
DIGEST

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HB 381 Engrossed

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 that the driver of any vehicle involved in an accident resulting in injury to 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 specifies that any person who violates the provisions of present law may be imprisoned for not more than 60 days or fined not more than \$100, or both. Present law may require a driver involved in an accident to submit a supplemental report if the original is deemed insufficient and may require witness reports.

Proposed law deletes present law.

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

Proposed law deletes 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 further specifies that if the accident occurred within the corporate limits of a city or a town, the investigating officer must 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 must 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 deletes 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. Proposed law authorizes third party vendors contracted with a state or local agency to sell individual crash reports on behalf of the agency. Proposed law prohibits third party vendors from selling or distributing any aggregated or compiled data owned by the state of Louisiana.

Present law requires that 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 that 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 DOTD.

Present law requires that the DPS&C prepare and, upon request, supply to police, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports, calling for sufficient detailed information to disclose, with reference to a highway accident, the cause, conditions then existing, and the persons and vehicles involved. Additionally, specifies that all accident reports required by present law be made on forms supplied or approved by the DPS&C. Also, requires each accident report form supplied or approved by the department contain directions to the investigating officer to instruct the parties to the accidents to exchange information as required in present law and must contain a place for the investigating officer to initial the report which indicates that he has given those instructions.

Proposed law modifies present law to require that 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 that provide sufficient detailed information to disclose, with reference to a highway crash, the cause, conditions then existing, and the persons and vehicles involved.

Proposed law specifies that all crash reports required by present law 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 that DPS&C receive accident reports and authorizes the department to tabulate and analyze the reports for annual publishing.

Proposed law modifies present law by requiring that the DOTD, instead of the DPS&C, receive crash data derived from crash reports and authorizes the department to tabulate and analyze the reports for annual publishing.

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 exempts state departments from having to

pay the fee.

Proposed law deletes 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 only authorizes the sale of driving record information to consumers of on-line driving records under written contract for 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 requires all police, state or local, to immediately contact the DOTD district office or the local roadway owner when called to the scene of an accident where that department's or local roadway owner's property has been damaged.

Present law requires that all police, state or local, forward copies 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 without cost to the department.

Proposed law requires that 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.

(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.