

SPONSOR: Sen. Hansen & Rep. Carson & Rep. Osienski
Sens. Hocker, McBride, Pettyjohn, Townsend; Reps. Baumbach, Briggs King

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 147
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ACCIDENT STATISTICS AND REPORTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 313, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 313. Accident statistics and reports; evidence.

(b)(1) The Department of Safety and Homeland Security shall receive accident reports required to be made by law and shall tabulate and analyze ~~such~~ the accident reports and publish ~~annually~~ annually, or at more frequent ~~intervals~~ intervals, statistical information based ~~thereon as to~~ on the accident reports regarding the number, ~~cause~~ cause, and location of highway accidents. ~~Such reports shall be without prejudice, shall be for the information of the Department of Safety and Homeland Security and shall not be open to public inspection.~~

(2) All the following applies to a report under this subsection:

a. The report is without prejudice.

b. The information in the report is for the Department of Safety and Homeland Security and the Department of Transportation.

c. Reports are not open to public inspection.

(3) ~~The fact that such~~ Accident reports ~~have been so~~ made ~~shall be~~ under this subsection are admissible in evidence solely to prove ~~a~~ compliance with this section but no ~~such~~ accident report or any part ~~thereof~~ or statement contained ~~therein shall be~~ in a report is admissible in evidence for any other purpose in any trial, civil or criminal, arising out of ~~such~~ an accident.

(c)(1) The Department of Transportation may provide the information under this subsection if the person requesting the information provides proof of identity and a sworn representation that the data will be strictly used for any of the following purposes:

a. To comply with federal, State, or local law or regulations.

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b. By a municipality or municipal planning organization in carrying out official functions.

(2) If permitted under paragraph (c)(1) of this section, the Department of Transportation may prepare a document containing a quantitative analysis of de-identified data with any of the following information:

a. Accident classification.

b. Manner of impact.

c. Alcohol involvement.

d. Date and time of accident.

e. Conditions regarding road surface, lighting, and weather.

f. Seat belt or helmet use.

g. Geographic location.

h. Contributing factors, including speed.

(3) The Department of Transportation may share traffic studies or analysis that contain the information permitted under paragraph (c)(2) of this section that the Department of Transportation has prepared in carrying out its functions.

(d) Accident reports and crash data under this section are not public records under the Freedom of Information Act, Chapter 100 of Title 29.

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