

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 110.2

REVISED DECEMBER 2014

RELEASE OF COLLISION INFORMATION

1. POLICY. It shall be the policy of this Department to facilitate the release of collision information to person(s) who have a proper interest, consistent with existing law and this departmental directive. Every employee shall assist the public in receiving collision information including collision reports in the most expeditious manner available.

2. AUTHORITY. The authority for release of collision reports is contained in California Vehicle Code (VC) Section 20012.

3. GENERAL. The vehicle collision report consists of a CHP 555, Traffic Collision Report, and supplemental documentation of an investigation of a traffic collision.

4. PAYMENT SCHEDULE.
 - a. Report copies provided in any format, require a charge of \$10.00 per 25 pages.
 - b. A person who has proper interest may review a report in its entirety without charge.
 - c. Privately-owned copying machines may not be used to make copies of collision reports.

5. RELEASE OF COLLISION REPORTS. A person who has proper interest can obtain a copy of a California Highway Patrol (CHP) generated collision report from any CHP Area in the state, regardless of the CHP jurisdiction in which the collision occurred. This would include, but is not limited to:
 - a. A hard copy provided from the Area office.
 - b. Sending a fax copy of the report from one CHP Area to another CHP Area, or any other location requested by person who has proper interest.

- c. Arranging for a copy to be mailed to the requester's address from any CHP Area office (after verifying the person has proper interest and has made the appropriate payment).
- d. An electronic mail (e-mail) copy from one CHP Area to another CHP Area, then printed for the person who has proper interest; or sending a copy via e-mail from one CHP Area to an e-mail address requested by the person who has proper interest.

6. RELEASE TO A PERSON WHO HAS PROPER INTEREST - NONGOVERNMENT - CHARGE FOR COPIES UNLESS OTHERWISE INDICATED. The following entities are authorized to purchase a copy of a collision report:

- a. Legal or registered owner(s) of vehicles or owners of property involved in collisions.
- b. Persons involved or injured (including passengers), legal guardians, conservators, and relatives (when proper interest has been established, i.e., parents of minors). **Parents of adult children are not considered a person of proper interest, unless they have a signed authorization from the involved adult child.**
- c. In cases involving fatal collisions; proper interest lies with the surviving spouse, minor children when released through their guardians, or court appointed family member per California Probate Code 6401.
- d. When a collision is either a primary or associated collision factor of a subsequent collision or collisions, all drivers and passengers in all reports are considered to be persons who have proper interest.
- e. Any individual who declares under penalty of perjury that they represent a person who has proper interest. A written statement from an individual stating they represent a person who has proper interest is deemed to be a declaration under penalty of perjury. Such declarations permit release of the report to the attorney or their identified agent. The individual shall complete a CHP 190, Application for Release of Information, (Annex A) prior to purchasing the report.
- f. Representatives of insurance companies that supply the policy or claim number that was in effect at the time of the collision and hold the name of the insured.
- g. Authorized representatives of vehicle or component manufacturers. Such representatives are parties of interest for only those collisions which involved the manufacturer's make of vehicle or vehicle(s) in which a component has been

installed. Sufficient collision detail must be provided to identify the specific report(s). Such representatives must present a letter from the manufacturer, dated within the last 12 months, certifying their authority.

h. Any person, company, or corporation named in a legal action or who may incur civil liability resulting from a collision.

i. A request using Code of Civil Procedure 377.60 wrongful death. Such requests should receive clearance from the Special Counsel before being given to the requestor.

j. NOTE: If a subpoena is served for a traffic collision report, contact Legal Affairs Section.

7. RELEASE TO A PERSON WHO HAS PROPER INTEREST - LOCAL GOVERNMENT AGENCIES - NO CHARGE. The following local government agencies are authorized to receive a copy of a collision report at no charge:

a. Peace officers as defined in Penal Code Sections 830, et seq., in the performance of their official duties.

b. Coroner or their deputies (fatal collisions only).

c. District Attorney or Deputy District Attorneys prosecuting criminal cases, that arise from a traffic collision.

d. Irrigation and municipal utility districts for collisions involving their vehicles or property.

e. Public defenders or public/quasi-public (privately owned, but partially or majorly funded by the government) offices organized to provide free legal services to indigent persons arising from the collision.

f. Grand juries - limited to the investigation(s) within their respective counties.

g. County officers in charge of county highways. Information released shall be restricted to reports of collisions occurring at locations within their respective jurisdictions.

h. Public school districts for collisions involving their vehicles or property.

i. A county exercising rights to recover from third parties under Government Code Section 23004.1.

8. RELEASE TO A PERSON WHO HAS PROPER INTEREST - STATE GOVERNMENT AGENCIES - NO CHARGE. The following state government agencies are authorized to receive copies of a collision report at no charge:

- a. Peace officers as defined in Penal Code Sections 830, et seq., in the performance of their official duties.
- b. Department of Transportation (Caltrans) district engineers, maintenance superintendents, or their representatives. Information release shall be restricted to reports of collisions occurring at locations within their respective jurisdictions.
- c. Official representatives of the Department of Industrial Relations, Division of Occupational Safety and Health, when a collision is being investigated under Labor Code Section 6409.1.
- d. Any state agency representative when investigating collisions involving state employees while on state business in a state-owned or privately-owned vehicle.
- e. Representatives of the state investigating claims under the Victims of Violent Crimes Program.
- f. Joint Legislative Audit Committee.
- g. Auditor General when authorized by the Joint Legislative Audit Committee.
- h. Representatives of the Department of Developmental Services and Health Services for collisions involving patients committed to their care.
- i. State Public Defender's office in matters arising out of a traffic collision.

9. RELEASE TO A PERSON WHO HAS PROPER INTEREST - FEDERAL GOVERNMENT AGENCIES AND FOREIGN COUNTRIES - NO CHARGE. The following agencies are authorized to receive a copy of a collision report at no charge:

- a. Representatives of the armed forces when requested by a component of the military, which is a criminal justice agency including, but not limited to, Security Police, Office of Special Investigations, and Criminal Intelligence Divisions.
- b. Foreign consuls upon certification that the individual involved in the traffic collision is a citizen of the consul's represented country.
- c. The National Transportation Safety Board or their authorized representatives (Refer to the Highway Patrol Manual [HPM] 40.50, Collision Investigation Manual).

10. RELEASE OF COLLISION INFORMATION TO NEWS MEDIA. Information released to the news media should be limited to what is indicated on CHP 288A, Report of Collision - News Release, and a brief summary as to how the collision occurred. If there was an arrest in connection with the collision, refer to the CHP 288B, Report of Arrest/Unusual Incident - News Release. Request for collision information from the media, shall be directed to the Office of Community Outreach and Media Relations.

11. RELEASE OF COLLISION INFORMATION TO THE PUBLIC.

a. Until a collision report is complete, the following information can be provided to the public:

- (1) Time of collision.
- (2) Date of collision.
- (3) Location of collision.
- (4) Make of vehicle(s) involved.
- (5) Names of vehicle occupants (other than fatal collisions).

b. Once report is complete, all public information will be held under Government Code 6250 et. seq. as to the Public Records Act. Refer to HPM 11.1, Administrative Procedures manual, Chapter 13, Information Disclosures – Public Records and Rights of Privacy.

12. REQUESTS FOR STATISTICAL DATA.

a. Requests for data relating to state highways shall be referred to Caltrans.

b. Requests for data relating to unincorporated roadways shall be referred to Information Management Division, Support Services Section.

13. CASE DISCUSSION.

a. Upon request, the CHP Area commander shall schedule discussions of collision investigations between a person who has proper interest, or agents thereof, and officer who wrote the report.

b. Discussions shall be scheduled, during business hours, for an appropriate time and for a reasonable duration. Discussions shall be limited to providing clarification of the content of a report.

c. A person who has proper interest shall not be allowed to record these discussions.

ANNEX A

EXAMPLE CHP 190, APPLICATION FOR RELEASE OF INFORMATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL APPLICATION FOR RELEASE OF INFORMATION CHP 190 (Rev. 11-03) OPI 008		COLLISION / INCIDENT DATE 10/11/2014	OFFICE USE ONLY REPORT NUMBER 14-10-043
COLLISION / INCIDENT LOCATION I5 N @ the Mockingbird exit	DRIVER OR OWNER Tom Robinson		RECEIPT NUMBER
PARTY OF INTEREST (check and complete one ONLY)			
<input type="checkbox"/> Person involved (indicate whether driver, passenger, property owner, pedestrian, registered owner):			
<input type="checkbox"/> Family member (Indicate relationship):			
<input type="checkbox"/> Other party of interest, specify:			
<input checked="" type="checkbox"/> Legal representative (Attorney, guardian, conservator): Atticus Finch Attorney for Tom Robinson			
<input type="checkbox"/> Representative of Insurance Company or Insurance Adjusting Agency (Must have been a carrier for involved party at time of accident. Policy or claim number must be presented.)			Policy or Claim No.:
<input type="checkbox"/> Manufacturer Representative (Must have a letter from manufacturer certifying authority dated within the last year.)			Manufacturer:
<input type="checkbox"/> Self-Insured: Name:			Certificate number:
<input type="checkbox"/> Authorized person (Must have signed authorization). Indicate person represented:			
<input type="checkbox"/> Auto theft or recovery Vehicle description: Year: Lic. or VIN No.			
PLEASE PRINT NAME AND ADDRESS			
APPLICANT Atticus Finch	NUMBER AND STREET, CITY, STATE, ZIP CODE 9876 Radley Place Maycomb, AL 23569		
AGENCY / COMPANY Finch Law Group	SIGNATURE (I DECLARE UNDER PENALTY OF PERJURY THAT I AM THE PARTY OF INTEREST AS CHECKED ABOVE)	DATE 10/31/2014	
Use previous editions until depleted.		Chp190_0810.pdf	
ESTADO DE CALIFORNIA LA PATRULLA DE CAMINOS DE CALIFORNIA SOLICITUD PARA OBTENER INFORMACION CHP 190 (Rev. 11-03) OPI 008		FECHA DE LA COLISION / INCIDENTE	USO INTERNO SOLAMENTE NÚMERO DE REPORTE
LUGAR DE LA COLISION / INCIDENTE	CHOFER O PROPIETARIO		NÚMERO DE RECIBO
PARTY OF INTEREST (check and complete one ONLY)			
<input type="checkbox"/> Persona involucrada (indique si es: chofer, pasajero, peatón, propietario):			
<input type="checkbox"/> Miembro de familia (indique parentesco):			
<input type="checkbox"/> Otra parte interesada, especifique:			
<input type="checkbox"/> Representante legal (Abogado, guardián, conservador)			
<input type="checkbox"/> Representante de la Compañía Aseguradora o Agencia de Ajustadores (Debe ser la compañía que tenía asegurada a la parte interesada cuando ocurrió el accidente. Debera presentar el número de póliza o reclamación.)			Número de Póliza o Reclamación:
<input type="checkbox"/> Representante del Fabricante (Debe tener carta de autorización del fabricante fechada dentro de los últimos 12 meses.)			Fabricante:
<input type="checkbox"/> Asegurado por sí mismo: Nombre:			Número de Certificado:
<input type="checkbox"/> Persona autorizada (Debe tener firma de autorización) Indique a quién representa:			
<input type="checkbox"/> Robo / recuperacion de vehículo			
Descripción: Marca Modelo		Placas de circulación o número de serie (VIN)	
NOMBRE Y DOMICILIO (use letra de imprenta)			
APLICANTE	NÚMERO Y CALLE, CIUDAD, ESTADO, ZONA POSTAL		
AGENCIA / COMPAÑÍA	FIRMA (DECLARO BAJO PENA DE PERJURIO QUE SOY LA PERSONA INTERESADA COMO ESTA INDICADO ARRIBA)	FECHA	
Use previous editions until depleted.		Chp190_0810.pdf	

THIS PAGE INTENTIONALLY LEFT BLANK