

BILL ANALYSIS

Senate Research Center
88R19898 DIO-D

H.B. 2190
By: Canales (Hinojosa)
Transportation
5/13/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Highway safety advocates have raised concerns regarding the use of terminology in state law that refers to traffic crashes as traffic "accidents." According to the Texas Department of Transportation (TxDOT), these advocates believe the definition of "crash" more accurately reflects the potential and actual seriousness of incidents. This terminology is already in use by TxDOT and the United States Department of Transportation.

H.B. 2190 seeks to address this issue by updating the terminology in state law used to describe transportation-related crashes. The bill amends Vernon's Texas Civil Statutes and the following codes to change the terminology used to describe transportation-related accidents from "accident" to "crash":

- Transportation Code;
- Business and Commerce Code;
- Civil Practice and Remedies Code;
- Code of Criminal Procedure;
- Education Code;
- Family Code;
- Government Code;
- Insurance Code;
- Occupations Code; and
- Penal Code.

H.B. 2190 amends current law relating to the terminology used to describe transportation-related accidents.

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 22.085(b), Transportation Code, to refer to crashes, rather than accidents.

SECTION 2. Amends Section 66.017, Transportation Code, to make a conforming change.

SECTION 3. Amends Section 67.017, Transportation Code, to make a conforming change.

SECTION 4. Amends Section 68.017, Transportation Code, to make a conforming change.

SECTION 5. Amends Sections 69.017(a) and (c), Transportation Code, to make conforming changes.

SECTION 6. Amends Section 70.017, Transportation Code, to make a conforming change.

SECTION 7. Amends Sections 112.103(b) and (c), Transportation Code, to make conforming changes.

SECTION 8. Amends Section 192.005, Transportation Code, as follows:

Sec. 192.005. New heading: RECORD OF CRASH OR VIOLATION. Makes conforming changes.

SECTION 9. Amends Section 201.806, Transportation Code, as follows:

Sec. 201.806. New heading: CRASH REPORTS. (a) and (b) Makes conforming changes to these subsections.

SECTION 10. Amends Sections 201.909(a), (b), and (c), Transportation Code, to make conforming changes.

SECTION 11. Amends Sections 201.911(a), (b), and (c), Transportation Code, to make conforming changes.

SECTION 12. Amends Section 222.003(d), Transportation Code, to make conforming changes.

SECTION 13. Amends Section 391.038(c-2), Transportation Code, to make a conforming change.

SECTION 14. Amends Section 451.108(c), Transportation Code, to make a conforming change.

SECTION 15. Amends Section 451.454(c), Transportation Code, to make a conforming change.

SECTION 16. Amends Section 451.455(h), Transportation Code, to make conforming changes.

SECTION 17. Amends Section 452.062(b), Transportation Code, to make a conforming change.

SECTION 18. Amends Section 452.454(c), Transportation Code, to make a conforming change.

SECTION 19. Amends Section 452.455(i), Transportation Code, to make conforming changes.

SECTION 20. Amends Section 460.110(b), Transportation Code, to make a conforming change.

SECTION 21. Amends Section 463.065(b), Transportation Code, to make a conforming change.

SECTION 22. Amends Section 521.025(c), Transportation Code, to make a conforming change.

SECTION 23. Amends Section 521.042, Transportation Code, as follows:

Sec. 521.042. New heading: CRASH AND CONVICTION REPORTS; INDIVIDUAL RECORDS. (a)-(d) Makes conforming changes to these subsections.

(e) Makes no change to this subsection.

SECTION 24. Amends the heading to Section 521.046, Transportation Code, to read as follows:

Sec. 521.046. DISCLOSURE OF CRASH AND CONVICTION INFORMATION.

SECTION 25. Amends Section 521.046(a), Transportation Code, to make a conforming change.

SECTION 26. Amends Section 521.047(b), Transportation Code, to make a conforming change.

SECTION 27. Amends Section 521.049(e), Transportation Code, to make a conforming change.

SECTION 28. Amends Section 521.060(a), Transportation Code, to make a conforming change.

SECTION 29. Amends Section 521.292(a), Transportation Code, to make a conforming change.

SECTION 30. Amends Section 521.457(f-2), Transportation Code, to make a conforming change.

SECTION 31. Amends Section 522.003(25), Transportation Code, to make a conforming change.

SECTION 32. Amends Section 522.081(b), Transportation Code, to make a conforming change.

SECTION 33. Amends Section 523.005(a), Transportation Code, to make a conforming change.

SECTION 34. Amends Section 542.206, Transportation Code, to make a conforming change.

SECTION 35. Amends Section 542.4045, Transportation Code, as follows:

Sec. 542.4045. New heading: PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY OFFENSE RESULTING IN CRASH. Makes conforming changes.

SECTION 36. Amends Section 543.002(a), Transportation Code, to make a conforming change.

SECTION 37. Amends Section 543.011(c), Transportation Code, to make conforming changes.

SECTION 38. Amends Section 545.356(d), Transportation Code, to make a conforming change.

SECTION 39. Amends Section 545.3561, Transportation Code, as follows:

Sec. 545.3561. New heading: AUTHORITY OF MUNICIPALITY OR COUNTY TO TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR CRASH RECONSTRUCTION SITE. (a)-(d) Makes conforming changes to these subsections.

(e) Makes no changes to this subsection.

(f) Makes conforming changes to this subsection.

(g) Makes no changes to this subsection.

(h)-(i) Makes conforming changes to these subsections.

SECTION 40. Amends Section 545.4121(b), Transportation Code, to make a conforming change.

SECTION 41. Amends Section 545.420(i), Transportation Code, to make a conforming change.

SECTION 42. Amends the heading to Section 545.428, Transportation Code, to read as follows:

Sec. 545.428. MOTOR VEHICLE CRASH INVOLVING PEDESTRIAN OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK: OFFENSE.

SECTION 43. Amends Section 545.455, Transportation Code, as follows:

Sec. 545.455. New heading: DUTIES FOLLOWING CRASH INVOLVING AUTOMATED MOTOR VEHICLE. Makes a conforming change.

SECTION 44. Amends Section 547.305(d), Transportation Code, to make a conforming change.

SECTION 45. Amends Section 547.615(a)(2), Transportation Code, to make conforming changes.

SECTION 46. Amends Section 547.615(c), Transportation Code, to make conforming changes.

SECTION 47. Amends Section 548.053(b), Transportation Code, to require that a vehicle that is inspected and is subsequently involved in a crash or other incident, rather than involved in an accident, affecting the safe operation of an item of inspection be reinspected following repair.

SECTION 48. Amends the heading to Chapter 550, Transportation Code, to read as follows:

CHAPTER 550. CRASHES AND CRASH REPORTS

SECTION 49. Amends the heading to Subchapter B, Chapter 550, Transportation Code, to read as follows:

SUBCHAPTER B. DUTIES FOLLOWING CRASH

SECTION 50. Amends Section 550.021, Transportation Code, as follows:

Sec. 550.021. New heading: CRASH INVOLVING PERSONAL INJURY OR DEATH.

(a) Makes conforming changes to this subsection.

(b) Makes no changes to this subsection.

(c) Makes conforming changes to this subsection.

SECTION 51. Amends the heading to Section 550.022, Transportation Code, to read as follows:

Sec. 550.022. CRASH INVOLVING DAMAGE TO VEHICLE.

SECTION 52. Amends Sections 550.022(a) and (b), Transportation Code, to make conforming changes.

SECTION 53. Amends Section 550.023, Transportation Code, to make conforming changes.

SECTION 54. Amends Section 550.025(a), Transportation Code, to make conforming changes.

SECTION 55. Amends Section 550.026, Transportation Code, as follows:

Sec. 550.026. New heading: IMMEDIATE REPORT OF CRASH. (a) and (b) Makes conforming changes to these subsections.

SECTION 56. Amends the heading to Subchapter C, Chapter 550, Transportation Code, to read as follows:

SUBCHAPTER C. INVESTIGATION OF CRASH

SECTION 57. Amends Section 550.041(a), Transportation Code, to make conforming changes.

SECTION 58. Amends the heading to Subchapter D, Chapter 550, Transportation Code, to read as follows:

SUBCHAPTER D. WRITTEN CRASH REPORT

SECTION 59. Amends Section 550.062, Transportation Code, as follows:

Sec. 550.062. New heading: OFFICER'S CRASH REPORT. (a)-(c) Makes conforming changes to these subsections.

SECTION 60. Amends Section 550.063, Transportation Code, to make conforming changes.

SECTION 61. Amends Section 550.064, Transportation Code, as follows:

Sec. 550.064. New heading: CRASH REPORT FORMS. (a) and (b) Makes conforming changes to these subsections.

SECTION 62. Amends Section 550.065, Transportation Code, as follows:

Sec. 550.065. New heading: RELEASE OF CERTAIN INFORMATION RELATING TO CRASHES. (a)-(f) Makes conforming changes to these subsections.

(g) Makes no changes to this subsection.

SECTION 63. Amends Section 550.066, Transportation Code, as follows:

Sec. 550.066. New heading: ADMISSIBILITY OF CERTAIN CRASH REPORT INFORMATION. Makes a conforming change.

SECTION 64. Amends Section 550.067, Transportation Code, as follows:

Sec. 550.067. New heading: MUNICIPAL AUTHORITY TO REQUIRE CRASH REPORTS. (a) Makes conforming changes to this subsection.

(b) Makes no changes to this subsection.

(c) Makes a conforming change to this subsection.

SECTION 65. Amends Section 550.068, Transportation Code, as follows:

Sec. 550.068. New heading: CHANGING CRASH REPORT. (a) and (b) Makes conforming changes to these subsections.

SECTION 66. Amends Sections 550.081(b) and (c), Transportation Code, to make conforming changes.

SECTION 67. Amends Section 601.002(3), Transportation Code, to make a conforming change.

SECTION 68. Amends Section 601.003(b), Transportation Code, to make conforming and nonsubstantive changes.

SECTION 69. Amends Section 601.006, Transportation Code, to make conforming changes.

SECTION 70. Amends Sections 601.009(b) and (c), Transportation Code, to make conforming changes.

SECTION 71. Amends Section 601.053(a), Transportation Code, to make a conforming change.

SECTION 72. Amends Section 601.056(e), Transportation Code, to make a conforming change.

SECTION 73. Amends Sections 601.072(a-1) and (b), Transportation Code, to make conforming changes.

SECTION 74. Amends Section 601.084(c), Transportation Code, to make a conforming change.

SECTION 75. Amends Section 601.086, Transportation Code, to make a conforming change.

SECTION 76. Amends Section 601.124(c), Transportation Code, to make a conforming change.

SECTION 77. Amends the heading to Subchapter F, Chapter 601, Transportation Code, to read as follows:

SUBCHAPTER F. SECURITY FOLLOWING CRASH

SECTION 78. Amends Section 601.151, Transportation Code, to make conforming changes.

SECTION 79. Amends Section 601.152(a), Transportation Code, to make conforming changes.

SECTION 80. Amends Sections 601.154(a), (c), and (d), Transportation Code, to make conforming changes.

SECTION 81. Amends Section 601.155(b), Transportation Code, to make a conforming change.

SECTION 82. Amends Section 601.157(b), Transportation Code, to make conforming changes.

SECTION 83. Amends Section 601.158(a), Transportation Code, to make a conforming change.

SECTION 84. Amends Section 601.162(a), Transportation Code, to make conforming changes.

SECTION 85. Amends Section 601.163(b), Transportation Code, to make a conforming change.

SECTION 86. Amends Section 601.164(a), Transportation Code, to make a conforming change.

SECTION 87. Amends Section 601.166, Transportation Code, to make conforming changes.

SECTION 88. Amends Section 601.167, Transportation Code, to make conforming changes.

SECTION 89. Amends Section 601.168(b), Transportation Code, to make a conforming change.

SECTION 90. Amends Section 601.169, Transportation Code, to make conforming changes.

SECTION 91. Amends Section 601.291, Transportation Code, to make a conforming change.

SECTION 92. Amends Section 601.292, Transportation Code, to make a conforming change.

SECTION 93. Amends Sections 601.293(b), (c), and (d), Transportation Code, to make conforming changes.

SECTION 94. Amends Section 601.294, Transportation Code, to make a conforming change.

SECTION 95. Amends Section 601.296(a), Transportation Code, to make conforming changes.

SECTION 96. Amends Section 601.333, Transportation Code, to make conforming changes.

SECTION 97. Amends Section 622.954(a), Transportation Code, to make a conforming change.

SECTION 98. Amends Section 623.0172(l), Transportation Code, to make a conforming change.

SECTION 99. Amends Section 623.410, Transportation Code, to make a conforming change.

SECTION 100. Amends Section 643.105, Transportation Code, to make conforming changes.

SECTION 101. Amends Section 644.151(b-1), Transportation Code, to make conforming changes.

SECTION 102. Amends Sections 661.003(c) and (i), Transportation Code, to make conforming changes.

SECTION 103. Amends Section 686.001(1), Transportation Code, to make a conforming change.

SECTION 104. Amends Section 686.004(a), Transportation Code, to make conforming changes.

SECTION 105. Amends Section 686.005, Transportation Code, to make a conforming change.

SECTION 106. Amends Section 709.002(e), Transportation Code, to make a conforming change.

SECTION 107. Amends Section 723.011(a), Transportation Code, to make conforming changes.

SECTION 108. Amends Section 723.012, Transportation Code, to make a conforming change.

SECTION 109. Amends Section 723.013(a), Transportation Code, to make a conforming change.

SECTION 110. Amends Section 724.012(a-1) and (b), Transportation Code, to make conforming changes.

SECTION 111. Amends Section 726.002, Transportation Code, to make a conforming change.

SECTION 112. Amends Sections 730.003(4) and (6), Transportation Code, to make conforming changes.

SECTION 113. Amends Section 1006.153(e), Transportation Code, to make a conforming change.

SECTION 114. Amends the heading to Chapter 504, Business and Commerce Code, to read as follows:

CHAPTER 504. PROHIBITED USE OF CRIME VICTIM OR MOTOR VEHICLE CRASH
INFORMATION

SECTION 115. Amends Section 504.001(2), Business and Commerce Code, to refer to a crash, rather than an accident.

SECTION 116. Amends Section 504.002(a), Business and Commerce Code, to make conforming changes.

SECTION 117. Amends Section 170.062(a), Civil Practice and Remedies Code, to refer to a crash, rather than an accident, and to make a nonsubstantive change.

SECTION 118. Amends Section 30.006(e), Civil Practice and Remedies Code, to make conforming changes.

SECTION 119. Amends Section 72.001, Civil Practice and Remedies Code, to make conforming changes and a nonsubstantive change.

SECTION 120. Amends Section 72.051, Civil Practice and Remedies Code, by amending Subdivisions (2) and (4) and adding Subdivision (5-a) to define "crash" and to make conforming changes.

SECTION 121. Amends the heading to Section 72.052, Civil Practice and Remedies Code, to read as follows:

Sec. 72.052. BIFURCATED TRIAL IN CERTAIN COMMERCIAL MOTOR VEHICLE
CRASH ACTIONS.

SECTION 122. Amends Sections 72.054(a), (c), (d), and (f), Civil Practice and Remedies Code, to make conforming changes.

SECTION 123. Amends Section 72.055, Civil Practice and Remedies Code, as follows:

Sec. 72.055. New heading: ADMISSIBILITY OF VISUAL DEPICTIONS OF CRASH.
Makes conforming changes.

SECTION 124. Amends Article 12.01, Code of Criminal Procedure, to refer to a crash, rather than an accident.

SECTION 125. Amends the heading to Article 42A.516, Code of Criminal Procedure, to read as follows:

Art. 42A.516. COMMUNITY SUPERVISION FOR LEAVING SCENE OF MOTOR VEHICLE CRASH RESULTING IN DEATH OF PERSON.

SECTION 126. Amends Article 49.10(j), Code of Criminal Procedure, to make a conforming change.

SECTION 127. Amends Article 59.01(3), Code of Criminal Procedure, to make a conforming change.

SECTION 128. Amends the heading to Section 34.015, Education Code, to read as follows:

Sec. 34.015. REPORTING OF BUS CRASHES.

SECTION 129. Amends Section 34.015(b), Education Code, to refer to crashes and crash, rather than accidents and accident.

SECTION 130. Amends Section 53.352(g), Education Code, to make a conforming change.

SECTION 131. Amends Section 1001.1015(b), Education Code, to make a conforming change.

SECTION 132. Amends Section 1001.112(b), Education Code, to make conforming changes.

SECTION 133. Amends Section 203.007(b), Family Code, to refer to crashes, rather than accidents.

SECTION 134. Amends Section 264.513(c), Family Code, to make conforming changes.

SECTION 135. Amends Section 411.019(a), Government Code, to refer to crashes, rather than accidents.

SECTION 136. Amends Section 411.0726(e), Government Code, to make a conforming change.

SECTION 137. Amends Section 411.0731(e), Government Code, to make a conforming change.

SECTION 138. Amends Section 411.0736(e), Government Code, to make a conforming change.

SECTION 139. Amends Section 423.002(a), Government Code, to make conforming changes.

SECTION 140. Amends Section 1952.155, Insurance Code, to refer to a crash, rather than an accident.

SECTION 141. Amends Section 1954.056(b), Insurance Code, to make conforming changes.

SECTION 142. Amends Section 2308.002(5-a), Occupations Code, to refer to a crash, rather than an accident.

SECTION 143. Amends Sections 2308.209(c), (d), and (h), Occupations Code, to make conforming changes.

SECTION 144. Amends the heading to Section 38.18, Penal Code, to read as follows:

Sec. 38.18. USE OF CRASH REPORT INFORMATION AND OTHER INFORMATION FOR PECUNIARY GAIN.

SECTION 145. Amends Section 2(4-a), Article 6243g-4, Vernon's Texas Civil Statutes, to refer to a crash, rather than an accident.

SECTION 146. Repealer: Section 72.051(1) (relating to the definition of "accident"), Civil Practice and Remedies Code.

SECTION 147. Provides that the changes in law made by this Act are nonsubstantive and are intended to clarify rather than change existing law.

SECTION 148. Provides that, to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 149. Effective date: September 1, 2021.