

MAR 3 2005
TRANSPORTATION

HOUSE FILE 569
BY DAVITT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the dissemination of accident reports made by
2 peace officers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 569

1 Section 1. Section 321.266, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. Every ~~law-enforcement~~ peace officer who, in the regular
4 course of duty, investigates a motor vehicle accident of which
5 report must be made as required in subsections 1 to 3 of this
6 section, either at the time of and at the scene of the
7 accident or thereafter by interviewing participants or
8 witnesses shall, within twenty-four hours after completing
9 such investigation, forward a written report of such accident
10 to the department.

11 Sec. 2. Section 321.271, Code 2005, is amended to read as
12 follows:

13 321.271 ~~REPORTS CONFIDENTIAL~~ -- WITHOUT PREJUDICE --
14 ~~EXCEPTIONS~~ CONFIDENTIALITY.

15 1. All accident reports filed by a driver of a vehicle
16 involved in an accident as required under section 321.266
17 shall be in writing. The report shall be without prejudice to
18 the individual so reporting and shall be for the confidential
19 use of the department, except that upon the request of any
20 person involved in the accident, the person's insurance
21 company or its agent, or the attorney for such person, the
22 department shall disclose the identity and address of other
23 persons involved in the accident and may disclose the name of
24 the insurance companies with whom the other persons have
25 liability insurance. The department, upon written request of
26 the person making the report, shall provide the person with a
27 copy of that person's report. The written report filed with
28 the department shall not be admissible in or used in evidence
29 in any civil or criminal case arising out of the facts on
30 which the report is based.

31 2. All written reports filed by a ~~law-enforcement~~ peace
32 officer as required under section 321.266 shall be made
33 available to any ~~party-to-an-accident, the party's insurance~~
34 ~~company-or-its-agent, the party's attorney, the federal motor~~
35 ~~carrier-safety-administration, or the attorney general,~~ person

1 on written request to the department and the payment of a fee
2 of four dollars for each copy. If a copy of an investigating
3 officer's report of a motor vehicle accident filed with the
4 department is retained by the law enforcement agency of the
5 officer who filed the report, a copy shall be made available
6 to any ~~party-to-the-accident, the party's insurance company or~~
7 ~~its agent, the party's attorney, the federal motor carrier~~
8 ~~safety administration, or the attorney general,~~ person on
9 written request and the payment of a fee. However, the
10 attorney general and the federal motor carrier safety
11 administration shall not be required by the department or the
12 law enforcement agency to pay a fee for a copy of a report
13 filed by a ~~law-enforcement~~ peace or investigating officer.

14 3. Notwithstanding ~~subsections 1 and~~ subsection 2, the
15 ~~date, time, specific location, and immediate facts and~~
16 ~~circumstances~~ a peace officer's investigative report
17 surrounding a crime or incident shall ~~not~~ be kept confidential
18 under this section, ~~except~~ in those unusual circumstances
19 where there is ongoing criminal activity or where disclosure
20 would plainly and seriously jeopardize an ongoing criminal
21 investigation or pose a clear and present danger to the safety
22 of an individual.

23 Sec. 3. Section 462A.7, subsection 3, Code 2005, is
24 amended to read as follows:

25 3. Every ~~law-enforcement~~ peace officer who, in the regular
26 course of duty, investigates an occurrence which is required
27 to be reported by this section, shall, after completing such
28 investigation, forward a report of such occurrence to the
29 commission.

30 Sec. 4. Section 462A.7, subsection 4, paragraph b, Code
31 2005, is amended to read as follows:

32 b. All written reports filed by ~~law-enforcement~~ peace
33 officers as required under subsection 3 ~~are confidential to~~
34 ~~the extent provided in section 22-7, subsection 5, and section~~
35 ~~622-11, --~~ However, a completed law-enforcement officer's report

1 shall be made available by the department or the investigating
2 law enforcement agency to any ~~party-to-a-boating-accident,~~
3 ~~collision, or other casualty, the party's insurance company or~~
4 ~~its agent, or the party's attorney~~ person on written request
5 and payment of a fee. However, a peace officer's
6 investigative report surrounding a crime or incident shall be
7 kept confidential in those unusual circumstances where there
8 is ongoing criminal activity or where disclosure would plainly
9 and seriously jeopardize an ongoing criminal investigation or
10 pose a clear and present danger to the safety of an
11 individual.

12 EXPLANATION

13 This bill relates to the dissemination of accident reports
14 concerning vehicles and watercraft required to be made by
15 peace officers.

16 Code section 321.266 is amended to provide that any "peace
17 officer" instead of any "law enforcement officer" is required
18 to make a written report of motor vehicle accidents. Code
19 section 321.271 is amended to provide that such written
20 reports must be made available to any person who makes a
21 written request to the department and pays a \$4 fee. Code
22 section 321.271 is also amended to provide that such an
23 investigative report shall be kept confidential in those
24 unusual circumstances where there is ongoing criminal activity
25 or where disclosure would plainly and seriously jeopardize an
26 ongoing criminal investigation or pose a clear and present
27 danger to the safety of an individual. Currently, such
28 investigative reports are only available to a party to an
29 accident, the party's insurance company or its agent, the
30 party's attorney, the federal motor carrier safety
31 administration, or the attorney general and only the date,
32 time, specific location, and immediate facts and circumstances
33 surrounding a crime or incident can be released to the public
34 even if the unusual circumstances do not exist.

35 Code section 462A.7 is amended to provide that any "peace

1 officer" instead of any "law enforcement officer" is required
2 to make a written report of collisions, accidents, and
3 casualties involving watercraft to the natural resource
4 commission. Code section 462A.7 is also amended to provide
5 that such investigative reports must be made available by the
6 department of natural resources or the investigating law
7 enforcement agency to any person who makes a written request
8 and pays a fee. Currently, such reports are available only to
9 a party to an accident, the party's insurance company or its
10 agent, or the party's attorney. Currently, such reports are
11 otherwise confidential pursuant to Code section 22.7 of the
12 Iowa open records law and only the date, time, specific
13 location, and immediate facts and circumstances surrounding
14 such a crime or incident involving watercraft can be released
15 to the public except in those unusual circumstances where even
16 that limited disclosure would plainly and seriously jeopardize
17 an investigation or pose a clear and present danger to the
18 safety of an individual. Code section 462A.7 is amended to
19 provide that such investigative reports are confidential only
20 in those unusual circumstances.

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