

BILL ANALYSIS

C.S.S.B. 766
By: Ogden
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Crash Records Bureau (Bureau), resides under the authority of the Texas Department of Public Safety (DPS) and is the state repository for motor vehicle traffic crash records. The Bureau is charged with the responsibility of maintaining motor vehicle traffic crash reports, classifying crashes in accordance with national standards, collecting data from each report, and entering the information into computer files. The Bureau provides records and crash data to the public and also to the Texas Department of Transportation (TxDOT).

TxDOT is the largest user of the Bureau's data. TxDOT uses this data for several purposes, including evaluating the effectiveness of safety programs and obtaining funding to enhance traffic safety.

The DPS has proposed transferring responsibility for the Bureau's operation to TxDOT, along with transferring 86 full-time employees. As proposed, C.S.S.B. 766 accomplishes such transfer from DPS to TxDOT.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION BY SECTION

SECTION 1 of C.S.S.B. 766 amends Subchapter J, Chapter 201, Transportation Code, by adding Section 201.805 as follows:

Sec. 201.805. ACCIDENT REPORTS.

(a) The department shall:

- (1) tabulate and analyze the vehicle accident reports it receives;
- (2) annually or more frequently publish statistical information derived from the accident reports as to the number, cause, and location of highway accidents, including information regarding the number of accidents involving injury to, death of, or property damage to a bicyclist or pedestrian; and
- (3) not later than December 15 of each even-numbered year provide to the governor and the legislature:
 - (A) an abstract of the statistical information for the biennium ending on the preceding August 31; and
 - (B) a report with the department's conclusions, findings, and recommendations for decreasing highway accidents and increasing highway safety.

(b) The department shall provide electronic access to the system containing the accident reports so that the Department of Public Safety can perform its duties, including the duty to make timely entries on driver records.

SECTION 2 of C.S.S.B. 766 amends Subchapter D, Chapter 550, Transportation Code, by adding Section 550.0601 as follows:

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Sec. 550.0601. DEFINITION.

In this subchapter, "department" means the Texas Department of Transportation.

SECTION 3 of C.S.S.B. 766 amends Section 550.063, Transportation Code, as follows:

Sec. 550.063. REPORT ON APPROPRIATE FORM.

The form of all written accident reports must be approved by the department and the Department of Public Safety. A person who is required to file a written accident report shall report on the appropriate form and shall disclose all information required by the form unless the information is not available.

SECTION 4 of C.S.S.B. 766 amends Section 550.081, Transportation Code, as follows:

Sec. 550.081. CORONER'S REPORT. A coroner or other officer performing similar functions shall, not later than the 10th day of each month:

- (1) report in writing to the Texas Department of Transportation the death of a person within the officer's jurisdiction during the preceding calendar month as the result of a traffic accident; and
- (2) include in the report the time, place, and circumstances of the accident.

SECTION 5 of C.S.S.B. 766 amends Subsections (a), (c), and (d), Section 601.004, Transportation Code, as follows:

(a) The operator of a motor vehicle that is involved in an accident in this state shall report the accident to the Texas Department of Transportation not later than the 10th day after the date of the accident if:

- (1) the accident is not investigated by a law enforcement officer; and
- (2) at least one person, including the operator, sustained:
 - (A) bodily injury or death; or
 - (B) property damage to an apparent extent of at least \$1,000.

(c) The report must be made in writing in the form prescribed by the Texas Department of Transportation and the department and must contain information as necessary to enable the department to determine if the requirements for the deposit of security under Subchapter F do not apply because of the existence of insurance or an exception specified in this chapter. The operator or owner shall provide additional information as required by the department.

(d) A written report of an accident made to the Texas Department of Transportation under Section 550.061 or 550.062 complies with this section if that report contains the information required by this section.

SECTION 6 of C.S.S.B. 766 repeals Section 411.0175, Government Code.

SECTION 7 of C.S.S.B. 766 provides:

(a) On October 1, 2007:

- (1) all duties, obligations, rights, contracts, records, assets, funds, and property, excluding real property and office space, of the Department of Public Safety of the State of Texas that relate primarily to the collection, tabulation, analysis, and maintenance of accident reports and records are transferred to the Texas Department of Transportation;
- (2) all appropriations that relate primarily to the collection, tabulation, analysis, and maintenance of accident reports and records are transferred to the Texas Department of Transportation;
- (3) all rules, policies, forms, procedures, and decisions of the Department of Public Safety of the State of Texas that relate primarily to collection, tabulation, analysis, and maintenance of accident reports and records are continued in effect as rules, policies, forms, procedures, and decisions of the Texas Department of Transportation until superseded by a rule or other appropriate action of the Texas Transportation Commission or appropriate action of the Texas Department of Transportation; and
- (4) 86 of the full-time employees of the Department of Public Safety of the State of Texas who primarily perform duties related to the collection, tabulation, analysis, and maintenance of the accident reports and records, including employees with management-level experience and expertise sufficient to allow the crash records bureau to immediately operate as an independent organizational

unit within the Texas Department of Transportation, become employees of the Texas Department of Transportation.

(b) Not later than September 21, 2007, the Department of Public Safety of the State of Texas shall enter into a memorandum of understanding with the Texas Department of Transportation to implement this section.

SECTION 8 of C.S.S.B. 766 provides that this Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 766 adds a new Section 4 which amends Section 550.081, Transportation Code, by striking the term "department" and replacing it with "Texas Department of Transportation". The subsequent Sections of C.S.S.B. 766 are renumbered accordingly.

C.S.S.B. 766 strikes the term "appropriations," as contained in Section 6 (a) (1) of the engrossed version of the bill (Section 7 (a) (1) of C.S.S.B. 766); adds a new Subsection (a) (2) in Section 7 of C.S.S.B. 766 which provides that all appropriations that relate primarily to the collection, tabulation, analysis, and maintenance of accident reports and records are transferred to the Texas Department of Transportation; and the rest of the Section is renumbered accordingly.