

By: Taylor

H.B. No. 2828

A BILL TO BE ENTITLED

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AN ACT

relating to the release of a motor vehicle accident report or certain information in a motor vehicle accident report, providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 550.065, Transportation Code, is amended as follows:

Sec. 550.065. RELEASE OF CERTAIN INFORMATION RELATING TO ACCIDENTS. (a) This section applies only to information that is held by an agency that regularly:

(1) receives information from or that relates to a person involved in [the department or another governmental entity and relates to] a motor vehicle accident; or

(2) prepares information relating to a person involved in a motor vehicle accident [reported under this chapter or Section 601.004].

(b) Except as provided by this section, a motor vehicle accident report or information in a motor vehicle accident report that reveals personal information relating to a person involved in a motor vehicle accident, including the person's name, home or employment address, and home or employment telephone number, is confidential and privileged during the 30-day period immediately after the date the report is filed with the agency that holds the accident report or the information.

1        (c) Notwithstanding Subsection (b), a motor vehicle  
2 accident report or the information in a motor vehicle accident  
3 report held by the agency shall immediately be made available on  
4 request to:

5            (1) a person involved in the motor vehicle accident, a  
6 person designated in writing by the person as the person's  
7 representative, the person's licensed insurance agent, or an  
8 insurer to whom the person has applied for coverage or another  
9 person under contract with the insurer to provide claim or  
10 underwriting information;

11           (2) an attorney representing the state in anticipation  
12 of, in the course of preparing for, or in the course of criminal  
13 litigation;

14           (3) the law enforcement agency that employs a peace  
15 officer who investigated the accident and filed the accident report  
16 or the information in the report with the agency that holds the  
17 information;

18           (4) the court, in response to a subpoena issued by the  
19 court in connection with a pending judicial proceeding that  
20 involves the motor vehicle accident;

21           (5) a radio or television station that holds a license  
22 issued by the Federal Communications Commission;

23           (6) a newspaper that is qualified to publish legal  
24 notices or is a free newspaper of general circulation and that is  
25 published at least once a week and available and of interest to the  
26 general public in connection with the dissemination of news; or

27           (7) an agency of this or another state, of a political

1 subdivision of this or another state, or of the United States that  
2 is authorized by law to have access to the motor vehicle accident  
3 report or information in the accident report in connection with the  
4 agency's statutory duties.

5 (d) A publication is not considered to be a newspaper under  
6 Subsection (c) if the publication:

7 (1) is intended primarily for members of a particular  
8 profession or occupational group; or

9 (2) has as its primary purpose:

10 (A) the distribution of advertising; or

11 (B) the publication of the names and other  
12 personal identifying information of persons involved in motor  
13 vehicle accidents.

14 (e) Except as otherwise provided by this section, a person  
15 may access a motor vehicle accident report or information in a motor  
16 vehicle accident report during the 30-day period immediately after  
17 the date the report is filed only if the person:

18 (1) presents a valid driver's license or other form of  
19 identification that bears the person's photograph and evidence to  
20 show the person's status or qualification to have access to the  
21 accident report or the information; and

22 (2) files a written statement, attested to before an  
23 officer authorized to administer oaths, in which the person:

24 (A) recognizes that during the 30-day period  
25 immediately after the date the report was filed, the report or the  
26 information is confidential and privileged; and

27 (B) certifies that during that period the report

1 or information will not be:

2 (i) used in connection with a commercial  
3 solicitation of a person involved in the accident; or

4 (ii) knowingly disclosed to a third person  
5 for the purpose of making a commercial solicitation of a person  
6 involved in the accident.

7 (f) As an alternative to requiring compliance with  
8 Subsection (e), an agency that holds a motor vehicle accident  
9 report that is confidential and privileged may provide a copy of the  
10 accident report or the information in the report by electronic  
11 means to a third-party vendor under a contract with one or more  
12 insurers, but only if:

13 (1) the contract and the vendor expressly recognize  
14 that during the 30-day period immediately after the date the  
15 accident report was filed with the agency the report or information  
16 in the report is confidential and privileged under this section;  
17 and

18 (2) the vendor provides the agency with a copy of the  
19 contract and certifies that during that 30-day period the report or  
20 information in the report will not be:

21 (A) used in connection with a commercial  
22 solicitation of a person involved in the accident; or

23 (B) knowingly disclosed to a third person for the  
24 purpose of making a commercial solicitation of a person involved in  
25 the accident.

26 (g) Nothing in this section is intended to prevent the  
27 dissemination or publication of news to the general public by a

1 radio station, television station, or newspaper entitled to have  
2 access to a motor vehicle accident report or information in an  
3 accident report under this section.

4 (h) A person commits an offense if the person:

5 (1) is an employee of an agency described by  
6 Subsection (b)(7) and possesses a motor vehicle accident report or  
7 information in an accident report that is confidential and  
8 privileged under this section; and

9 (2) knowingly discloses the accident report or the  
10 information to a person who is not entitled to have access to the  
11 report or the information.

12 (i) A person commits an offense if the person:

13 (1) knows that the person is not entitled under this  
14 section to have access to a motor vehicle accident report or  
15 information in an accident report that is confidential and  
16 privileged under this section; and

17 (2) accesses or attempts to access the accident report  
18 or the information.

19 (j) A person commits an offense if the person knowingly uses  
20 a motor vehicle accident report or information in the accident  
21 report that is confidential and privileged under this section in a  
22 manner that violates the person's written statement filed under  
23 Subsection (e)(2).

24 (k) An offense under this section is a felony of the third  
25 degree.

26 (l) Subject to the 30-day limitation provided by this  
27 section, and on ~~[Except as provided by Subsection (c), the~~

1 ~~information is privileged and for the confidential use of:~~

2 ~~(1) the department; and~~

3 ~~(2) an agency of the United States, this state, or a~~  
4 ~~local government of this state that has use for the information for~~  
5 ~~accident prevention purposes.~~

6 ~~(c) On~~ written request and payment of any required fee,  
7 the agency that holds a motor vehicle accident report or  
8 information in a motor vehicle accident report ~~[department or the~~  
9 ~~governmental entity]~~ shall release the accident report or the  
10 information to:

11 (1) a person or ~~[an]~~ entity described by Subsection  
12 (b); or

13 (2) ~~[the law enforcement agency that employs the peace~~  
14 ~~officer who investigated the accident and sent the information to~~  
15 ~~the department;~~

16 ~~(3) the court in which a case involving a person~~  
17 ~~involved in the accident is pending if the report is subpoenaed; or~~

18 ~~(4)~~ a person who provides the agency ~~[department or~~  
19 ~~governmental entity]~~ with two or more of the following:

20 (A) the date of the accident;

21 (B) the specific address or the highway or street  
22 where the accident occurred; or

23 (C) the name of any person involved in the  
24 accident.

25 (m) ~~(d)~~ The fee for a copy of a motor vehicle accident  
26 ~~[the]~~ report or motor vehicle accident information is \$6 or the  
27 actual cost of the preparation of the copy, whichever is less. The

1 copy may be certified by the agency that holds the accident report  
2 [~~department~~] or the information [~~governmental entity~~] for an  
3 additional fee of \$2. The agency [~~department or the governmental~~  
4 ~~entity~~] may issue a certification that no report or information is  
5 on file for a fee of \$6.

6 SECTION 2. This Act takes effect September 1, 2007.