

By: Representative Miles

To: Transportation;
Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 653

1 AN ACT TO AMEND SECTION 63-3-417, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE CERTAIN
3 INFORMATION OBTAINED FROM MOTOR VEHICLE ACCIDENT REPORTS TO
4 PERSONS OR ENTITIES FOR THE PURPOSE OF COMPILING VEHICLE HISTORY
5 REPORTS FOR USE BY LAW ENFORCEMENT, CONSUMERS AND BUSINESSES; TO
6 AUTHORIZE THE DEPARTMENT TO CHARGE AND COLLECT FEES FOR PROVIDING
7 SUCH INFORMATION; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 63-3-417, Mississippi Code of 1972, is
10 amended as follows:

11 63-3-417. (1) All required accident reports and
12 supplemental reports shall be without prejudice to the individual
13 so reporting and, except as otherwise provided in this section,
14 shall be for the confidential use of the department; however, the
15 department may, upon written request of any person involved in an
16 accident or upon written request of the representative of his
17 estate, his surviving spouse or one or more of his surviving next
18 of kin, disclose to such requester or his legal counsel or a
19 representative of his insurer any information contained in such
20 report except the parties' version of the accident as set out in
21 the written report filed by such parties, or may disclose the
22 identity of a person involved in an accident when such identity is
23 not otherwise known or when such person denies his presence at
24 such accident. The admissibility of an accident report into
25 evidence in any court shall be governed by the Mississippi Rules
26 of Evidence. However, the department shall furnish, upon demand
27 of any person who has, or claims to have, made such a report or,
28 upon demand of any court, a certificate showing that a specified
29 accident report has or has not been made to the department solely

30 to prove a compliance or a failure to comply with the requirement
31 that such a report be made to the department.

32 (2) (a) Notwithstanding the provisions of subsection (1) of
33 this section or the provisions of any other law to the contrary,
34 the department may supply vehicle-specific accident data to any
35 person or entity, in bulk electronic form, for the purpose of
36 compiling vehicle history reports for use by law enforcement,
37 consumers and businesses. The department may charge and collect
38 fees at a negotiated price established by the department for
39 providing such data; however, the department may not agree to
40 grant to any person or entity an exclusive right to receive
41 information or data under this subsection. A person or entity
42 that requests access to such data must agree, in writing, to use
43 information obtained from such data only for the purpose of
44 identifying vehicles that have been involved in accidents and any
45 damage to those vehicles. A person or entity obtaining such data
46 may not use such information to identify or contact persons or
47 individuals.

48 (b) The department shall retain and deposit into a
49 special fund that is hereby created in the State Treasury so much
50 of the fees collected as may be necessary to defray the actual
51 costs that the department incurs in retrieving, furnishing and
52 maintaining the records and data requested under this subsection.
53 Monies in the special fund may be expended, upon legislative
54 appropriation, to defray such costs. Unexpended amounts remaining
55 in the special fund at the end of the fiscal year shall not lapse
56 into the State General Fund, and any income earned or investment
57 earnings on amounts in the fund shall be deposited to the credit
58 of the fund. That portion of the fees collected in excess of the
59 amount necessary to defray the actual costs that the department
60 incurs in retrieving, furnishing and maintaining the records and
61 data requested under this subsection shall be deposited in the
62 State General Fund as provided under Section 45-1-23.

63 (3) The report required by Section 63-3-411 may be used in
64 proving uninsured status of the owner and operator of a vehicle in
65 any action to enforce a claim under the uninsured motorist
66 provisions of an automobile liability policy, but only as provided
67 in Section 13-1-124.

68 **SECTION 2.** This act shall take effect and be in force from
69 and after July 1, 2005.