
**State Government Operations &
Accountability Committee**

HB 2110

Brief Description: Clarifying access to accident reports and information compiled by the Washington state patrol.

Sponsors: Representatives Williams, Wood, Clibborn, Rodne and Simpson.

Brief Summary of Bill

- Requires accident reports to be made available to the public.

Hearing Date: 2/28/05

Staff: Jim Morishima (786-7191).

Background:

Public Records Disclosure

The Public Disclosure Act (PDA) requires that all state and local government agencies to make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

Accident Reports

A person involved in a motor vehicle accident must submit an accident report to the State Patrol if the accident involved injury, death, or property damage over a certain amount. The State Patrol is required to file, tabulate, and analyze all accident reports and publish statistical information based on the accident reports showing the number, location, frequency, and circumstances of accidents and other statistical information that may be of assistance in determining the cause of vehicular accidents.

The State Patrol must make the accident reports and analysis thereof available to the Department of Licensing, the Department of Transportation, the Utilities and Transportation Commission, the Traffic Safety Commission, and other public entities for further tabulation and analysis; for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators, and all other purposes; and to publish information as may be deemed of publication value.

Accident reports are confidential and may not be disclosed except to appropriate public agencies and persons who have a "proper interest" in the reports. RCW 46.52.080. Persons with a proper interest in the reports include the driver or drivers involved in the accident, the parent of a minor driver, any person injured in the accident, and the owner of vehicles or property damaged in the accident.

Federal Highway Safety Funds

In order to apply for federal highway safety funds, public agencies are required to compile and collect data on traffic safety, including accident reports. Federal law exempts documents created or collected for purposes of applying for federal highway safety funds from discovery or admissibility in court. 23 U.S.C. § 409.

Guillen v. Pierce County

In 2003, the United States Supreme Court ruled that the exemption in 23 U.S.C. § 409 protects traffic safety documents created or collected by an agency applying for federal highway safety funds. Guillen v. Pierce County, 537 U.S. 129 (2003). The decision overruled a decision by the Washington State Supreme Court that held that only documents created by an agency applying for federal funds are protected. According to the United States Supreme Court, the documents are only protected when they are held by the agency that is applying for the funds. In other words, the documents would be subject to discovery and admissible in court if they are held by an agency that created or collected the documents for a purpose other than applying for federal funds.

Summary of Bill:

It is stated that the Legislature intends: (1) To codify the United States Supreme Court's decision in Guillen by clarifying that any information compiled or collected by the Washington State Patrol pursuant to this statute is not privileged under 23 U.S.C. § 409; and (2) to clarify that the public must have access under the PDA to accident reports and information compiled or collected by the State Patrol.

The State Patrol must compile and collect accident reports, in addition to filing, tabulating, and analyzing them. The State Patrol must make accident reports and information and any statistical analysis thereof available to the public under the PDA. The duty of the State Patrol to compile, collect, file, tabulate, and analyze accident reports may not be transferred to another governmental agency or entity as a means of avoiding public disclosure.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.