

By: Hernandez, Rodriguez of Bexar, Clardy,
Murr

H.B. No. 2633

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the release of a motor vehicle accident report;
3 amending a provision subject to a criminal penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 550.065, Transportation Code, is amended
6 by amending Subsections (b), (c), and (f) and adding Subsection
7 (c-1) to read as follows:

8 (b) Except as provided by Subsection (c), (c-1), or (e), the
9 information is privileged and for the confidential use of:

- 10 (1) the department; and
11 (2) an agency of the United States, this state, or a
12 local government of this state that has use for the information for
13 accident prevention purposes.

14 (c) On written request and payment of any required fee, the
15 department or the governmental entity shall release the information
16 to:

- 17 (1) an entity described by Subsection (b);
18 (2) the law enforcement agency that employs the peace
19 officer who investigated the accident and sent the information to
20 the department, including an agent of the law enforcement agency
21 authorized by contract to obtain the information;
22 (3) the court in which a case involving a person
23 involved in the accident is pending if the report is subpoenaed; or
24 (4) any [a] person directly concerned in the accident

1 or having a proper interest therein, including ~~[who provides the~~
2 ~~department or governmental entity with two or more of the~~
3 ~~following]:~~

4 (A) any person involved in ~~[the date of]~~ the
5 accident;

6 (B) the authorized representative of any person
7 ~~[the specific address or the highway or street where the accident~~
8 ~~occurred; or~~

9 ~~[(C) the name of any person]~~ involved in the
10 accident;

11 (C) a driver involved in the accident;

12 (D) an employer, parent, or legal guardian of a
13 driver involved in the accident;

14 (E) the owner of a vehicle or property damaged in
15 the accident;

16 (F) a person who has established financial
17 responsibility for a vehicle involved in the accident in a manner
18 described by Section 601.051, including a policyholder of a motor
19 vehicle liability insurance policy covering the vehicle;

20 (G) an insurance company that issued a motor
21 vehicle liability insurance policy covering a vehicle involved in
22 the accident;

23 (H) an insurance company that issued a policy
24 covering either the driver or any passenger of a vehicle involved in
25 the accident;

26 (I) a person under contract to provide claims or
27 underwriting information to a person described by Paragraph (F),

1 (G), or (H);

2 (J) a radio or television station that holds a
3 license issued by the Federal Communications Commission;

4 (K) a newspaper that is:

5 (i) a free newspaper of general circulation
6 or qualified under Section 2051.044, Government Code, to publish
7 legal notices;

8 (ii) published at least once a week; and

9 (iii) available and of interest to the
10 general public in connection with the dissemination of news; or

11 (L) any person who may sue because of death
12 resulting from the accident.

13 (c-1) On receiving information to which this section
14 applies, the department or the governmental entity that receives
15 the information shall create a redacted accident report that may be
16 requested by any person. The redacted accident report may not
17 include the items of information described by Subsection (f)(2). A
18 report released under this subsection is not considered personal
19 information under Section 730.003.

20 (f) The department:

21 (1) may not release under Subsection (c-1) or (e)
22 information that~~+~~

23 ~~[(A)]~~ is personal information, as defined by
24 Section 730.003; ~~[or~~

25 ~~[(B) would allow a person to satisfy the~~
26 ~~requirements of Subsection (c)(4) for the release of information~~
27 ~~for a specific motor vehicle accident,]~~ and

1 (2) shall withhold or redact the following items of
2 information:

3 (A) the first, middle, and last name of any
4 person listed in an accident report, including a vehicle driver,
5 occupant, owner, or lessee, a bicyclist, a pedestrian, or a
6 property owner;

7 (B) the number of any driver's license,
8 commercial driver's license, or personal identification
9 certificate issued to any person listed in an accident report;

10 (C) the date of birth, other than the year, of any
11 person listed in an accident report;

12 (D) the address, other than zip code, and
13 telephone number of any person listed in an accident report;

14 (E) the license plate number of any vehicle
15 listed in an accident report;

16 (F) ~~[the date of any accident, other than the~~
17 ~~year,~~

18 ~~[(G)]~~ the name of any insurance company listed as
19 a provider of financial responsibility for a vehicle listed in an
20 accident report;

21 (G) ~~[(H)]~~ the number of any insurance policy
22 issued by an insurance company listed as a provider of financial
23 responsibility;

24 (H) ~~[(I)]~~ the date the peace officer who
25 investigated the accident was notified of the accident;

26 (I) ~~[(J)]~~ the date the investigating peace
27 officer arrived at the accident site;

1 (J) [~~(K)~~] ~~the date the investigating officer's~~
2 ~~report was prepared;~~

3 [~~(L)~~] the badge number or identification number
4 of the investigating officer;

5 (K) [~~(M)~~] the date on which any person who died
6 as a result of the accident died;

7 (L) [~~(N)~~] the date of any commercial motor
8 vehicle report; and

9 (M) [~~(O)~~] the place where any person injured or
10 killed in an accident was taken and the person or entity that
11 provided the transportation.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2015.