

1 SB558
2 140167-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 24-APR-12

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8 SYNOPSIS: Under existing law, each law enforcement
9 officer who investigates a motor vehicle accident
10 is required to file a written report with the
11 Director of the Department of Public Safety.

12 This bill would require that each written
13 report of a motor vehicle accident compiled by the
14 law enforcement officer who investigated the motor
15 vehicle accident shall be confidential and may not
16 be released for commercial purposes.

17 This bill would provide that a report shall
18 be made available without subpoena to any party to
19 litigation who files with the Department of Public
20 Safety a request for the report which includes a
21 copy of the first page of a district or circuit
22 court clerk-stamped complaint naming all parties to
23 the litigation.

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25 A BILL
26 TO BE ENTITLED

1 AN ACT

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3 To amend Section 32-10-7 of the Code of Alabama
4 1975, relating to motor vehicle accident report forms, to
5 require that each written report of a motor vehicle accident
6 compiled by the law enforcement officer who investigated the
7 motor vehicle accident shall be confidential and may not be
8 released for commercial purposes; and to provide that a report
9 shall be made available without subpoena to any party to
10 litigation who files with the Department of Public Safety a
11 request for the report including a copy of the first page of a
12 district or circuit court clerk-stamped complaint naming all
13 parties to the litigation.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 32-10-7 of the Code of Alabama
16 1975, is amended to read as follows:

17 "§32-10-7.

18 "(a) (1) Every law enforcement officer who in the
19 regular course of duty investigates a motor vehicle accident,
20 either at the time of and at the scene of the accident or
21 thereafter by interviewing participants or witnesses, shall,
22 within 24 hours after completing such investigation, forward
23 the necessary completed written report or copy thereof of such
24 accident to the director on the uniform accident report form
25 supplied by the director.

1 "(2) All accident reports filed with the Alabama
2 Department of Public Safety may not be considered open records
3 under this section or Sections 36-12-40 and 41-13-1 and shall
4 remain confidential except that the department may disclose
5 the identity of a person involved in an accident when his or
6 her identity is not otherwise known or when he or she denies
7 his or her presence at an accident. Except as provided in
8 subsection (c), all other accident reports required by this
9 section and the information contained in the reports shall be
10 confidential and exempt from public disclosure except when
11 produced pursuant to a properly executed subpoena or court
12 order. These reports shall be made available only to the
13 parties to the accident, the parents or guardians of a minor
14 who is a party to the accident, in the case of a death the
15 personal representative of the deceased or representative of
16 the estate of a party to the accident, insurers or their
17 written designee for insurance business purposes of any party
18 who is the subject of the report, or to the attorneys of the
19 parties.

20 "(b) Except as provided in this subsection, the
21 department shall not release accident reports for a commercial
22 purpose. The department, as a matter of public safety, may
23 contract with an outside entity and release vehicle damage
24 data extracted from accident reports to such an entity if the
25 data is used solely for the purpose of providing the public a
26 means of determining a vehicle's accident history. The

1 department may contract with a third party to provide
2 electronic access to reports for persons and entities who are
3 entitled to such reports under subsections (a) and (c).

4 "(c) The report shall be made available without
5 subpoena to any party to litigation who files with the
6 department a request for the report and includes a copy of the
7 first page of a district or circuit court clerk-stamped
8 complaint naming all parties."

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.