

2021 Regular Session

HOUSE BILL NO. 381

BY REPRESENTATIVE MOORE

1 AN ACT

2 To amend and reenact R.S. 32:398, relative to motor vehicle accident reports; to modify  
3 references to accident reports and reporting requirements; to provide relative to  
4 electronic forms for crash reports; to provide relative to ownership of data and crash  
5 reports; to remove a provision that authorizes the Orleans Parish police department  
6 to charge a fee for copies of accident reports; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:398 is hereby amended and reenacted to read as follows:

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

11 A. The driver of a vehicle involved in ~~an accident~~ a crash resulting in injury  
12 to or death of any person or property damage in excess of five hundred dollars shall:

13 (1) Immediately, ~~by the quickest means of communication,~~ give notice of the  
14 ~~accident~~ crash to the local police department if the ~~accident~~ crash occurs within an  
15 incorporated city or town or, if the ~~accident~~ crash occurs outside of an incorporated  
16 city or town, to the nearest sheriff's office or state police station.

17 (2) Give his name, address, and the registration number of the vehicle he was  
18 driving and, upon request and if available, exhibit his license or permit to drive to  
19 any person injured in ~~such accident~~ the crash or to the driver or occupant of or person  
20 attending any vehicle or other property damaged in the ~~accident~~ crash.

1                   (3) Give such information and, upon request, exhibit such license or permit  
 2                   to any police officer at the scene of the ~~accident~~ crash or who is investigating the  
 3                   ~~accident~~ crash.

4                   (4) If the ~~accident~~ crash occurs in a geographical area under order of  
 5                   evacuation by a competent authority or is under a declared state of emergency, the  
 6                   driver shall comply with the provisions of Paragraphs (1) and (2) of this Subsection  
 7                   within seventy-two hours after the occurrence of the ~~accident~~ crash.

8                   ~~B. The driver of any vehicle involved in an accident resulting in injury to or~~  
 9                   ~~death of any person or total property damage to an apparent extent of one hundred~~  
 10                  ~~dollars or more shall, within twenty-four hours after the accident, forward a written~~  
 11                  ~~report of the accident to the Department of Public Safety and Corrections. Any~~  
 12                  ~~person who violates the provisions of this Subsection may be imprisoned for not~~  
 13                  ~~more than sixty days or fined not more than one hundred dollars, or both.~~

14                  ~~C. The Department of Public Safety and Corrections may require the driver~~  
 15                  ~~of a vehicle involved in an accident, which is required to be reported by this Section,~~  
 16                  ~~to provide a supplemental report when the original report is insufficient in the~~  
 17                  ~~opinion of the department and may require witnesses of an accident to render reports.~~

18                  ~~⊘: B.~~ It shall be the duty of the state police or the sheriff's office to  
 19                  investigate all ~~accidents~~ crashes required to be reported by this Section when the  
 20                  ~~accident~~ crash occurs outside the corporate limits of a city or town, and it shall be the  
 21                  duty of the police department of each city or town to investigate all ~~accidents~~ crashes  
 22                  required to be reported by this Section when the ~~accidents~~ crashes occur within the  
 23                  corporate limits of the city or town. Every law enforcement officer who investigates  
 24                  ~~an accident~~ a crash, as required by this Subsection, shall instruct the driver of each  
 25                  vehicle involved in the ~~accident~~ crash to report the following to all parties suffering  
 26                  injury or property damage as an apparent result of the ~~accident~~ crash:

- 27                         (1) The name and address of the owner and the driver of the vehicle.
- 28                         (2) The license number of the vehicle.

1 (3) The name of the liability carrier for the vehicle, the name, address, and  
2 telephone number of the insurance agent who procured the liability policy providing  
3 coverage for the vehicle.

4 ~~E.(1) Every law enforcement officer who investigates an accident shall initial~~  
5 ~~the accident report form to show that the officer has complied with the provisions of~~  
6 ~~Subsection D of this Section, and shall indicate on the accident report form whether~~  
7 ~~the investigation is made at the scene of the accident or by subsequent investigation~~  
8 ~~and interviews.~~

9 ~~(2) C.~~ Within forty-eight hours after completing the investigation, the  
10 investigating law enforcement ~~officer~~ agency shall forward a ~~written copy of the~~  
11 ~~crash report of the accident to the Department of Public Safety and Corrections or~~  
12 ~~data contained in the report to the Department of Transportation and Development.~~  
13 However, if the ~~accident~~ crash occurred within the corporate limits of a city or town,  
14 the ~~enforcement office~~ investigating law enforcement agency shall forward a ~~written~~  
15 ~~copy of the crash report of the accident~~ to the police department of the city or town  
16 and a duplicate report to the Department of ~~Public Safety and Corrections~~  
17 Transportation and Development within forty-eight hours after completing the  
18 investigation.

19 ~~F. D.~~(1) The state police, any local police department, or any sheriff's office  
20 shall provide copies of crash reports ~~to any interested person upon request~~ and may  
21 charge a fee, not to exceed the sum of five dollars per report that does not exceed two  
22 pages, and not to exceed twenty dollars, inclusive of all service fees and other  
23 charges, per report that exceeds two pages.

24 (2) If the state police establishes a lesser charge for electronic copies of crash  
25 reports, then a local police department or sheriff's office shall charge the amount  
26 established by state police for any electronic copies of crash reports provided  
27 pursuant to this Subsection.

28 (3) All data and reports shall be owned by the law enforcement agency who  
29 created the report, and all collective data shall be owned by the state of Louisiana.  
30 Third party vendors under contract with a state or local agency shall not be

1 prohibited from selling individual crash reports on behalf of the agency. However,  
 2 third party vendors, including contracted agents of law enforcement entities, shall not  
 3 sell any aggregated or compiled data owned either by the state of Louisiana or a local  
 4 law enforcement entity, unless specifically authorized by the state of Louisiana.

5 G. E. The state police, any local police department, or any sheriff's office  
 6 shall provide copies of photographs of accidents ~~crashes~~ or other photographs  
 7 required of the investigating agency, video ~~tapes~~ recordings, audio ~~tapes~~ recordings,  
 8 and any extraordinary-sized documents, or documents stored on electronic media,  
 9 to any interested person upon request and may charge a reasonable fee for such  
 10 copies.

11 H. F. Every person holding the office of coroner in this state, or, in the event  
 12 of a vacancy in the office, the person performing the duties of coroner, shall report  
 13 to the Department of ~~Public Safety and Corrections~~ Transportation and Development  
 14 ~~and to the Louisiana Highway Safety Commission~~ the death of any person as a result  
 15 of a ~~collision~~ crash involving a motor vehicle, and the circumstances of the ~~collision~~  
 16 crash within sixty days following such the death. ~~Such reports shall be made on~~  
 17 ~~forms supplied or approved by the department as provided for in Subsection I of this~~  
 18 ~~Section.~~

19 I. G. The Department of Public Safety and Corrections shall prepare and,  
 20 upon request, shall supply to ~~police, coroners, sheriffs, and other suitable agencies~~  
 21 ~~or individuals, forms for accident reports, calling for sufficient detailed information~~  
 22 ~~to disclose, with reference to a highway accident, the cause, conditions then existing,~~  
 23 ~~and the persons and vehicles involved. All accident reports required by this Section~~  
 24 ~~shall be made on forms supplied or approved by the Department of Public Safety and~~  
 25 ~~Corrections. Each accident report form supplied or approved by the department shall~~  
 26 ~~contain directions to the investigating officer to instruct the parties to the accidents~~  
 27 ~~to exchange information as required in Subsection D of this Section and shall contain~~  
 28 ~~a place for the investigating officer to initial the report to indicate that he has given~~  
 29 ~~those instructions~~ the office of state police, a municipal police department, the  
 30 sheriff's office, and any other authorized agency or individual, with electronic forms

1 of crash reports that provide sufficient detailed information to disclose, with  
 2 reference to a highway crash, the cause, conditions then existing, and the persons and  
 3 vehicles involved. All crash reports required pursuant to this Section shall be  
 4 provided on electronic forms approved by the Department of Public Safety and  
 5 Corrections. The Department of Public Safety and Corrections shall establish the  
 6 format required for crash reports.

7 ~~J. H.(1)~~ The Department of ~~Public Safety and Corrections~~ Transportation and  
 8 Development shall receive ~~accident~~ crash data derived from the crash reports  
 9 required to be made by this Section and may tabulate and analyze ~~such reports~~ the  
 10 data and publish annually, or at more frequent intervals, statistical information based  
 11 thereon as to the number, cause, and location of highway ~~accidents~~ crashes.

12 (2) Based upon its findings after analysis, the ~~department~~ Department of  
 13 Transportation and Development may conduct further necessary detailed research  
 14 to determine more fully the cause and control of highway ~~accidents~~ crashes. It may  
 15 further conduct experimental field tests within areas in the state ~~from time to time~~  
 16 ~~occasionally~~ to prove the practicality of various ideas advanced in traffic control and  
 17 ~~accident~~ crash prevention.

18 ~~K.(1)(a)~~ I.(1) The reports required by this Section, and the information  
 19 contained in the reports, shall be confidential, shall be exempt from the provisions  
 20 of R.S. 44:1 et seq., and shall be made available only: to the parties to the ~~accident~~  
 21 crash, parents or guardians of a minor who is a party to the ~~accident~~ crash, and  
 22 insurers, or an insurance support organization under contract to provide claims and  
 23 underwriting, of any party which is the subject of the report; to the succession  
 24 representatives of those parties; or to the attorneys of the parties or succession  
 25 representatives; or to a news-gathering organization that requests documents related  
 26 to ~~the accident~~ a specific crash. Upon request, ~~accident~~ crash reports shall be made  
 27 available to the above-enumerated persons within seven working days following the  
 28 completion of the ~~accident~~ crash investigation. ~~For the purposes of this Subsection:~~  
 29 ~~"news-gathering organization" means any of the following:~~

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

3                   (i) Any person who regularly engages, in whole or in part, in the practice of  
 4                   assembling or collecting information about natural persons for the primary purpose  
 5                   of providing the information to an insurance institution or agent for insurance  
 6                   transactions, including the furnishing of consumer reports or investigative consumer  
 7                   reports to an insurance institution or agent for use in connection with an insurance  
 8                   transaction.

9                   (ii) The collection of personal information from insurance institutions,  
 10                   agents, or other insurance support organizations for the purpose of detecting or  
 11                   preventing fraud, material misrepresentation, or material nondisclosure in connection  
 12                   with insurance underwriting or insurance claim activity.

13                   (iii) Agents, governmental institutions, insurance institutions, medical-care  
 14                   institutions, and medical professionals shall not be considered "insurance support  
 15                   organizations".

16                   (b) For purposes of this Subsection, "news-gathering organization" means  
 17                   any of the following:

18                   (i) A newspaper; or news publication, printed or electronic, of current news  
 19                   and intelligence of varied, broad, and general public interest, having been published  
 20                   for a minimum of one year and that can provide documentation of membership in a  
 21                   statewide or national press association, as represented by an employee thereof who  
 22                   can provide documentation of his employment with the newspaper, wire service, or  
 23                   news publication.

24                   (ii) A radio broadcast station, television broadcast station, cable television  
 25                   operator, or wire service as represented by an employee thereof who can provide  
 26                   documentation of his employment.

27                   ~~(b) In Orleans Parish, the local police department may charge a reasonable~~  
 28                   ~~fee, not to exceed the sum of twenty dollars, to provide copies of accident reports.~~  
 29                   ~~State departments and agencies shall not be required to pay such fee.~~

1           ~~(2) All persons and their agents are prohibited from screening accident~~  
 2           ~~reports if the person or his agent does not represent any of the persons involved in~~  
 3           ~~a particular accident, the report for which could reasonably be expected to be~~  
 4           ~~available. However, this limitation shall not prevent any person from requesting~~  
 5           ~~particular reports regardless of whether the person represents any party in the~~  
 6           ~~accident.~~

7           ~~(3)~~ (2) The information in the reports may be tabulated and included in the  
 8           statistical information published under the provisions of Subsection ~~F~~ H of this  
 9           Section.

10          ~~(4)~~ (3) Nothing in this Section shall prohibit the sale of ~~police accident~~  
 11          ~~reports or other~~ driving record information to consumers of on-line driving records  
 12          under written contract for purchase of records with the Department of Public Safety  
 13          and Corrections.

14          ~~(5)~~ (4) The information in the reports may be used by the office of motor  
 15          vehicles for the purpose of maintaining operating records.

16          ~~E. J.~~ J. Whenever any person is involved in ~~an accident~~ a crash resulting in  
 17          injury to or death of any person, or property damage in excess of five hundred dollars  
 18          and the law enforcement officer investigating the ~~accident~~ crash has reason to believe  
 19          that there exists a medical condition which constitutes cause for revocation or  
 20          suspension of a license under the provisions of R.S. 32:414(E), notification of such  
 21          medical condition shall be made to the medical/conviction unit of the ~~office of motor~~  
 22          ~~vehicles of the~~ Department of Public Safety and Corrections, office of motor  
 23          vehicles, provided that the law enforcement officer first consults with his superior  
 24          officer as to his specific observations and ~~such~~ his superior officer concurs with the  
 25          issuing officer's belief.

26          ~~M. K.~~ (1) All police, state or local, shall immediately contact the Department  
 27          of Transportation and ~~Development~~ Development's district office or the local  
 28          roadway owner when called to the scene of ~~an accident~~ a crash where that  
 29          department's or local roadway owner's property has been damaged ~~in an amount~~  
 30          ~~which is estimated to exceed five hundred dollars.~~

1                   (2) ~~At~~ Upon completion of the investigation, all police, state or local, shall  
2                   make available, at no cost to the Department of Transportation and Development or  
3                   the local roadway owner, forward copies of ~~accident~~ crash reports ~~which that~~  
4                   indicate damage to property of the Department of Transportation and Development  
5                   or the local roadway owner, in an amount which is estimated to exceed five hundred  
6                   ~~dollars to the department's headquarters maintenance division within six days of the~~  
7                   ~~date of the accident without cost to the department.~~

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_