

## **BILL ANALYSIS**

S.B. 375  
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Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Department of Transportation (TxDOT) maintains information about motor vehicle accidents in a database referred to as the Crash Records Information System (CRIS). The information contained in the database is derived from accident reports generated in connection with motor vehicle accidents. Current law provides that all information related to a report of a motor vehicle accident that is maintained by TxDOT or any other governmental entity is privileged and authorized to be used only for accident prevention purposes. That law, however, requires records related to a particular accident to be released to certain governmental entities or a nongovernmental entity that can provide certain identifying information about the accident.

The attorney general was asked to determine whether the CRIS database was privileged and confidential in the same manner that accident reports are privileged under state law. The attorney general determined that the CRIS database is not an accident report and therefore is not privileged or confidential. Therefore, information contained in the CRIS database about specific accidents is currently available to the public, as is the entirety of the information contained in the database.

S.B. 375 makes the CRIS database and information contained in the CRIS database privileged in the same manner that accident reports are privileged under state law. The bill authorizes TxDOT or a governmental entity to make statistical information derived from the CRIS database available to the public at the department's discretion.

### **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**

S.B. 375 amends the Transportation Code to establish that the information to which the law governing the release of certain motor vehicle accident report information applies includes accident report information compiled under provisions passed by the 80th Texas Legislature requiring the Texas Department of Transportation (TxDOT) to tabulate and analyze the vehicle accident reports it receives. The bill authorizes TxDOT to release this information or a vehicle identification number and specific accident information relating to that vehicle, and it makes an exception for the information to the provision establishing that motor vehicle accident report information held by TxDOT or another governmental entity is privileged and for the confidential use of certain entities. The bill requires the amount that may be charged for the information to be calculated in the manner specified by the Public Information Act for public information provided by a governmental body. The bill prohibits TxDOT from releasing the information if the information is personal information, as defined by the Motor Vehicle Records Disclosure Act, or the information would allow a person to satisfy the requirements for the release of information for a specific motor vehicle accident.

S.B. 375 requires TxDOT to withhold or redact the following items of information under the provisions described above:

- the first, middle, and last name of any person listed in an accident report, including a vehicle driver, occupant, owner, or lessee, a bicyclist, a pedestrian, or a property owner;
- the number of any driver's license, commercial driver's license, or personal identification certificate issued to any person listed in an accident report;
- the date of birth, other than the year, of any person listed in an accident report;
- the address, other than zip code, and telephone number of any person listed in an accident report;
- the license plate number of any vehicle listed in an accident report;
- the date of any accident, other than the year;
- the name of any insurance company listed as a provider of financial responsibility for a vehicle listed in an accident report;
- the number of any insurance policy issued by an insurance company listed as a provider of financial responsibility;
- the date the peace officer who investigated the accident was notified of the accident;
- the date the investigating peace officer arrived at the accident site;
- the date the investigating officer's report was prepared;
- the badge number or identification number of the investigating officer;
- the date on which any person who died as a result of the accident died;
- the date of any commercial motor vehicle report; and
- the place where any person injured or killed in an accident was taken and the person or entity that provided the transportation.

S.B. 375 clarifies that the fee for a copy of an accident report, rather than a report or accident information, is \$6, rather than the lesser of \$6 or the actual cost of the preparation of the copy.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.