

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 to the Texas Department of
4 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. Sections 601.004(a), (c), and (d),
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 that relate primarily to the collection, tabulation, analysis, and
19 maintenance of accident reports and records are transferred to the
20 Texas Department of Transportation;

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26 Transportation until superseded by a rule or other appropriate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

1 of the Texas Department of Transportation; and

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

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

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