

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1764

Short Title: Privacy of Online Crash Report Information. (Public)

Sponsors: Representatives T. Harrell, R. Warren (Primary Sponsors); Adams, Alexander, Braxton, Cole, Coleman, Cotham, Dickson, Fisher, Gibson, Hall, Harrison, Jones, and McLawhorn.

Referred to: Judiciary II.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE REDACTION OF PERSONAL INFORMATION CONTAINED IN CRASH REPORTS THAT MAY BE USED TO STEAL THE IDENTITY OF ANOTHER PERSON AND THAT MAY BE PUBLISHED ONLINE OR MADE AVAILABLE THROUGH THE PUBLIC INFORMATION LAWS OF THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-166.1 reads as rewritten:

"§ 20-166.1. **Reports and investigations required in event of accidentcrash.**

(a) Notice of AccidentCrash. – The driver of a vehicle involved in a reportable accidentcrash must immediately, by the quickest means of communication, notify the appropriate law enforcement agency of the accidentcrash. If the accidentcrash occurred in a city or town, the appropriate agency is the police department of the city or town. If the accidentcrash occurred outside a city or town, the appropriate agency is the State Highway Patrol or the sheriff's office or other qualified rural police of the county where the accidentcrash occurred.

(b) Insurance Verification. – When requested to do so by the Division, the driver of a vehicle involved in a reportable accidentcrash must furnish proof of financial responsibility.

(c) Parked Vehicle. – The driver of a motor vehicle that collides with another motor vehicle left parked or unattended on a highway of this State must report the collision to the owner of the parked or unattended motor vehicle. This requirement applies to an accidentcrash that is not a reportable accidentcrash as well as to one that is a reportable accidentcrash. The report may be made orally or in writing, must be made within 48 hours of the accidentcrash, and must include the following:

- (1) The time, date, and place of the accidentcrash.
- (2) The driver's name, address, and drivers license number.

1 (3) The registration plate number of the vehicle being operated by the
2 driver at the time of the ~~accident~~crash.

3 If the driver makes a written report to the owner of the parked or unattended vehicle
4 and the report is not given to the owner at the scene of the ~~accident~~crash, the report
5 must be sent to the owner by certified mail, return receipt requested, and a copy of the
6 report must be sent to the Division.

7 (d) Repealed by Session Laws 1995, c. 191, s. 2.

8 (e) Investigation by Officer. – The appropriate law enforcement agency must
9 investigate a reportable ~~accident~~crash. A law-enforcement officer who investigates a
10 reportable ~~accident~~crash, whether at the scene of the ~~accident~~crash or by subsequent
11 investigations and interviews, must make a written report of the ~~accident~~crash within 24
12 hours of the ~~accident~~crash and must forward it as required by this subsection. The report
13 must contain information on financial responsibility for the vehicle driven by the person
14 whom the officer identified as at fault for the ~~accident~~crash.

15 If the officer writing the report is a member of the State Highway Patrol, the officer
16 must forward the report to the Division. If the officer is not a member of the State
17 Highway Patrol, the officer must forward the report to the local law enforcement agency
18 for the area where the ~~accident~~crash occurred. A local law enforcement agency that
19 receives an ~~accident~~crash report must forward it to the Division within 10 days after
20 receiving the report.

21 When a person injured in a reportable ~~accident~~crash dies as a result of the
22 ~~accident~~crash within 12 months after the ~~accident~~crash and the death was not reported
23 in the original report, the law enforcement officer investigating the ~~accident~~crash must
24 file a supplemental report that includes the death.

25 (f) Medical Personnel. – A county medical examiner must report to the Division
26 the death of any person in a reportable ~~accident~~crash and the circumstances of the
27 ~~accident~~crash. The medical examiner must file the report within five days after the
28 death. A hospital must notify the medical examiner of the county in which the
29 ~~accident~~crash occurred of the death within the hospital of any person who dies as a
30 result of injuries apparently sustained in a reportable ~~accident~~crash.

31 (g) Repealed by Session Laws 1987, c. 49.

32 (h) Forms. – The Division shall provide forms or procedures for submitting crash
33 data to persons required to make reports under this section and the reports shall be made
34 in a format approved by the Commissioner. The following information shall be included
35 about a reportable crash:

36 (1) The cause of the crash.

37 (2) The conditions existing at the time of the crash.

38 (3) The persons and vehicles involved.

39 (4) Whether the vehicle has been seized and is subject to forfeiture under
40 G.S. 20-28.2.

41 (i) Effect of Report. – A report of an ~~accident~~crash made under this section by
42 a person who is not a law enforcement officer is without prejudice, is for the use of the
43 Division, and shall not be used in any manner as evidence, or for any other purpose in
44 any trial, civil or criminal, arising out of the ~~accident~~crash. Any other report of an

1 ~~accident~~a crash made under this section may be used in any manner as evidence, or for
2 any other purpose, in any trial, civil or criminal, as permitted under the rules of
3 evidence. At the demand of a court, the Division must give the court a properly
4 executed certificate stating that a particular ~~accident~~crash report has or has not been
5 filed with the Division solely to prove a compliance with this section.

6 The reports made by persons who are not law enforcement officers or medical
7 examiners are not public records. The reports made by law enforcement officers and
8 medical examiners are public records and are open to inspection by the general public at
9 all reasonable times. Personal information contained in crash reports shall be redacted
10 from the reports before being published to the public. Personal information shall include
11 the home address, date of birth, telephone numbers, employer information, insurance
12 policy number, and the drivers license number of any person involved in the crash. Law
13 enforcement personnel, district attorneys, attorneys-at-law, insurance companies, any
14 person involved in a crash, and any other state or local governmental unit may have
15 access to the original crash report, without any redactions. The Division must give a
16 certified copy of ~~one of these reports~~ the appropriate type of report to a member of the
17 general public who requests a copy and pays the fee set in G.S. 20-42.

18 (j) Statistics. – The Division may periodically publish statistical information on
19 motor vehicle ~~accidents~~crashes based on information in ~~accident~~crash reports. The
20 Division may conduct detailed research to determine more fully the cause and control of
21 ~~accidents~~crashes and may conduct experimental field tests within areas of the State from
22 time to time to prove the practicability of various ideas advanced in traffic control and
23 ~~accident~~crash prevention.

24 (k) Punishment. – A violation of any provision of this section is a misdemeanor
25 of the Class set in G.S. 20-176."

26 **SECTION 2.** This act is effective when it becomes law.