

MOTOR VEHICLE SAFETY RESPONSIBILITY UNIT:
PUBLIC RECORDS:

Citizens of Missouri have the right to make personal inspection of accident reports and be apprised of the security filed with the Motor Vehicle Safety Responsibility Unit.

September 13, 1961

Mr. M. E. Morris, Director,
Department of Revenue,
Jefferson Building,
Jefferson City, Missouri



Dear Mr. Morris:

This is in response to your letter dated August 9, 1961, requesting an opinion from this office concerning the interpretation of Senate Bill No. 284, recently enacted by the 71st General Assembly. This Act reads as follows:

"Section 1. Except as otherwise provided by law, all state, county and municipal records kept pursuant to statute or ordinance shall at all reasonable times be open for a personal inspection by any citizen of Missouri, and those in charge of the records shall not refuse the privilege to any citizen. Any official who violates the provisions of this section shall be subject to removal or impeachment and in addition shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars, or by confinement in the county jail not exceeding ninety days, or by both the fine and the confinement.

"Section 2. In all cases where the public or any person interested has a right to inspect or take extracts or make copies from any public records, instruments or documents, any person has the right of access to the records, documents or instruments for the purpose of making photographs of them while in the possession, custody and control of the lawful custodian thereof or his authorized deputy. The work shall be done under the supervision of the lawful custodian of the records who may adopt and enforce reasonable rules governing the work.

Mr. M. E. Morris

The work shall, where possible, be done in the room where the records, documents or instruments are by law kept, but if that is impossible or impractical, the work shall be done in another room or place as nearly adjacent to the place of custody as possible to be determined by the custodian of the records. While the work authorized herein is in progress, the lawful custodian of the records may charge the person desiring to make the photographs a reasonable rate for his services or for the services of a deputy to supervise the work and for the use of the room or place where the work is done."

In your letter you make the following inquiry:

"The Safety Responsibility Division of the Department of Revenue has heretofore refused access to automobile accident reports filed with us, under rules made by the Director of Revenue in accordance with the law.

"Under Senate Bill #284, the question arises whether we are justified in this position. We would appreciate a memorandum opinion from your office, relative to:

"(1) Who has the right to inspect or make copies of accident reports or the findings of this unit in connection with the accident;

"(2) Are we required to divulge to anyone the amount of security which we may require to be deposited with this department in connection with an accident where the insurance coverage is not ample."

Senate Bill No. 284 provides that certain records shall be "open for a personal inspection by any citizen of Missouri." In the opinion of this office said Act grants only the right to a personal inspection, and you are not required to furnish the information by mail. The personal inspection can be demanded as of right only by citizens of Missouri, but you are not precluded from permitting such inspection by others.

Mr. M. E. Morris

The right to a personal inspection extends to all those records kept by you pursuant to the Motor Vehicle Safety Responsibility Law, Chapter 303, RSMo 1959. The statutes specifically provide for the keeping of accident reports and in certain instances such security as may be required to satisfy any judgment for damages. In light of the fact that there are no provisions within Chapter 303, supra, which prohibit divulging contents of the records kept in conformance thereto, it is the opinion of this office that any Missouri citizen has the right to make a personal inspection and extract copies of accident reports and files pertaining thereto, and thereby be informed of the amount of the security deposited with your office.

CONCLUSION

As a result of Senate Bill No. 284 of the 71st General Assembly, it is the opinion of this office that upon the effective date thereof:

1. Any Missouri citizen has the right to make a personal inspection and to extract copies of those records maintained by your office in conformance with Chapter 303, RSMo 1959.
2. Any Missouri citizen has the right to personally inspect records pertaining to security deposits and thereby be apprised of the amount of security deposited with your office as may be required under Chapter 303, supra.

This opinion which I hereby approve, was prepared by my assistant, Eugene G. Bushmann.

Very truly yours,

THOMAS F. EAGLETON
Attorney General