

BILL ANALYSIS

Senate Research Center
82R2825 NAJ-D

H.B. 343
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute prevents the Department of Public Safety of the State of Texas (DPS) from including in the driver's license record of a person employed as a peace officer, firefighter, or emergency medical services employee any accident that occurs during an emergency while the person is operating an official vehicle in the course and scope of the person's duties.

There is not a similar exemption for minor accidents that result in little or no damage during the person's course and scope of duties. While accidents involving damage of less than \$1,000 generally do not have to be investigated by a law enforcement agency or reported to DPS, many public safety agencies required 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. As a result, minor accidents appear on the driver's license record of the employee that would not have been included if the accident had not occurred while the employee was on duty.

H.B. 343 amends current law relating to the reporting and recording of a motor vehicle accident involving an official vehicle driven by a peace officer, firefighter, or an emergency medical services employee in the course of official duties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.042(c), Transportation Code, as follows:

(c) Prohibits the record of a license holder who is employed as a peace officer, fire fighter, or emergency medical services employee of this state, a political subdivision of this state, or a special purpose district from including information relating to a traffic accident that occurs, rather than occurs during an emergency, while the peace officer, fire fighter, or emergency medical services employee is driving an official vehicle in the course and scope of the license holder's official duties if:

- (1) the traffic accident resulted in damages to property of less than \$1,000; or
- (2) an investigation of the accident by a peace officer, other than a peace officer involved in the accident, determines that the peace officer, fire fighter, or emergency medical services employee involved in the accident was not at fault.

SECTION 2. Amends Section 550.064(b), Transportation Code, as follows:

- (b) Requires that an accident report form prepared by DPS:
- (1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in an accident if the form is for the report to be made by a person involved in or investigating the accident;

(2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in an accident, rather than who during an emergency is involved in an accident, while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;

(3) require a statement by a person described by Subdivision (2) as to the nature of the accident, rather than of the emergency; and

(4) include a way to designate whether an individual involved in an accident wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12) (defining "professional"), Penal Code.

SECTION 3. Effective date: September 1, 2011.