

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

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ENROLLED, An Act,

To amend Section 32-10-7, Code of Alabama 1975, relating to motor vehicle accident reports; to provide that the Alabama State Law Enforcement Agency may disclose motor vehicle accident reports under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-10-7.

"(a) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall, within 24 hours after completing such investigation, forward the necessary completed written report or copy thereof of such accident to the director on the uniform accident report form supplied by the director. Local police departments, and their contracted agents, may retain copies of the written reports.

"(b) Accident reports prepared pursuant to this section shall be made available pursuant to Section 32-2-8, to a news-gathering organization solely for the purpose of publishing or broadcasting the news. The news-gathering organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial

1 purpose other than the news-gathering organization's  
2 publication or broadcasting of the information in the report.  
3 A newspaper, periodical, or radio or television station shall  
4 not be held to have used or knowingly allowed the use of the  
5 report for a commercial purpose merely because of its  
6 publication or broadcast. The news-gathering organization  
7 shall not distribute the report or any of the contents of the  
8 report, including personal information contained in the  
9 report, to any third party for any other purpose. For 30 days  
10 following the accident, the Alabama State Law Enforcement  
11 Agency shall limit any personal identifying information  
12 contained in any accident report released pursuant to this  
13 subsection to the name and age of the person involved. The  
14 complete report shall be made available after that date,  
15 excluding any juvenile information or personal information as  
16 defined by 18 U.S.C. §2725. 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:

1           "a. A person involved in the accident made the basis  
2 of the accident report, including, but not limited to, drivers  
3 of and passengers in the automobiles and pedestrians involved  
4 in the accident that is the subject of the report.

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

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

1 person who would be entitled to a distribution from the estate  
2 of a testate decedent if that decedent had died intestate.

3 "d. An insurer or its written designee of a person  
4 involved in the accident made the basis of the accident  
5 report, if the purpose of the request is for insurance  
6 business purposes.

7 "e. An attorney of a person involved in the accident  
8 made the basis of the accident report, or an employee of the  
9 attorney.

10 The attorney or employee of the attorney shall  
11 provide written signed consent by the represented person to  
12 request the report.

13 ~~"f. A governmental entity responsible for~~  
14 ~~maintenance, repair, and oversight of the public road or~~  
15 ~~bridge on which the accident occurred.~~

16 "(f) A governmental entity responsible for either  
17 maintenance, repair, and oversight of the public road or  
18 bridge on which the accident occurred or for law enforcement  
19 investigations.

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

22 "(c) The Alabama State Law Enforcement Agency, as a  
23 matter of public safety, may contract with an outside entity  
24 and release vehicle damage data extracted from accident  
25 reports to such an entity if the data is used solely for the

1 purpose of providing the public a means of determining a  
2 vehicle's accident history. The department may contract with a  
3 third party to provide electronic access to reports for  
4 persons and entities who are entitled to such reports under  
5 subsection (b)."

6 "(d) No disclosure is required of any information  
7 prohibited by 18 U.S.C. §2721."

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 22-FEB-18, as amended.

Jeff Woodard  
Clerk

Senate	<hr/> 22-MAR-18 <hr/>	Amended and Passed
House	<hr/> 28-MAR-18 <hr/>	Concurred in Senate Amendment