

1-1 By: Ogden S.B. No. 766
1-2 (In the Senate - Filed February 20, 2007; March 6, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 26, 2007, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; March 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the transfer of powers and duties for accident reports
1-9 from the Department of Public Safety of the State of Texas to the
1-10 Texas Department of Transportation.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter J, Chapter 201, Transportation Code,
1-13 is amended by adding Section 201.805 to read as follows:

1-14 Sec. 201.805. ACCIDENT REPORTS. (a) The department shall:

1-15 (1) tabulate and analyze the vehicle accident reports
1-16 it receives;

1-17 (2) annually or more frequently publish statistical
1-18 information derived from the accident reports as to the number,
1-19 cause, and location of highway accidents, including information
1-20 regarding the number of accidents involving injury to, death of, or
1-21 property damage to a bicyclist or pedestrian; and

1-22 (3) not later than December 15 of each even-numbered
1-23 year provide to the governor and the legislature:

1-24 (A) an abstract of the statistical information
1-25 for the biennium ending on the preceding August 31; and

1-26 (B) a report with the department's conclusions,
1-27 findings, and recommendations for decreasing highway accidents and
1-28 increasing highway safety.

1-29 (b) The department shall provide electronic access to the
1-30 system containing the accident reports so that the Department of
1-31 Public Safety can perform its duties, including the duty to make
1-32 timely entries on driver records.

1-33 SECTION 2. Subchapter D, Chapter 550, Transportation Code,
1-34 is amended by adding Section 550.060 to read as follows:

1-35 Sec. 550.060. DEFINITION. In this subchapter, "department"
1-36 means the Texas Department of Transportation.

1-37 SECTION 3. Section 550.063, Transportation Code, is amended
1-38 to read as follows:

1-39 Sec. 550.063. REPORT ON APPROPRIATE FORM. The form of all
1-40 written accident reports must be approved by the department and the
1-41 Department of Public Safety. A person who is required to file a
1-42 written accident report shall report on the appropriate form
1-43 [~~approved by the department~~] and shall disclose all information
1-44 required by the form unless the information is not available.

1-45 SECTION 4. Subsections (a), (c), and (d), Section 601.004,
1-46 Transportation Code, are amended to read as follows:

1-47 (a) The operator of a motor vehicle that is involved in an
1-48 accident in this state shall report the accident to the Texas
1-49 Department of Transportation [~~department~~] not later than the 10th
1-50 day after the date of the accident if:

1-51 (1) the accident is not investigated by a law
1-52 enforcement officer; and

1-53 (2) at least one person, including the operator,
1-54 sustained:

1-55 (A) bodily injury or death; or

1-56 (B) property damage to an apparent extent of at
1-57 least \$1,000.

1-58 (c) The report must be made in writing in the form
1-59 prescribed by the Texas Department of Transportation and the
1-60 department and must contain information as necessary to enable the
1-61 department to determine if the requirements for the deposit of
1-62 security under Subchapter F do not apply because of the existence of
1-63 insurance or an exception specified in this chapter. The operator
1-64 or owner shall provide additional information as required by the

2-1 department.

2-2 (d) A written report of an accident made to the Texas
2-3 Department of Transportation [~~department~~] under Section 550.061 or
2-4 550.062 complies with this section if that report contains the
2-5 information required by this section.

2-6 SECTION 5. Section 411.0175, Government Code, is repealed.

2-7 SECTION 6. (a) On October 1, 2007:

2-8 (1) all duties, obligations, rights, contracts,
2-9 records, assets, funds, appropriations, and property, excluding
2-10 real property and office space, of the Department of Public Safety
2-11 of the State of Texas that relate primarily to the collection,
2-12 tabulation, analysis, and maintenance of accident reports and
2-13 records are transferred to the Texas Department of Transportation;

2-14 (2) all rules, policies, forms, procedures, and
2-15 decisions of the Department of Public Safety of the State of Texas
2-16 that relate primarily to collection, tabulation, analysis, and
2-17 maintenance of accident reports and records are continued in effect
2-18 as rules, policies, forms, procedures, and decisions of the Texas
2-19 Department of Transportation until superseded by a rule or other
2-20 appropriate action of the Texas Transportation Commission or
2-21 appropriate action of the Texas Department of Transportation; and

2-22 (3) 86 of the full-time employees of the Department of
2-23 Public Safety of the State of Texas who primarily perform duties
2-24 related to the collection, tabulation, analysis, and maintenance of
2-25 the accident reports and records, including employees with
2-26 management-level experience and expertise sufficient to allow the
2-27 crash records bureau to immediately operate as an independent
2-28 organizational unit within the Texas Department of Transportation,
2-29 become employees of the Texas Department of Transportation.

2-30 (b) Not later than September 21, 2007, the Department of
2-31 Public Safety of the State of Texas shall enter into a memorandum of
2-32 understanding with the Texas Department of Transportation to
2-33 implement this section.

2-34 SECTION 7. This Act takes effect September 1, 2007.

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