

By: Gonzales of Williamson

H.B. No. 3950

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle accident reports.

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

SECTION 1. Section 550.025(a), Transportation Code, is amended to read as follows:

(a) The operator of a vehicle involved in an accident resulting only in damage to a structure adjacent to a highway or a fixture or landscaping legally on or adjacent to a highway shall:

(1) take reasonable steps to locate and notify the owner or person in charge of the property of the accident and of the operator's name and address and the registration number of the vehicle the operator was driving; and

(2) if requested and available, show the operator's driver's license to the owner or person in charge of the property ~~and~~

~~[(3) report the accident if required by Section 550.061].~~

SECTION 2. Effective September 1, 2019, Section 550.062(b), Transportation Code, is amended to read as follows:

(b) The report required by Subsection (a) must be filed electronically with the department not later than the 10th day after the date of the accident.

SECTION 3. Section 550.064(b), Transportation Code, is amended to read as follows:

1 (b) An accident report form prepared by the department must:

2 (1) require sufficiently detailed information to  
3 disclose the cause and conditions of and the persons and vehicles  
4 involved in an accident if the form is for the report to be made by a  
5 person [~~involved in or~~] investigating the accident;

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

11 (3) require a statement by a person described by  
12 Subdivision (2) as to the nature of the accident; and

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

17 SECTION 4. Section 550.065(a), Transportation Code, is  
18 amended to read as follows:

19 (a) This section applies only to the following information  
20 that is held by the department or another governmental entity:

21 (1) a written report of an accident required under:

22 (A) Section [~~550.061~~] 550.062[~~7~~]; or

23 (B) former Section 550.061 or 601.004 before  
24 September 1, 2017; or

25 (2) accident report information compiled under  
26 Section 201.806.

27 SECTION 5. Section 550.067(c), Transportation Code, is

1 amended to read as follows:

2 (c) A municipality by ordinance may require the person in  
3 charge of a garage or repair shop where a motor vehicle is brought  
4 if the vehicle shows evidence of having been involved in an accident  
5 described by [~~requiring a report to be filed under~~] Section  
6 550.062(a) [~~550.061 or 550.062~~] or shows evidence of having been  
7 struck by a bullet to report to a department of the municipality  
8 within 24 hours after the garage or repair shop receives the motor  
9 vehicle, giving the engine number, registration number, and the  
10 name and address of the owner or operator of the vehicle.

11 SECTION 6. Section 550.068, Transportation Code, is amended  
12 to read as follows:

13 Sec. 550.068. CHANGING ACCIDENT REPORT. (a) Except as  
14 provided by Subsection (b), a change in or a modification of a  
15 written report of a motor vehicle accident prepared by a peace  
16 officer [~~or the operator of a vehicle involved in an accident~~] that  
17 alters a material fact in the report may be made only by the peace  
18 officer [~~or person~~] who prepared the report.

19 (b) A change in or a modification of the written report of  
20 the accident may be made by a person other than the peace officer  
21 [~~or the operator of the vehicle~~] if:

22 (1) the change is made by a written supplement to the  
23 report; and

24 (2) the written supplement clearly indicates the name  
25 of the person who originated the change.

26 SECTION 7. Section 601.005, Transportation Code, is amended  
27 to read as follows:

1           Sec. 601.005. EVIDENCE IN CIVIL SUIT. A [~~On the filing of a~~  
2 ~~report under Section 601.004, a~~] person at a trial for damages may  
3 not refer to or offer as evidence of the negligence or due care of a  
4 party:

5                   (1) an action taken by the department under this  
6 chapter;

7                   (2) the findings on which that action is based; or

8                   (3) the security or evidence of financial  
9 responsibility filed under this chapter.

10           SECTION 8. Sections 601.007(b) and (c), Transportation  
11 Code, are amended to read as follows:

12           (b) The provisions of this chapter [~~, other than Section~~  
13 ~~601.004,~~] do not apply to an officer, agent, or employee of the  
14 United States, this state, or a political subdivision of this state  
15 while operating a government vehicle in the course of that person's  
16 employment.

17           (c) The provisions of this chapter, other than Section  
18 [~~Sections 601.004 and~~] 601.054, do not apply to a motor vehicle that  
19 is subject to Chapter 643.

20           SECTION 9. Section 601.154(c), Transportation Code, is  
21 amended to read as follows:

22           (c) In determining whether there is a reasonable  
23 probability that a judgment will be rendered against the person as a  
24 result of an accident and the amount of security that is sufficient  
25 under Subsection (a), the department may consider:

26                   (1) a report of an investigating officer; and

27                   (2) [~~an accident report of a party involved, and~~

1           ~~[(3)]~~ an affidavit of a person who has knowledge of the  
2 facts.

3           SECTION 10. Sections 730.003(4) and (6), Transportation  
4 Code, are amended to read as follows:

5           (4) "Motor vehicle record" means a record that  
6 pertains to a motor vehicle operator's or driver's license or  
7 permit, motor vehicle registration, motor vehicle title, or  
8 identification document issued by an agency of this state or a local  
9 agency authorized to issue an identification document. The term  
10 does not include:

11                   (A) a record that pertains to a motor carrier; or

12                   (B) an accident report prepared under:

13                           (i) Chapter 550; or

14                           (ii) former Section 601.004 before  
15 September 1, 2017 [601].

16           (6) "Personal information" means information that  
17 identifies a person, including an individual's photograph or  
18 computerized image, social security number, driver identification  
19 number, name, address, but not the zip code, telephone number, and  
20 medical or disability information. The term does not include:

21                   (A) information on vehicle accidents, driving or  
22 equipment-related violations, or driver's license or registration  
23 status; or

24                   (B) information contained in an accident report  
25 prepared under:

26                           (i) Chapter 550; or

27                           (ii) former Section 601.004 before

1 September 1, 2017 [~~601~~].

2 SECTION 11. Sections 550.061 and 601.004, Transportation  
3 Code, are repealed.

4 SECTION 12. This Act takes effect September 1, 2017.