

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

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To amend Section 32-10-7, Code of Alabama 1975,
9 relating to motor vehicle accident reports; to provide that
10 the Alabama State Law Enforcement Agency may disclose motor
11 vehicle accident reports under certain circumstances.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§32-10-7.

16 "(a) Every law enforcement officer who in the
17 regular course of duty investigates a motor vehicle accident,
18 either at the time of and at the scene of the accident or
19 thereafter by interviewing participants or witnesses, shall,
20 within 24 hours after completing such investigation, forward
21 the necessary completed written report or copy thereof of such
22 accident to the director on the uniform accident report form
23 supplied by the director.

24 "(b) Accident reports prepared pursuant to this
25 section shall be made available to a news-gathering
26 organization solely for the purpose of publishing or
27 broadcasting the news. The news-gathering organization shall

1 not use or distribute the report, or knowingly allow its use
2 or distribution, for a commercial purpose other than the
3 news-gathering organization's publication or broadcasting of
4 the information in the report. A newspaper, periodical, or
5 radio or television station shall not be held to have used or
6 knowingly allowed the use of the report for a commercial
7 purpose merely because of its publication or broadcast. The
8 news-gathering organization shall not distribute the report or
9 any of the contents of the report, including personal
10 information contained in the report, to any third party for
11 any other purpose. For 30 days following the accident, the
12 Alabama State Law Enforcement Agency shall limit any personal
13 identifying information contained in any accident report
14 released pursuant to this subsection to the name and age of
15 the person involved. The complete report shall be made
16 available after that date. Except as provided above and in
17 subsection (c), disclosure of accident reports shall be made
18 only under the following circumstances:

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

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

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

25 "a. A person involved in the accident made the basis
26 of the accident report, including, but not limited to, drivers

1 of and passengers in the automobiles and pedestrians involved
2 in the accident that is the subject of the report.

3 "b. A parent or guardian of a minor who is a person
4 involved in the accident made the basis of the accident
5 report.

6 "c. A personal representative, executor, or other
7 legal representative of the estate of a deceased person who
8 was involved in the accident made the basis of the accident
9 report. Where no personal representative has been appointed by
10 a probate court of competent jurisdiction regarding the
11 probate or administration of the estate of a decedent, any
12 heir of the decedent shall be authorized to receive an
13 accident report. The authority of the heir to act on behalf of
14 the decedent shall terminate upon the appointment of a
15 personal representative of the estate of the decedent. The
16 Alabama State Law Enforcement Agency or local law enforcement
17 agency may rely upon the affidavit of the heir stating that he
18 or she meets the requirements of this section, and that a
19 personal representative has not been appointed by a probate
20 court with respect to the estate of the decedent. For purposes
21 of this section, heir means a person who is entitled to a
22 distribution from the estate of an intestate decedent or a
23 person who would be entitled to a distribution from the estate
24 of a testate decedent if that decedent had died intestate.

25 "d. An insurer or its written designee of a person
26 involved in the accident made the basis of the accident

1 report, if the purpose of the request is for insurance
2 business purposes.

3 "e. An attorney of a person involved in the accident
4 made the basis of the accident report, or an employee of the
5 attorney.

6 The attorney or employee of the attorney shall
7 provide written signed consent by the represented person to
8 request the report.

9 "f. A governmental entity responsible for
10 maintenance, repair, and oversight of the public road or
11 bridge on which the accident occurred.

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

14 "(c) The Alabama State Law Enforcement Agency, as a
15 matter of public safety, may contract with an outside entity
16 and release vehicle damage data extracted from accident
17 reports to such an entity if the data is used solely for the
18 purpose of providing the public a means of determining a
19 vehicle's accident history. The department may contract with a
20 third party to provide electronic access to reports for
21 persons and entities who are entitled to such reports under
22 subsection (b)."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 11-JAN-18

Read for the second time and placed
on the calendar 1 amendment 25-JAN-18

Read for the third time and passed
as amended..... 22-FEB-18

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk