

BILL ANALYSIS

C.S.H.B. 2998
By: Fletcher
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Transportation Code prevents the Department of Public Safety (DPS) from including on the driver's license record of a person employed as a peace officer, firefighter, or emergency medical services employee any accident that the person was involved in while operating an official vehicle during an emergency. There is no similar exemption for minor accidents that result in little or no damage and occur during the course of and within the scope of the person's duties.

Accidents involving damage of less than \$1,000 do not have to be investigated by a law enforcement agency or reported to DPS. However, many public safety agencies require an accident report to be prepared if there is any amount of damage to a government-owned vehicle operated by a public safety employee in the course of the person's official duties. These accidents then end up on the driver's license record of the employee, when they would normally not have, had the driver not been on duty.

C.S.H.B. 2998 provides that any accident, rather than just an accident that occurs during an emergency, involving a peace officer, firefighter, or emergency medical services employee while operating an official vehicle and while performing official duties is not included in the person's driver's license record if the accident resulted in property damages of less than \$1,000 or an accident investigation by a peace officer, other than an officer involved in the accident, determines that the peace officer, firefighter, or emergency medical services employee involved in the accident was not at fault.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2998 amends the Transportation Code to remove the specification that an accident occur during an emergency in the provision prohibiting the inclusion in a driving record the information relating to a traffic accident that occurs while a peace officer, firefighter, or emergency medical services employee is driving an official vehicle while performing the person's duties. The bill provides that the prohibition applies only if the traffic accident resulted in property damages of less than \$1,000 or if an investigation of the accident by a peace officer, other than a peace officer involved in the accident, determines that the peace officer, firefighter, or emergency medical services employee involved in the accident was not at fault.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2998 adds a provision not included in the original conditioning the prohibition against including the motor vehicle accident information in the driving record of the peace officer, firefighter, or emergency medical services employee involved in the accident on whether the traffic accident resulted in property damages of less than \$1,000 or an accident investigation by a peace officer, other than a peace officer involved in the accident, determines that the peace officer, firefighter, or emergency medical services employee involved in the accident was not at fault.