

1 HB305
2 182812-1
3 By Representatives Fridy, Farley, Faulkner, Hill and Pettus
4 RFD: Public Safety and Homeland Security
5 First Read: 23-FEB-17

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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 vehicles; to provide that the Alabama State
21 Law Enforcement Agency may disclose motor vehicle accident
22 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) (1) Accident reports filed with the Alabama
10 State Law Enforcement Agency pursuant to this section shall
11 not be considered public writings for the purposes of Section
12 36-10-40 and shall remain confidential and exempt from
13 disclosure except in the following circumstances:

14 "a. When the identity of a person involved in an
15 accident is not otherwise known or when he or she denies his
16 or her presence at an accident.

17 "b. When disclosure is directed by a properly
18 executed subpoena or court order.

19 "c. When requested by any of the following persons:

20 "1. A person involved in the accident made the basis
21 of the accident report, including, but not limited to, drivers
22 of and passengers in the automobiles and pedestrians involved
23 in the accident that is the subject of the report.

24 "2. A parent or guardian of a minor who is a person
25 involved in the accident made the basis of the accident
26 report.

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

20 "4. An insurer or its written designee of a person
21 involved in the accident made the basis of the accident
22 report, if the purpose of the request is for insurance
23 business purposes.

24 "5. An attorney of a person involved in the accident
25 made the basis of the accident report.

26 "(c) Except as provided for in this subsection, the
27 department shall not release accident reports for a commercial

1 purpose. The department may, as a matter of public safety,
2 contract with an outside entity and release vehicle damage
3 data extracted from accident reports to such an entity if the
4 data is used solely for the purpose of providing the public a
5 means of determining a vehicle's accident history. The
6 department may contract with a third party to provide
7 electronic access to reports for persons and entities who are
8 entitled to such reports under subsection (b)."

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