

By: Ogden

S.B. No. 766

Substitute the following for S.B. No. 766:

By: Krusee

C.S.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 550.0601 to read as follows:

5 Sec. 550.0601. DEFINITION. In this subchapter,
6 "department" 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. Section 550.081, Transportation Code, is amended
16 to read as follows:

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

20 (1) report in writing to the Texas Department of
21 Transportation [~~department~~] the death of a person within the
22 officer's jurisdiction during the preceding calendar month as the
23 result of a traffic accident; and

24 (2) include in the report the time, place, and
25 circumstances of the accident.

26 SECTION 5. Subsections (a), (c), and (d), Section 601.004,
27 Transportation Code, are amended to read as follows:

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

5 (1) the accident is not investigated by a law
6 enforcement officer; and

7 (2) at least one person, including the operator,
8 sustained:

9 (A) bodily injury or death; or

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

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

20 (d) A written report of an accident made to the Texas
21 Department of Transportation [~~department~~] under Section 550.061 or
22 550.062 complies with this section if that report contains the
23 information required by this section.

24 SECTION 6. Section 411.0175, Government Code, is repealed.

25 SECTION 7. (a) On October 1, 2007:

26 (1) all duties, obligations, rights, contracts,
27 records, assets, funds, and property, excluding real property and

1 office space, of the Department of Public Safety of the State of
2 Texas that relate primarily to the collection, tabulation,
3 analysis, and maintenance of accident reports and records are
4 transferred to the Texas Department of Transportation;

5 (2) all appropriations that relate primarily to the
6 collection, tabulation, analysis, and maintenance of accident
7 reports and records are transferred to the Texas Department of
8 Transportation;

9 (3) all rules, policies, forms, procedures, and
10 decisions of the Department of Public Safety of the State of Texas
11 that relate primarily to collection, tabulation, analysis, and
12 maintenance of accident reports and records are continued in effect
13 as rules, policies, forms, procedures, and decisions of the Texas
14 Department of Transportation until superseded by a rule or other
15 appropriate action of the Texas Transportation Commission or
16 appropriate action of the Texas Department of Transportation; and

17 (4) 86 of the full-time employees of the Department of
18 Public Safety of the State of Texas who primarily perform duties
19 related to the collection, tabulation, analysis, and maintenance of
20 the accident reports and records, including employees with
21 management-level experience and expertise sufficient to allow the
22 crash records bureau to immediately operate as an independent
23 organizational unit within the Texas Department of Transportation,
24 become employees of the Texas Department of Transportation.

25 (b) Not later than September 21, 2007, the Department of
26 Public Safety of the State of Texas shall enter into a memorandum of
27 understanding with the Texas Department of Transportation to

1 implement this section.

2 SECTION 8. This Act takes effect September 1, 2007.