

By: Representative Miles

To: Transportation

## HOUSE BILL NO. 134

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

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

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

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

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

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

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

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

67           (4) Any person to whom information contained in an accident  
68 report is not authorized to be disclosed under this section who  
69 obtains or attempts to obtain a copy of such report or information  
70 contained in such report shall be guilty of a misdemeanor and such  
71 person, upon conviction, shall be punished by a fine of not more  
72 than Five Thousand Dollars (\$5,000.00), or imprisonment in the  
73 county jail for a term of not more than one (1) year, or by both  
74 such fine and imprisonment.

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