

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 8, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

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

IN RE: HB1634 by Smith, Todd (Relating to the release of a motor vehicle accident report or certain information in a motor vehicle accident report; providing penalties.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to impose on any agency that receives or prepares information relating to a person involved in a motor vehicle accident a 30-day restriction on disclosure of accident information, except vehicle specific, nonpersonally identifiable information. During the 30 days immediately following the accident, the information may be disclosed only to parties to the accident, their representatives or attorneys, insurance companies, prosecutors, law enforcement agencies, courts, other government agencies with specific authorization, certain media who request the information as part of an investigation, private investigators, or third-party vendors who agree to comply with the statutory restrictions.

It would be a criminal offense to disclose or obtain accident information during the initial 30-day period except as permitted by the statute. Offense levels would vary depending on certain elements, ranging from a Class C misdemeanor up through a felony of the third degree.

After the expiration of 30 days, anyone with at least two specified items of information would be able to obtain accident information upon payment of the statutory fee. The bill would set the fee for a copy of a motor vehicle accident report or motor vehicle accident information at \$6 or the actual cost of the preparation of the copy, whichever is less.

The bill would take effect September 1, 2009.

Punishment for a Class C misdemeanor is a fine not to exceed \$500. Punishment for a Class B and Class A misdemeanor includes fines, confinement in jail, or both. Punishment for a State Jail Felony includes confinement in a state jail and a possible fine. Punishment for a Third Degree Felony is a term of confinement in the Institutional Division of the Texas Department of Criminal Justice and a possible fine.

Unless there are an unusually high number of offenses at the varying degrees, no significant fiscal implications to the state or units of local government are anticipated from enforcement, prosecution, and punishment.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, DB, KJG