

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 19, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2828 by Taylor (Relating to the release of a motor vehicle accident report or certain information in a motor vehicle accident report, providing penalties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code relating to the release of a motor vehicle accident report or certain information in a motor vehicle accident report.

The bill would amend Transportation Code, Section 550.065 which states that the section applies only to information held by an agency that regularly receives information from or that relates to a person involved in a motor vehicle accident or prepares information relating to a person involved in a motor vehicle accident. The bill would make an accident report or information in an accident report, including the person's name, home or employment address, home or employment telephone number confidential and privileged information during the 30 day period immediately after the date the report is filed with the agency that holds the accident report or information.

The bill would allow a motor vehicle accident report or the information in the accident report can be immediately available: to a person involved in the accident or the current lien holder of the vehicle, a person designated as the person's representative in writing by the person, the person's insurance agent, an attorney representing the state, law enforcement agency that employs a peace officer who investigated the accident and filed the report, the court in response to a subpoena, a FCC licensed radio or TV station, a qualified newspaper, or an agency of this or another state, of a political subdivision of this or another state, or of the United States that is authorized by law to have access to the motor vehicle report or information in connection with the agency's statutory duties or a private investigator.

The bill would require that access of the information during the 30-day period after the date the report is filed only if the person presents a valid driver's license or other form of identification, files a written statement recognizing the report or information is confidential and certify the report or information will not be used in connection with a commercial solicitation of a person involved in the accident or knowingly disclose to a third-party vendor for such purposes. A third-party vendor under contract with one or more of the insurers under certain circumstances may secure the information. The third-party vendor must also certify the report or information will not be used in connection with a commercial solicitation of a person involved in the accident.

The bill would make it a Class B misdemeanor if the person is an employee of a governmental agency and possesses a report or information and knowingly discloses the report or information to a person who is not entitled to have access to the report or information. The bill would make it a third degree felony if: 1) a person who is not entitled to have access to the report or information accesses or attempts to access the report or information; and 2) if the person knowingly uses the report or information that violates the person's written statement filed under this section. After 30 days, a person who provides the date and location of the accident and the name of a driver may have access to the report or information. The bill would take effect on September 1, 2007.

DPS estimates an additional \$53,328 in professional service fees would be needed for additional crash records information system programming changes in fiscal year 2008 in order to implement the required changes of the bill. This analysis assumes that these costs can be absorbed within the agency's current appropriations.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, GG, LG, LM