

**189.635 Vehicle accident reports by operators, law enforcement officers, and agencies -- Availability -- News-gathering organizations -- Contracts with outside entities to provide vehicle's accident history and electronic access to reports -- Administrative regulations -- Insurers of train engineers.**

- (1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to ensure that uniform definitions, classifications, and other federal requirements are in compliance.
- (2) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or nonfatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction. In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, such responsibility shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.
- (3) Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a report of the accident with the Department of Kentucky State Police within ten (10) days after investigation of the accident upon forms supplied by the department.
- (4) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding five hundred dollars (\$500) in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the Department of Kentucky State Police within ten (10) days of occurrence of the accident upon forms provided by the department.
- (5) (a) All accident reports filed with the Department of Kentucky State Police in compliance with subsection (4) of this section shall not be considered open records under KRS 61.870 to 61.884 and shall remain confidential, except that the department may:
  1. Disclose the identity of a person involved in an accident when his or her identity is not otherwise known or when he or she denies his or her presence at an accident; and
  2. Make the reports available:
    - a. To the persons named in paragraph (c) of this subsection; and
    - b. In accordance with subsection (8) of this section.
- (b) All other accident reports required by this section, and the information contained in the reports, shall be confidential and exempt from public disclosure under KRS 61.870 to 61.884, except when:
  1. Produced pursuant to a properly executed subpoena or court order; or

2. Disclosed as provided in this section.
- (c) Accident reports shall be made available to:
1. The parties to the accident;
  2. The parents or guardians of a minor who is party to the accident;
  3. Insurers or their written designee for insurance business purposes of any party who is the subject of the report;
  4. The attorneys of the parties to the accident;
  5. Any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties; and
  6. The Department of Workplace Standards in the Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation.
- (6) (a) Except as provided for in paragraph (b) of this subsection, the department shall not release accident reports for a commercial purpose.
- (b) Notwithstanding any other provision of this section, the department may, as a matter of public safety, contract with an outside entity and release unredacted vehicle damage data extracted from accident reports to the entity if the data is used solely for the purpose of providing the public a means of determining a vehicle's accident history. The department may further contract with a third party to provide electronic access to reports for persons and entities who are entitled to the reports under subsection (5) of this section.
- (7) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set out a fee schedule for accident reports made available pursuant to subsections (5) and (8) of this section. These fees shall be in addition to those charged to the public for records produced under KRS Chapter 61.
- (8) (a) The report shall be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news. The news-gathering organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial purpose other than the news-gathering organization's publication or broadcasting of the information in the report.
- (b) For the purposes of this subsection:
1. "News-gathering organization" includes:
    - a. A newspaper or periodical if it:
      - i. Is published at least fifty (50) of fifty-two (52) weeks during a calendar year;
      - ii. Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar year; and
      - iii. Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices;

- b. A television or radio station with a valid broadcast license issued by the Federal Communications Commission;
  - c. A news organization that broadcasts over a multichannel video programming service as defined in KRS 136.602;
  - d. A Web site published by or affiliated with any entity described in subdivision a., b., or c. of this subparagraph;
  - e. An online-only newspaper or magazine that publishes news or opinion of interest to a general audience and is not affiliated with any entity described in subparagraph 2. of this paragraph; and
  - f. Any other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group; and
2. "News-gathering organization" does not include any product or publication with the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.
- (c) A news-gathering organization shall not be held to have used or knowingly allowed the use of the report for a commercial purpose merely because of its publication or broadcast.
- (d) A request under this subsection shall be completed using a form promulgated by the department through administrative regulations in accordance with KRS Chapter 13A. The form under this paragraph shall include:
1. The name and address of the requestor and the news-gathering organization the requestor represents;
  2. A statement that the requestor is a news-gathering organization under this subsection and identifying the specific subdivision of paragraph (b)1. of this subsection under which the requester qualifies;
  3. A statement that the request is in compliance with the criteria contained in this section; and
  4. A declaration of the requestor as to the accuracy and truthfulness of the information provided in the request.
- (e)
1. The department shall redact all personal information from a report prior to making it available to a news-gathering organization as defined under paragraph (b)1.f. of this subsection.
  2. Reports may be provided to news-gathering organizations as defined under paragraph (b)1.a. to e. of this subsection without redaction.
  3. For the purposes of this paragraph, "personal information" means:
    - a. The address, driver's license number, phone number, date of birth, and any other contact information contained in the report for each person listed on the report; and
    - b. The vehicle identification numbers (VINs) for each vehicle listed

on the report.

- (9) The motor vehicle insurers of any train engineer or other train crew member involved in an accident on a railroad while functioning in their professional capacity shall be prohibited from obtaining a copy of any accident report filed on the accident under this section without written consent from the individual the company insures. Insurance companies issuing motor vehicle policies in the Commonwealth shall be prohibited from raising a policyholder's rates solely because the policyholder, in his or her professional capacity, is a train engineer or other train crew member involved in an accident on a railroad.
- (10) For reporting and statistical purposes, motor scooters and autocycles as defined in KRS 186.010 shall be listed as a distinct category and shall not be considered to be a motor vehicle or a motorcycle for reports issued under this section.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 22, sec. 9, effective June 27, 2019; and ch. 143, sec. 3, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 69, sec. 5, effective June 29, 2017; ch. 134, sec. 1, effective June 29, 2017; and ch. 143, sec. 1, effective June 29, 2017. -- Amended 2008 Ky. Acts ch. 160, sec. 1, effective July 15, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 211, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 497, sec. 2, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 478, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 94, sec. 1, effective July 13, 1990. -- Amended 1976 Ky. Acts ch. 194, sec. 1, effective January 1, 1977. -  
- Created 1974 Ky. Acts ch. 335, sec. 1.

**Legislative Research Commission Note (6/27/2019).** This statute was amended by 2019 Ky. Acts chs. 22 and 143, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (7/15/2008).** The numbering of the subsections in this section has been altered by the Reviser of Statutes from the numbering in 2008 Ky. Acts ch. 160, sec. 1, under the authority of KRS 7.136.