§ 63-3-417. Disclosure of information in accident reports; fraudulently obtaining information contained in report; penalties.

(1) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and, except as otherwise provided in this section, shall be for the confidential use of the department; however, the department may, upon written request of any person involved in an accident, the spouse or next of kin of any such person, or any person against whom a claim is made as a result of the accident or upon written request of the representative of his estate, disclose to such requester or his legal counsel or a representative of his insurer any information contained in such report except the parties' version of the accident as set out in the written report filed by such parties, or may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. The admissibility of an accident report into evidence in any court shall be governed by the Mississippi Rules of Evidence. However, the department shall furnish, upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

(2) (a) Notwithstanding the provisions of subsection (1) of this section or the provisions of any other law to the contrary, the department may supply vehicle-specific accident data to any person or entity, in bulk electronic form, for the purpose of compiling vehicle history reports for use by law enforcement, consumers and businesses. The department may charge and collect fees at a negotiated price established by the department for providing such data; however, the department may not agree to grant to any person or entity an exclusive right to receive information or data under this subsection. A person or entity that requests access to such data must agree, in writing, to use information obtained from such data only for the purpose of identifying vehicles that have been involved in accidents and any damage to those vehicles. A person or entity obtaining such data may not use such information to identify or contact persons or individuals.

(b) The department shall retain and deposit into a special fund that is hereby created in the State Treasury so much of the fees collected as may be necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection. Monies in the special fund may be expended, upon legislative appropriation, to defray such costs. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any income earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. That portion of the fees collected in excess of the amount necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection shall be deposited in the State General Fund as provided under Section 45-1-23.

(3) The report required by Section 63-3-411 may be used in proving uninsured status of the owner and operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124.

(4) Any person to whom information contained in an accident report is not authorized to be disclosed under this section who fraudulently obtains or fraudulently attempts to obtain a copy of such report or information contained in such report shall be guilty of a misdemeanor and such person, upon conviction, shall be punished by a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00), or imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment.