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Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

October 29, 1986

Philip M. Schnabel
310 Minick Lane
Eugene, Oregon 97405

Re: Department of Motor Vehicles Accident Report

Dear Mr. Schnabel:

This letter responds to your letter October 14, 1986 letter which was received by the Department of Justice on October 27, 1986. You ask how you can obtain a copy of an accident report filed by the other driver in an automobile accident in which you were involved. Our response is that, under the Public Records Law, you are not entitled to a copy of the accident report you seek; but under a specific provision of the Motor Vehicles Law, you may obtain certain information that appears in the report upon making a written request to the Motor Vehicles Division.

The Oregon Public Records Law, in ORS 192.500(2)(h), exempts from disclosure public records or information the disclosure of which is prohibited, restricted or otherwise made confidential or privileged by ORS 802.220. Under ORS 802.220(5), the Motor Vehicles Division is required to maintain accident reports "without prejudice to the individual filing the report" and "for the confidential use of state administrative and enforcement agencies." However, ORS 802.220(5) goes on to say that the Motor Vehicles Division may use the confidential accident reports to provide certain information to parties involved in an accident. ORS 802.220(5)(a) provides:

> "Upon written request, the division shall disclose the following information to any party involved in the accident or to their personal representative or any member of the family of a party involved in the accident:
>
> "(A) The identity of the owner, driver, occupants and the registration number of a vehicle involved in the accident;

"(B) The names of any companies insuring the owner or driver of a vehicle involved in the accident; and

"(C) The names of any witnesses to the accident."

In summary, if you make a written request to the Motor Vehicles Division, it can supply you with the above listed information; however, it is not required to furnish you with a copy of the accident report submitted by the other driver involved in the accident. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

James E. Mountain Jr

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: Cynthia Carter, Assistant Attorney General
Shirley St. John, Motor Vehicles Division