

By: Representative Miles

To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 134

1 AN ACT TO AMEND SECTION 63-3-417, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE LIST OF PERSONS TO WHOM INFORMATION CONTAINED IN A
3 MOTOR VEHICLE ACCIDENT REPORT MAY BE DISCLOSED; TO PROVIDE THAT IT
4 SHALL BE UNLAWFUL FOR ANY PERSON TO FRAUDULENTLY OBTAIN OR
5 FRAUDULENTLY ATTEMPT TO OBTAIN A COPY OF A MOTOR VEHICLE ACCIDENT
6 REPORT OR INFORMATION CONTAINED IN SUCH REPORT IF SUCH REPORT OR
7 INFORMATION IS NOT AUTHORIZED TO BE DISCLOSED TO SUCH PERSON; TO
8 PRESCRIBE PENALTIES FOR SUCH VIOLATION; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

69 (4) Any person to whom information contained in an accident
70 report is not authorized to be disclosed under this section who
71 fraudulently obtains or fraudulently attempts to obtain a copy of
72 such report or information contained in such report shall be
73 guilty of a misdemeanor and such person, upon conviction, shall be
74 punished by a fine of not more than Two Thousand Five Hundred
75 Dollars (\$2,500.00), or imprisonment in the county jail for a term
76 of not more than six (6) months, or by both such fine and
77 imprisonment.

78 **SECTION 2.** This act shall take effect and be in force from
79 and after July 1, 2007.