

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~~[~~
7 ~~such]~~ purposes as will improve the traffic safety program in the Commonwealth
8 involving the collection, processing, storing, and dissemination of ***accident***~~[such]~~
9 data and the establishment of procedures by administrative regulations to ensure
10 that uniform definitions, classifications, and other federal requirements are in
11 compliance.

12 (2) Any person operating a vehicle on the highways of this state who is involved in an
13 accident resulting in fatal or nonfatal personal injury to any person or damage to the
14 vehicle rendering the vehicle inoperable shall be required to immediately notify a
15 law enforcement officer having jurisdiction. In the event the operator fails to notify
16 or is incapable of notifying a law enforcement officer having jurisdiction, ***this***~~[such]~~
17 responsibility shall rest with the owner of the vehicle or any occupant of the vehicle
18 at the time of the accident. A law enforcement officer having jurisdiction shall
19 investigate the accident and file a written report of the accident with his or her law
20 enforcement agency.

21 (3) ***(a)*** Every law enforcement agency whose officers investigate a vehicle accident
22 of which a report must be made as required in this chapter shall file a report of
23 the accident with the Department of Kentucky State Police within ten (10)
24 days after investigation of the accident upon forms supplied by the
25 department.

26 ***(b) A law enforcement agency may retain a copy of the reports that the agency***
27 ***is required to submit to the Department of Kentucky State Police under***

1 paragraph (a) of this subsection.

2 (c) As used in this section, "law enforcement agency" means any unit of
3 government listed in KRS 15.380 that employs a certified peace officer.

4 (4) Any person operating a vehicle on the highways of this state who is involved in an
5 accident resulting in any property damage exceeding five hundred dollars (\$500) in
6 which an investigation is not conducted by a law enforcement officer shall file a
7 written report of the accident with the Department of Kentucky State Police within
8 ten (10) days of occurrence of the accident upon forms provided by the department.

9 (5) (a) All accident reports filed with the Department of Kentucky State Police in
10 compliance with subsection (4) of this section shall not be considered open
11 records under KRS 61.870 to 61.884 and shall remain confidential, except that
12 the department may:

- 13 1. Disclose the identity of a person involved in an accident when his or her
14 identity is not otherwise known or when he or she denies his or her
15 presence at an accident; and
- 16 2. Make the reports available:
 - 17 a. To the persons named in paragraph (c) of this subsection; and
 - 18 b. In accordance with subsection (8) of this section.

19 (b) All other accident reports required by this section, and the information
20 contained in the reports, shall be confidential and exempt from public
21 disclosure under KRS 61.870 to 61.884, except when:

- 22 1. Produced pursuant to a properly executed subpoena or court order; or
- 23 2. Disclosed as provided in this section.

24 (c) Accident reports shall be made available to:

- 25 1. The parties to the accident;
- 26 2. The parents or guardians of a minor who is party to the accident;
- 27 3. Insurers or their written designee for insurance business purposes of any

- 1 party who is the subject of the report;
- 2 4. The attorneys of the parties to the accident;
- 3 5. Any party to litigation who files with the department a request for the
- 4 report and includes a copy of the first page of a District or Circuit Court
- 5 clerk-stamped complaint naming all parties; ~~and~~
- 6 6. The Department of Workplace Standards in the Education and Labor
- 7 Cabinet if the accident report is pertinent to an occupational safety and
- 8 health investigation; *and*

9 **7. A law enforcement agency.**

10 (6) (a) Except as provided for in paragraph (b) of this subsection, the department

11 shall not release accident reports for a commercial purpose.

12 (b) Notwithstanding any other provision of this section, the department ***or a law***

13 ***enforcement agency*** may, as a matter of public safety, contract with an

14 outside entity and release unredacted vehicle damage data extracted from

15 accident reports to the entity if the data is used solely for the purpose of

16 providing the public a means of determining a vehicle's accident history. The

17 department ***or a law enforcement agency*** may further contract with a third

18 party to provide electronic access to reports for persons and entities who are

19 entitled to the reports under subsection (5) of this section.

20 (7) The department shall promulgate administrative regulations in accordance with

21 KRS Chapter 13A to set out a fee schedule for accident reports made available

22 pursuant to subsections (5) and (8) of this section. These fees shall be in addition to

23 those charged to the public for records produced under KRS Chapter 61.

24 (8) (a) The report shall be made available to a news-gathering organization, solely

25 for the purpose of publishing or broadcasting the news. The news-gathering

26 organization shall not use or distribute the report, or knowingly allow its use

27 or distribution, for a commercial purpose other than the news-gathering

1 organization's publication or broadcasting of the information in the report.

2 (b) For the purposes of this subsection:

3 1. "News-gathering organization" includes:

4 a. A newspaper or periodical if it:

5 i. Is published at least fifty (50) of fifty-two (52) weeks during
6 a calendar year;

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

10 iii. Contains news of general interest to its readers that can
11 include news stories, editorials, sports, weddings, births, and
12 death notices;

13 b. A television or radio station with a valid broadcast license issued
14 by the Federal Communications Commission;

15 c. A news organization that broadcasts over a multichannel video
16 programming service as defined in KRS 136.602;

17 d. A website~~[Web site]~~ published by or affiliated with any entity
18 described in subdivision a., b., or c. of this subparagraph;

19 e. An online-only newspaper or magazine that publishes news or
20 opinion of interest to a general audience and is not affiliated with
21 any entity described in subparagraph 2. of this paragraph; and

22 f. Any other entity that publishes news content by any means to the
23 general public or to members of a particular profession or
24 occupational group; and

25 2. "News-gathering organization" does not include any product or
26 publication with the primary purpose of distributing advertising or of
27 publishing names and other personal identifying information concerning

1 parties to motor vehicle accidents which may be used to solicit for
2 services covered under Subtitle 39 of KRS Chapter 304.

3 (c) A news-gathering organization shall not be held to have used or knowingly
4 allowed the use of the report for a commercial purpose merely because of its
5 publication or broadcast.

6 (d) A request under this subsection shall be completed using a form promulgated
7 by the department through administrative regulations in accordance with KRS
8 Chapter 13A. The form under this paragraph shall include:

9 1. The name and address of the requestor and the news-gathering
10 organization the requestor represents;

11 2. A statement that the requestor is a news-gathering organization under
12 this subsection and identifying the specific subdivision of paragraph
13 (b)1. of this subsection under which the requester qualifies;

14 3. A statement that the request is in compliance with the criteria contained
15 in this section; and

16 4. A declaration of the requestor as to the accuracy and truthfulness of the
17 information provided in the request.

18 (e) 1. The department shall redact all personal information from a report prior
19 to making it available to a news-gathering organization as defined under
20 paragraph (b)1.f. of this subsection.

21 2. Reports may be provided to news-gathering organizations as defined
22 under paragraph (b)1.a. to e. of this subsection without redaction.

23 3. For the purposes of this paragraph, "personal information" means:

24 a. The address, driver's license number, phone number, date of birth,
25 and any other contact information contained in the report for each
26 person listed on the report; and

27 b. The vehicle identification number (VIN)~~numbers (VINs)~~ for

1 each vehicle listed on the report.

2 (9) The motor vehicle insurers of any train engineer or other train crew member
3 involved in an accident on a railroad while functioning in their professional
4 capacity shall be prohibited from obtaining a copy of any accident report filed on
5 the accident under this section without written consent from the individual the
6 company insures. Insurance companies issuing motor vehicle policies in the
7 Commonwealth shall be prohibited from raising a policyholder's rates solely
8 because the policyholder, in his or her professional capacity, is a train engineer or
9 other train crew member involved in an accident on a railroad.

10 (10) For reporting and statistical purposes, motor scooters and autocycles as defined in
11 KRS 186.010 shall be listed as a distinct category and shall not be considered to be
12 a motor vehicle or a motorcycle for reports issued under this section.