
DIGEST

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HB 381 Reengrossed

2021 Regular Session

Moore

Abstract: Modifies provisions relative to motor vehicle accident reports.

Proposed law changes references in present law from accident reports to crash reports.

Present law requires the driver of any vehicle involved in an accident resulting in injury or death of any person or total property damage to an apparent extent of \$100 or more forward a written report to the Dept. of Public Safety and Corrections (DPS&C) within 24 hours of the accident. Present law authorizes imprisonment for not more than 60 days or a fine of not more than \$100, or both, for any person who violates the provisions of present law. Present law authorizes a driver involved in an accident to submit a supplemental report if the original report is deemed insufficient and may require witness reports.

Proposed law removes present law.

Present law requires every law enforcement officer who investigates an accident initial the accident report form to show compliance with present law and requires the officer indicate on the report whether the investigation was made at the scene of the accident or by subsequent investigation and interview.

Proposed law removes present law.

Present law requires the investigating law enforcement officer forward a written report of the accident to the DPS&C within 48 hours after completing the investigation. Present law provides if the accident occurred within the corporate limits of a city or a town, the investigating officer is required to forward a written copy of the report to the police department of the city or town and duplicate a report for the DPS&C within 48 hours.

Proposed law modifies present law by requiring the investigating law enforcement agency forward a copy of the crash report to the Dept. of Transportation and Development (DOTD) within 48 hours after completing the investigation. Proposed law further specifies that if the crash occurred within the corporate limits of a city or a town, the investigating agency is required to forward a copy of the crash report to the police department of the city or town and duplicate a report for the DOTD within 48 hours.

Present law authorizes any interested person to obtain a copy of a crash report from state police, any local police department, or any sheriff's office upon request.

Proposed law removes present law.

Proposed law specifies that all data and reports are owned by the law enforcement agency who created the report and all collective data is owned by the state of La. Authorizes third party vendors contracted with a state or local agency to sell individual crash reports on behalf of the agency. Prohibits third party vendors and contracted agents of law enforcement entities from selling any aggregated or compiled data owned by the state of La. or a local law enforcement entity, unless specifically authorized by the state of La.

Present law requires the coroner or the person performing the duties of the coroner report the death of any person as a result of a collision involving a motor vehicle, and the circumstances of the collision within 60 days following the death, to the DPS&C and the La. Hwy. Safety Commission.

Proposed law modifies present law by requiring the coroner or the person performing the duties of the coroner forward the report to the DOTD.

Present law requires the DPS&C prepare and, upon request, supply to police, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports, requiring specificity to disclose, with reference to a highway accident, the cause, conditions then existing, and persons and vehicles involved. Additionally, requires all accident reports be made on forms approved by the DPS&C, and contain the investigating officer's initials and directions to instruct the parties to exchange required information.

Proposed law modifies present law to require the DPS&C prepare and, upon request, supply the office of state police, a municipal police department, the sheriff's office, and any other suitable agency or individual, with electronic forms for crash reports. Requires all crash reports be provided on electronic forms approved by the DPS&C. Further requires the DPS&C establish the format required for all crash reports.

Present law requires the DPS&C receive accident reports and authorizes the department to tabulate and analyze the reports for annual publishing.

Proposed law modifies present law by changing the department to receive, tabulate, and analyze the crash reports from the DPS&C to the DOTD.

Present law authorizes the local police department in Orleans Parish to charge a reasonable fee, not to exceed \$20, to provide copies of accident reports and provides a fee exemption for state departments.

Proposed law removes present law.

Present law prohibits all persons and their agents from screening accident reports if the person or his agent does not represent any of the persons involved in a particular accident but specifies that the limitation must not prevent any person from requesting particular reports regardless of whether the person represents any party in the accident.

Proposed law deletes present law.

Present law authorizes the sale of police accident reports or other driving record information to consumers of on-line driving records under written contract for purchase of records with the DPS&C.

Proposed law removes the sale of police accident reports from present law and authorizes the sale of driving record information to consumers of on-line driving records under written contract for the purchase of records with the DPS&C.

Present law requires all police, state or local, to immediately contact the DOTD district office when called to the scene of an accident where that department's property has been damaged in an amount which is estimated to exceed \$500.

Proposed law modifies present law by also requiring the local roadway owner be called to the scene of an accident where that department's or local roadway owner's property has been damaged.

Present law requires all police, state or local, forward copies, at no cost to the department, of the accident report which indicates damage to property of the department to the department's headquarters' maintenance division within six days of the accident.

Proposed law requires all police, state or local, make available, at no cost to the department, copies of the crash report that indicates damage to property of the department or the local roadway owner upon completion of the investigation.

Present law requires the information contained in reports be confidential and made available only to parties to the report, the parties' insurers, and parents or guardians.

Proposed law modifies present law by also making the report available to an insurance support organization under contract to provide claims and underwriting. Defines "insurance support organization" as any person who regularly engages in the practice of collecting information about a natural person for the purpose of providing the information to an insurance company or preventing fraud in connection with insurance underwriting or claim activity.

(Amends R.S. 32:398)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Remove a provision that would have prohibited a third party from selling or distributing any data contained in the crash reports.
2. Authorize a third party vendor under contract with a state or local agency to sell

individual crash reports on behalf of the agency. Prohibit third party vendors from selling or distributing any aggregated or compiled data owned by the state of Louisiana.

The House Floor Amendments to the engrossed bill:

1. Add a provision that information contained in crash reports be made available to an insurance support organization under contract to provide claims and underwriting.
2. Define "insurance support organization" as any person who regularly engages in the practice of collecting information about a natural person for the purpose of providing the information to an insurance company or preventing fraud in connection with insurance underwriting or claim activity.
3. Remove the provision that prohibits third party vendors from selling or distributing any aggregated or compiled data owned by the state of La.
4. Clarify that contracted agents of law enforcement entities, in addition to third party vendors, cannot sell any aggregated or compiled data owned by the state of La. or a local law enforcement entity, unless specifically authorized by the state of La.
5. Make technical changes.