

By: Senator(s) Hewes, Gollott, Lee (35th),
Doxey, White, Davis, Brown, Pickering,
Nunnelee, Albritton

To: Insurance

SENATE BILL NO. 2743

1 AN ACT TO AMEND SECTION 63-3-417, MISSISSIPPI CODE OF 1972,
2 TO PROMOTE HIGHWAY SAFETY BY PROVIDING CONSUMERS WITH ACCESS TO
3 HISTORICAL INFORMATION ON VEHICLE-SPECIFIC ACCIDENT DATA; AND FOR
4 RELATED PURPOSES.

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

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

8 63-3-417. (1) All required accident reports and
9 supplemental reports shall be without prejudice to the individual
10 so reporting. All information, excluding vehicle-specific
11 information, shall be for the confidential use of the department;
12 however, the department may, upon written request of any person
13 involved in an accident or upon written request of the
14 representative of his estate, his surviving spouse or one or more
15 of his surviving next of kin, disclose to such requester or his
16 legal counsel or a representative of his insurer any information
17 contained in such report except the parties' version of the
18 accident as set out in the written report filed by such parties,
19 or may disclose the identity of a person involved in an accident
20 when such identity is not otherwise known or when such person
21 denies his presence at such accident. The admissibility of an
22 accident report into evidence in any court shall be governed by
23 the Mississippi Rules of Evidence. However, the department shall
24 furnish, upon demand of any person who has, or claims to have,
25 made such a report or, upon demand of any court, a certificate
26 showing that a specified accident report has or has not been made
27 to the department solely to prove a compliance or a failure to

28 comply with the requirement that such a report be made to the
29 department.

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

35 (3) Notwithstanding any other provision of law, the
36 department may furnish vehicle-specific accident data to any
37 person or entity, in bulk electronic form, for the purposes of
38 compiling vehicle history reports for use by businesses, consumers
39 and law enforcement. A person or entity shall pay all reasonable
40 costs associated with producing the accident record in bulk
41 electronic form. In addition, the department shall require each
42 person or entity requesting access to the accident records in bulk
43 electronic form to stipulate, through a written agreement with the
44 department, that the person or entity will only use the accident
45 data for the purpose of identifying vehicles that have been
46 involved in accidents and any damage to those vehicles and not for
47 the purpose of identifying or contacting individuals.

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