

By: Representative Ford (54th)

To: Insurance

HOUSE BILL NO. 1679

1 AN ACT TO BRING FORWARD SECTION 63-3-415, MISSISSIPPI CODE OF
2 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION
3 63-3-417, MISSISSIPPI CODE OF 1972, TO REQUIRE A POLICE OFFICER TO
4 SHARE THE INSURANCE INFORMATION OF PARTIES INVOLVED IN AN ACCIDENT
5 WITH EACH PARTY INVOLVED BEFORE LEAVING THE SCENE OF THE ACCIDENT;
6 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) (a) 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, the spouse or next of kin of any such person, or any
16 person against whom a claim is made as a result of the accident or
17 upon written request of the representative of his estate, disclose
18 to such requester or his legal counsel or a representative of his
19 insurer any information contained in such report except the
20 parties' version of the accident as set out in the written report



21 filed by such parties, or may disclose the identity of a person
22 involved in an accident when such identity is not otherwise known
23 or when such person denies his presence at such accident. The
24 admissibility of an accident report into evidence in any court
25 shall be governed by the Mississippi Rules of Evidence. However,
26 the department shall furnish, upon demand of any person who has,
27 or claims to have, made such a report or, upon demand of any
28 court, a certificate showing that a specified accident report has
29 or has not been made to the department solely to prove a
30 compliance or a failure to comply with the requirement that such a
31 report be made to the department.

32 (b) Once the accident report is completed, but before
33 any of the parties involved in the accident or the police officer
34 leave the scene, the police officer shall give each of the parties
35 involved in the accident the insurance information of the other
36 party.

37 (2) (a) Notwithstanding the provisions of subsection (1) of
38 this section or the provisions of any other law to the contrary,
39 the department may supply vehicle-specific accident data to any
40 person or entity, in bulk electronic form, for the purpose of
41 compiling vehicle history reports for use by law enforcement,
42 consumers and businesses. The department may charge and collect
43 fees at a negotiated price established by the department for
44 providing such data; however, the department may not agree to
45 grant to any person or entity an exclusive right to receive



46 information or data under this subsection. A person or entity
47 that requests access to such data must agree, in writing, to use
48 information obtained from such data only for the purpose of
49 identifying vehicles that have been involved in accidents and any
50 damage to those vehicles. A person or entity obtaining such data
51 may not use such information to identify or contact persons or
52 individuals.

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

68 (3) The report required by Section 63-3-411 may be used in
69 proving uninsured status of the owner and operator of a vehicle in
70 any action to enforce a claim under the uninsured motorist



71 provisions of an automobile liability policy, but only as provided
72 in Section 13-1-124.

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

82 **SECTION 2.** Section 63-3-415, Mississippi Code of 1972, is
83 brought forward as follows:

84 63-3-415. (1) The department shall prepare and furnish
85 "statewide uniform traffic accident report" forms to other
86 agencies, municipal police departments, county sheriffs and other
87 suitable law enforcement agencies or individuals. The department
88 may charge an amount not exceeding the actual costs incurred by
89 the department in preparing and furnishing the forms. The
90 Department of Public Safety also may make such forms available in
91 electronic format, which shall be accessible by law enforcement
92 departments and other agencies without charge.

93 (2) Every accident report required by Section 63-3-411 from
94 a law enforcement officer or individual shall be made on the



95 "statewide uniform traffic accident report" form provided by the
96 department.

97 (3) In addition to the information required on the accident
98 report forms provided for herein, the department shall include a
99 place on such report forms for the phone numbers of the parties
100 involved in the accident and any witnesses to such accident.

101 (4) "Statewide uniform traffic accident report" forms shall
102 not have printed upon them the name of any elected state official.

103 **SECTION 3.** This act shall take effect and be in force from
104 and after July 1, 2024.

