

MAINE STATE LEGISLATURE

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May

L.D. 1167

Date: 5/31/11

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Majority

TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 865, L.D. 1167, Bill, "An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 29-A MRSA §2251, sub-§7, as amended by PL 2003, c. 709, §4, is repealed.

Sec. 2. 29-A MRSA §2251, sub-§7-A is enacted to read:

7-A. Report information; dissemination of reports and report information.
Information contained in accident reports must be treated as follows.

A. An accident report made by an investigating officer or a report made by a person as required by subsection 2 is for the purposes of statistical analysis and accident prevention. A report or statement contained in the accident report, or a report as required by subsection 2, a statement made or testimony taken at a hearing before the Secretary of State held under section 2483 or a decision made as a result of that report, statement or testimony may not be admitted in evidence in any trial, civil or criminal, arising out of the accident. A report may be admissible in evidence solely to prove compliance with this section.

B. Notwithstanding subsection 7-B, a law enforcement officer may publicly disclose the date, time and location of the accident and the names and municipalities of residence of operators, owners, injured persons, witnesses and the investigating officer.

C. Accident reports and, except as provided in paragraph B, information contained in accident reports are confidential and may be released only to a person who was involved in the accident that is the subject of the report, as well as to:

(1) The person's licensed attorney, licensed insurance representative or authorized agent if the authorization is evidenced in writing;

(2) The person's insurance carrier or insurance producer;

COMMITTEE AMENDMENT

(3) The person's family or household members, as long as no temporary or permanent protection from abuse or protection from harassment order against the requesting family or household member is in effect at the time the request is made. For the purposes of this paragraph, "family or household members" has the same meaning as in Title 19-A, section 4002, subsection 4;

(4) If the person is a minor, the person's parent or legal guardian, as long as no temporary or permanent protection from abuse or protection from harassment order against the requesting parent or legal guardian is in effect at the time the request is made;

(5) An attorney licensed to practice law in this State, but only if the request is made for the purpose of informing a potential or pending criminal or civil case, or for use in such a case, if the case involves a specifically identified person who may be or is a party to the potential or pending case. Except to the extent necessary to use a report or report information in the context of potential or pending criminal or civil litigation, further dissemination of reports or report information provided to a person pursuant to this subparagraph is prohibited;

(6) Another criminal justice agency. For the purposes of this subparagraph, "criminal justice agency" has the same meaning as in Title 16, section 611, subsection 4;

(7) The bureau; and

(8) An insurance support organization. Except to the extent necessary to use a report or report information in carrying out the services of an insurance support organization, further dissemination of reports or report information provided to an insurance support organization pursuant to this subparagraph is prohibited. For purposes of this subparagraph, "insurance support organization" has the same meaning as in Title 24-A, section 2204, subsection 17.

The cost of furnishing a copy of a report is not subject to the limitations of Title 1, section 408, subsection 3.

Sec. 3. 29-A MRSA §2251, sub-§7-B is enacted to read:

7-B. Accident report database; public dissemination of accident report data.
Data contained in an accident report database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police must be treated as follows.

A. For purposes of this subsection, the following terms have the following meanings.

(1) "Data" means information existing in an electronic medium and contained in an accident report database.

(2) "Nonpersonally identifying accident report data" means any data in an accident report that are not personally identifying accident report data.

(3) "Personally identifying accident report data" means:

(a) An individual's name, residential and post office box mailing address, social security number, date of birth and driver's license number;

(b) A vehicle registration number;

(c) An insurance policy number;

(d) Information contained in any free text data field of an accident report;
and

(e) Any other information contained in a data field of an accident report that
may be used to identify a person.

B. The Department of Public Safety, Bureau of State Police may not publicly
disseminate personally identifying accident report data that are contained in an
accident report database maintained, administered or contributed to by the Bureau of
State Police. Such data are not public records for the purposes of Title 1, chapter 13.

C. The Department of Public Safety, Bureau of State Police may publicly
disseminate nonpersonally identifying accident report data that are contained in an
accident report database maintained, administered or contributed to by the Bureau of
State Police. The cost of furnishing a copy of such data is not subject to the
limitations of Title 1, section 408.

Sec. 4. 29-A MRSA §2251, sub-§8, as amended by PL 2001, c. 360, §15, is
further amended to read:

8. Violation. A person commits a Class E crime if that person:

A. Is required to make an oral or written report and knowingly fails to do so within
the time required;

B. Is an operator involved in a reportable accident and knowingly fails to give a
correct name and address when requested by an officer at the scene; or

C. Is the operator involved in a reportable accident or the owner of a vehicle
involved in a reportable accident and knowingly fails to produce the vehicle or, if the
vehicle is operational, return it to the scene when requested by the investigating
officer;

D. Intentionally or knowingly makes a material misstatement of fact on any
application or document, including, but not limited to, an electronic application or
document, submitted either in support of or as a request made for a copy of an
accident report under this section; or

E. Intentionally or knowingly further disseminates a report or report information that
has been provided to a person pursuant to subsection 7-A, paragraph C, subparagraph
(5), except to the extent permitted by that subparagraph.'

SUMMARY

This amendment, which is the majority report, strikes and replaces the bill. The
amendment reorganizes the provision of law relating to accident report information and
makes technical changes.

1 The amendment provides that accident reports and information contained in accident
2 reports, except as otherwise provided, are confidential and may be released only to a
3 person who was involved in the accident that is the subject of the report as well as to:

4 1. That person's licensed attorney, licensed insurance representative or authorized
5 agent if authorization is evidenced in writing;

6 2. That person's insurance carrier or insurance producer;

7 3. That person's family or household members, as long as no temporary or permanent
8 protection from abuse or protection from harassment order against the requesting family
9 or household member is in effect at the time the request is made;

10 4. If the person is a minor, that person's parent or legal guardian, as long as no
11 temporary or permanent protection from abuse or protection from harassment order
12 against the requesting parent or legal guardian is in effect at the time the request is made;

13 5. An attorney licensed to practice law in this State, but only if the request is made
14 for the purpose of informing a potential or pending criminal or civil case, or for use in
15 such a case, if the case involves a specifically identified person who may be or is a party
16 to the potential or pending case;

17 6. Another criminal justice agency;

18 7. The Department of the Secretary of State, Bureau of Motor Vehicles; and

19 8. An insurance support organization.

20 The amendment provides that the Department of Public Safety, Bureau of State
21 Police may not publicly disseminate personally identifying accident report data that are
22 contained in an accident report database maintained, administered or contributed to by the
23 Bureau of State Police, but may publicly disseminate nonpersonally identifying accident
24 report data.

25 The amendment also provides that a person commits a Class E crime if that person
26 intentionally or knowingly makes a material misstatement of fact on any application or
27 document submitted either in support of or as a request made for a copy of an accident
28 report or intentionally or knowingly further disseminates a report or report information
29 that has been provided to an attorney pursuant to law.

30 The amendment also defines "data" as information existing in an electronic medium
31 and contained in an accident report database.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/28/11 *mac*

125th MAINE LEGISLATURE

LD 1167

LR 2038(02)

An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Transportation
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class E crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.