

By: Representative Miles

To: Transportation

HOUSE BILL NO. 134
(As Sent to Governor)

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, the spouse or next of kin of any such person, or any
18 person against whom a claim is made as a result of the accident or
19 upon written request of the representative of his estate, * * *
20 disclose to such requester or his legal counsel or a
21 representative of his insurer any information contained in such
22 report except the parties' version of the accident as set out in
23 the written report filed by such parties, or may disclose the
24 identity of a person involved in an accident when such identity is
25 not otherwise known or when such person denies his presence at
26 such accident. The admissibility of an accident report into
27 evidence in any court shall be governed by the Mississippi Rules
28 of Evidence. However, the department shall furnish, upon demand
29 of any person who has, or claims to have, made such a report or,
30 upon demand of any court, a certificate showing that a specified

31 accident report has or has not been made to the department solely
32 to prove a compliance or a failure to comply with the requirement
33 that such a report be made to the department.

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

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

63 data requested under this subsection shall be deposited in the
64 State General Fund as provided under Section 45-1-23.

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

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

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