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# SENATE BILL No. 84

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2-92; IC 9-26.

**Synopsis:** Confidentiality of motor vehicle accident reports. Provides that, with certain exceptions, a motor vehicle accident report is confidential for 90 days after the date of the accident. Provides that a person who obtains or attempts to obtain an accident report or draft accident report in violation of the law commits a Class A misdemeanor.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Insurance and Financial Institutions.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 84



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-92, AS AMENDED BY P.L.94-2006,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 92. (a) "Law enforcement officer", except as  
4 provided in subsection (b), includes the following:  
5 (1) A state police officer.  
6 (2) A city, town, or county police officer.  
7 (3) A sheriff.  
8 (4) A county coroner.  
9 (5) A conservation officer.  
10 (6) An individual assigned as a motor carrier inspector under  
11 IC 10-11-2-26(a).  
12 (7) A member of a consolidated law enforcement department  
13 established under IC 36-3-1-5.1.  
14 (8) An excise police officer of the alcohol and tobacco  
15 commission.  
16 (b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6,  
17 IC 9-30-7, IC 9-30-8, ~~and~~ IC 9-30-9, **and IC 9-26-3.5** has the meaning



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set forth in IC 35-41-1.

SECTION 2. IC 9-26-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A report filed by a law enforcement officer under section 2 of this chapter is ~~not~~ a confidential record for ninety (90) days after the date of the accident and ~~shall~~ may not be made available for inspection and copying under ~~IC 5-14-3~~ during this period except as set forth in IC 9-26-3.5.

SECTION 3. IC 9-26-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

**Chapter 3.5. Access to Accident Reports**

**Sec. 1. As used in this chapter, "accident report" means a written report prepared by a law enforcement officer regarding the investigation of a motor vehicle accident. The term does not include a draft of an accident report.**

**Sec. 2. As used in this chapter, "agency" means a state or local government agency that receives a copy of an accident report.**

**Sec. 3. (a) Except as provided in section 4 of this chapter:**

- (1) an accident report; and**
- (2) a draft of an accident report;**

**are confidential for ninety (90) days after the date of the motor vehicle accident to which the accident report or draft relates and may not be made available for inspection or copying during this period.**

**(b) More than ninety (90) days after the date of a motor vehicle accident, the accident report concerning the accident and any draft of the accident report are not confidential records and may be made available for inspection and copying under IC 5-14-3.**

**Sec. 4. (a) An accident report may be inspected or copied within ninety (90) days after the date of the accident to which the accident report relates by the following:**

**(1) A person who satisfies the requirements in section 5 of this chapter and certifies under the penalties for perjury that the person is any of the following:**

- (A) A party involved in the accident.**
- (B) A legal representative of a party involved in the accident.**
- (C) A licensed insurance agent of a party involved in the accident.**
- (D) An insurance carrier of a person involved in the accident to which the person has submitted a claim arising from the accident, or a person under contract with the**

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insurer to provide claims or underwriting information.

(E) A prosecuting attorney.

(F) A member of a news gathering organization, solely for the purpose of publishing or broadcasting the news. However, this clause not apply to a publication or product that:

- (i) is intended primarily for members of a particular profession or occupational group;
- (ii) has as its primary purpose the distribution of advertising; or
- (iii) has as its primary purpose the publication of names and other personal identifying information concerning parties to motor vehicle accidents.

(2) Any local, state, or federal agency that is authorized by law to have access to accident reports.

(b) A news gathering organization that inspects or copies an accident report within ninety (90) days after the date of the accident under subsection (a)(1)(F) shall not use or distribute the report, or knowingly allow its use or distribution, for a purpose other than the news gathering organization's publication or broadcasting of information in the report.

**Sec. 5.** A person described in section 4(1) of this chapter may access an accident report within ninety (90) days after the date of the accident only if the person provides all of the following:

- (1) A valid driver's license or other government issued photographic identification.
- (2) Proof of status or identification that demonstrates the person's qualifications to access the information.
- (3) Except as provided in section 6 of this chapter, a written sworn statement stating that information from the accident report will not be:
  - (A) used for any commercial solicitation of accident victims; or
  - (B) knowingly disclosed to any third party for the purpose of commercial solicitation of accident victims;

for ninety (90) days after the completion date of the report.

**Sec. 6.** An agency may provide accident reports by electronic means to a third party vendor under contract with one (1) or more insurers without requiring a written sworn statement under section 5(3) of this chapter, but only if:

- (1) the contract states that information from an accident report will not be:

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1           (A) used for any commercial solicitation of accident  
 2 victims by the vendors; or  
 3           (B) knowingly disclosed by the vendor to any third party  
 4 for the purpose of commercial solicitation of accident  
 5 victims;  
 6 within ninety (90) days after the date of the accident; and  
 7           (2) a copy of the contract is furnished to the agency as proof  
 8 of the vendor's claimed status.  
 9           Sec. 7. A person who discloses an accident report in violation of  
 10 this chapter is subject to the penalties set forth in IC 5-14-3-10.  
 11           Sec. 8. A person who:  
 12           (1) knows that the person is not entitled to an accident report  
 13 or draft accident report during the period that the report or  
 14 draft report is confidential under this chapter; and  
 15           (2) obtains or attempts to obtain the accident report or draft  
 16 report;  
 17 commits a Class A misdemeanor.

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