulgated**
26 **by the department through administrative regulations in accordance with**
27 **KRS Chapter 13A. The form under this paragraph shall include:**

- 1 1. The name and address of the requestor and the news-gathering
- 2 organization the requestor represents;
- 3 2. A statement that the requestor is a news-gathering organization under
- 4 this subsection;
- 5 3. A statement that the request is in compliance with the criteria
- 6 contained in this section; and
- 7 4. A declaration of the requestor as to the accuracy and truthfulness of
- 8 the information provided in the request.

9 (9) The report shall be made available without subpoena to any party to litigation who
10 files with the department a request for the report and includes a copy of the first
11 page of a District or Circuit Court clerk-stamped complaint naming all parties.

12 (10) The motor vehicle insurers of any train engineer or other train crew member
13 involved in an accident on a railroad while functioning in their professional capacity
14 shall be prohibited from obtaining a copy of any accident report filed on the
15 accident under this section without written consent from the individual the company
16 insures. Insurance companies issuing motor vehicle policies in the Commonwealth
17 shall be prohibited from raising a policyholder's rates solely because the
18 policyholder, in his or her professional capacity, is a train engineer or other train
19 crew member involved in an accident on a railroad.