

Public Chapter 111, Acts of 2019 Effective July 1, 2019! (UP-DATED)

Public Chapter 111, Acts of 2019 Effective July 1, 2019! (UPDATED) [1]

Public Chapter 111, Acts of 2019, becomes effective **July 1, 2019**. The public chapter provides that personally identifying information contained in a motor vehicle accident report is confidential and not open to public inspection under the Tennessee Public Records Act, except to a person named in the accident report, such person's agent, legal representative, or attorney, once that individual **certifies** that he/she has permission from one of the named parties to the accident, to obtain the personally identifying information in the report.

"Personally identifying information" is defined as street addresses and zip codes, telephone numbers, driver license numbers, and insurance information.

Since the language in the public chapter is silent regarding what constitutes certification, MTAS staff developed the form at this link [2] that can be used as a template by municipal staff, when certification is necessary for an individual to receive an unredacted copy of an accident report. In addition to requiring the completion of the certification form, MTAS staff also suggests that the individual presenting the certification be required to provide the city with his/her picture identification.

It is also important to note that the language in the public chapter allows municipalities to use the personally identifying information included in accident reports when carrying out the functions of the municipality. Additionally, law enforcement agencies are authorized to release information about traffic accidents to the public, when it is determined that the release is in the best interest of the agency and for the public good. The information that may be released by local law enforcement includes the name, age, and county or city of residence of a person involved in an accident. This provision will be repealed on June 30, 2026.

Finally, MTAS staff received several questions yesterday (7/1/2019) related to the release of accident reports to third party vendors making requests on behalf of insurance companies. Staff reached out to the Office of Open Records Counsel and asked whether and how third party vendors can access accident reports in light of the new legislation. The following response was provided by Lee Pope, Open Records Counsel:

Thank you for contacting the Office of Open Records Counsel about Public Chapter 111, which takes effect today, making "personally identifying information" in motor vehicle accident reports confidential. Pursuant to subsection (B) of the new subsection (a)(31) within Tenn. Code Ann. § 10-7-504, it appears a third party that can certify they are acting on behalf of an insurance company representing an individual named in an accident report may obtain an unredacted copy of the accident report. Accordingly, a statement of representation and a signed copy of a letter from the insurance company certifying that the third party is acting on behalf of the insurance company may suffice as adequate certification under the new law to provide an unredacted copy of the accident report.

So, for purposes of these type of third party vendor requests, the certification that MTAS developed is not necessary, but the vendor does need to provide the city with sufficient information to prove that the vendor is making the request on behalf of an insurance company.

Here is the **link to Public Chapter 111, Acts of 2019** [3].

Wednesday, July 3, 2019

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Links:

[1] <http://www.mtas.tennessee.edu/mtasnews/public-chapter-111-acts-2019-effective-july-1-2019-updated>

[2] <http://www.mtas.tennessee.edu/file/certificationaccidentreportunredactedformdocx#overlay-context=content/portal-page>

[3] <https://publications.tnsosfiles.com/acts/111/pub/pc0111.pdf>

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