

2022 Regular Session

HOUSE BILL NO. 130

BY REPRESENTATIVE BEAULLIEU

MOTOR VEHICLES: Provides relative to motor vehicle crash reports

1 AN ACT

2 To amend and reenact R.S. 32:398(I)(1) and (a)(iii), relative to motor vehicle crash reports;
3 to provide relative to the definition of an insurance support organization; to exempt
4 healthcare providers from certain confidentiality requirements applicable to public
5 records; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:398(I)(1) and (a)(iii) are hereby amended and reenacted to read
8 as follows:

9 §398. Crash reports; when and to whom made; information aid; fees for copies; fees
10 for crash photographs and videos

11 * * *

12 I.(1) The reports required by this Section, and the information contained in
13 the reports, shall be confidential, shall be exempt from the provisions of R.S. 44:1
14 et seq., and shall be made available only to the parties to the crash, parents or
15 guardians of a minor who is a party to the crash, and insurers, or an insurance
16 support organization under contract to provide claims and underwriting, of any party
17 which is the subject of the report; to any healthcare provider, or their agent, that
18 rendered healthcare services to any party which is the subject of the report; to the
19 succession representatives of those parties or the attorneys of the parties or
20 succession representatives; or to a news-gathering organization that requests

1 documents related to a specific crash. Upon request, crash reports shall be made
2 available to the above-enumerated persons within seven working days following the
3 completion of the crash investigation.

4 (a) For the purposes of this Subsection, "insurance support organization"
5 means any of the following:

6 * * *

7 (iii) Agents, governmental institutions, and insurance institutions, ~~medical-~~
8 ~~care institutions, and medical professionals~~ shall not be considered an "insurance
9 support ~~organizations~~ organization".

10 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 130 Engrossed

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Beaulieu

Abstract: Requires motor vehicle accident reports be made available to healthcare providers or their agents who provided healthcare services to a party that is a subject of the report.

Present law requires the investigating law enforcement officer of a crash to forward a written report of the accident to the Dept. of Public Safety and Corrections (DPS&C) within 48 hours after completing the investigation. Present law requires the investigating officer 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 if the accident occurred within the corporate limits of a city or a town.

Present law requires the information contained in reports be confidential and made available only to parties to the crash, parents or guardians of a minor who is a party to the crash, and insurers, or an insurance support organization under contract to provide claims and underwriting, of any party which is the subject of the report. Additionally, specifies that the succession representatives of the parties to the crash, the attorneys of the parties or succession representatives, or a news-gathering organization that requests documents related to a specific crash may receive the crash report.

Proposed law modifies present law by including any healthcare provider, or their agent, that rendered healthcare services to any party which is the subject of the crash as a party to receive the report.

Present law defines "insurance support organizations" 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.

Present law prohibits agents, governmental institutions, insurance institutions, medical-care institutions, and medical professionals from being considered "insurance support organizations".

Proposed law modifies present law by deleting medical-care institutions and medical professionals from the list of prohibited institutions and professionals that are not considered an "insurance support organization".

(Amends R.S. 32:398(I)(1) and (a)(iii))