Regular Session, 2011

HOUSE BILL NO. 361

BY REPRESENTATIVE ROY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC/ACCIDENTS: Revises provisions relative to access to accident reports

AN ACT

To amend and reenact R.S. 32:398(K)(1)(a), relative to accident reports; to provide for a definition of a news-gathering organization; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:398(K)(1)(a) is hereby amended and reenacted to read as follows:

§398. Accident reports; when and to whom made; information aid; fees for copies; fees for accident photographs

* * *

K.(1)(a) The reports required by this Section, and the information contained in the reports, shall be confidential, shall be exempt from the provisions of R.S. 44:1 et seq., and shall be made available only: to the parties to the accident, parents or guardians of a minor who is a party to the accident, and insurers of any party which is the subject of the report; to the succession representatives of those parties, or to the attorneys of the parties or succession representatives; or to a news-gathering organization that requests documents related to the accident. Upon request, accident reports shall be made available to the above-enumerated persons within seven working days following the completion of the accident investigation. <u>For the purposes of this Subsection, "news-gathering organization" means members of a press association that can provide documentation of such membership.</u>

* * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words <u>underscored</u> are additions.

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)]

Roy HB No. 361

Abstract: Defines "news-gathering organization" for purposes of access to accident reports.

Present law requires state police, any local police department, or any sheriff's office to provide copies of crash reports to any interested person upon request. Authorizes these agencies to charge a fee not to exceed the sum of $5 per report which does not exceed two pages and $7.50 per report which exceeds two pages.

Present law provides that the information contained in the accident reports shall be confidential, exempt from the provisions of the public records laws, and shall be made available only to parties of the accident; insurers of any party subject to the report; the succession representatives; or to a news-gathering organization that requests documents related to the accident. Present law further provides that the report shall be made available to these persons within seven working days following completion of the accident investigation.

Proposed law retains present law and defines "news-gathering organization" as members of a press association that can provide documentation of such membership.

(Amends R.S. 32:398(K)(1)(a))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Removed provisions from the bill regarding confidentiality, availability of accident reports, and restrictions on the type of information which may be redacted from accident reports.

2. Added the definition of "news-gathering organization".

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.