

By: Ogden

S.B. No. 766

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of powers and duties for accident reports  
3 from the Department of Public Safety of the State of Texas to the  
4 Texas Department of Transportation.

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

6 SECTION 1. Subchapter J, Chapter 201, Transportation Code,  
7 is amended by adding Section 201.805 to read as follows:

8 Sec. 201.805. ACCIDENT REPORTS. (a) The department shall:

9 (1) tabulate and analyze the vehicle accident reports  
10 it receives;

11 (2) annually or more frequently publish statistical  
12 information derived from the accident reports as to the number,  
13 cause, and location of highway accidents, including information  
14 regarding the number of accidents involving injury to, death of, or  
15 property damage to a bicyclist or pedestrian; and

16 (3) not later than December 15 of each even-numbered  
17 year provide to the governor and the legislature:

18 (A) an abstract of the statistical information  
19 for the biennium ending on the preceding August 31; and

20 (B) a report with the department's conclusions,  
21 findings, and recommendations for decreasing highway accidents and  
22 increasing highway safety.

23 (b) The department shall provide electronic access to the  
24 system containing the accident reports so that the Department of

1 Public Safety can perform its duties, including the duty to make  
2 timely entries on driver records.

3 SECTION 2. Subchapter D, Chapter 550, Transportation Code,  
4 is amended by adding Section 550.060 to read as follows:

5 Sec. 550.060. DEFINITION. In this subchapter, "department"  
6 means the Texas Department of Transportation.

7 SECTION 3. Section 550.063, Transportation Code, is amended  
8 to read as follows:

9 Sec. 550.063. REPORT ON APPROPRIATE FORM. The form of all  
10 written accident reports must be approved by the department and the  
11 Department of Public Safety. A person who is required to file a  
12 written accident report shall report on the appropriate form  
13 [~~approved by the department~~] and shall disclose all information  
14 required by the form unless the information is not available.

15 SECTION 4. Subsections (a), (c), and (d), Section 601.004,  
16 Transportation Code, are amended to read as follows:

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

21 (1) the accident is not investigated by a law  
22 enforcement officer; and

23 (2) at least one person, including the operator,  
24 sustained:

25 (A) bodily injury or death; or

26 (B) property damage to an apparent extent of at  
27 least \$1,000.

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

9 (d) A written report of an accident made to the Texas  
10 Department of Transportation [~~department~~] under Section 550.061 or  
11 550.062 complies with this section if that report contains the  
12 information required by this section.

13 SECTION 5. Section 411.0175, Government Code, is repealed.

14 SECTION 6. (a) On October 1, 2007:

15 (1) all duties, obligations, rights, contracts,  
16 records, assets, funds, appropriations, and property, excluding  
17 real property and office space, of the Department of Public Safety  
18 of the State of Texas that relate primarily to the collection,  
19 tabulation, analysis, and maintenance of accident reports and  
20 records are transferred to the Texas Department of Transportation;

21 (2) all rules, policies, forms, procedures, and  
22 decisions of the Department of Public Safety of the State of Texas  
23 that relate primarily to collection, tabulation, analysis, and  
24 maintenance of accident reports and records are continued in effect  
25 as rules, policies, forms, procedures, and decisions of the Texas  
26 Department of Transportation until superseded by a rule or other  
27 appropriate action of the Texas Transportation Commission or

1 appropriate action of the Texas Department of Transportation; and

2 (3) 86 of the full-time employees of the Department of  
3 Public Safety of the State of Texas who primarily perform duties  
4 related to the collection, tabulation, analysis, and maintenance of  
5 the accident reports and records, including employees with  
6 management-level experience and expertise sufficient to allow the  
7 crash records bureau to immediately operate as an independent  
8 organizational unit within the Texas Department of Transportation,  
9 become employees of the Texas Department of Transportation.

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

14 SECTION 7. This Act takes effect September 1, 2007.