

By: Canales

H.B. No. 2190

Substitute the following for H.B. No. 2190:

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C.S.H.B. No. 2190

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the terminology used to describe
3 transportation-related accidents.

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

5 SECTION 1. Section 22.085(b), Transportation Code, is
6 amended to read as follows:

7 (b) A joint board may use contracts and rating plans and may
8 implement risk management programs designed to prevent crashes
9 [~~accidents~~]. In developing its insurance program, a joint board
10 may consider the peculiar hazards, indemnity standards, and past
11 prospective loss and expense experience of the joint board and of
12 its contractors and subcontractors.

13 SECTION 2. Section 66.017, Transportation Code, is amended
14 to read as follows:

15 Sec. 66.017. DUTIES. The board shall:

16 (1) establish the number of pilots necessary to
17 provide adequate pilot services for each Harris County port;

18 (2) accept applications for pilot licenses and
19 certificates and determine whether each applicant meets the
20 qualifications for a pilot;

21 (3) submit to the governor lists of applicants the
22 board finds to be qualified for appointment as pilots;

23 (4) establish pilotage rates;

24 (5) approve the locations for pilot stations;

1 (6) establish times during which pilot services will
2 be available;

3 (7) hear and determine complaints relating to the
4 conduct of pilots;

5 (8) recommend to the governor each pilot whose license
6 or certificate should not be renewed or should be revoked;

7 (9) adopt rules and issue orders to pilots or vessels
8 when necessary to secure efficient pilot services, including
9 minimizing the interference of two-way routes;

10 (10) institute investigations or hearings or both to
11 consider casualties, crashes [~~accidents~~], or other actions that
12 violate this chapter; and

13 (11) provide penalties to be imposed on a person who is
14 not a pilot for a Harris County port who pilots a vessel into or out
15 of the port if a pilot offered those services to the vessel.

16 SECTION 3. Section 67.017, Transportation Code, is amended
17 to read as follows:

18 Sec. 67.017. DUTIES. The board shall:

19 (1) recommend to the governor the number of pilots
20 necessary to provide adequate pilot services for each Galveston
21 County port;

22 (2) accept applications for pilot licenses and
23 certificates and determine whether each applicant meets the
24 qualifications for a pilot;

25 (3) provide names of all qualified applicants for
26 certificates to each pilot association office of Galveston County;

27 (4) submit to the governor the names of persons who

- 1 have qualified under this chapter to be appointed as branch pilots;
- 2 (5) establish pilotage rates;
- 3 (6) approve any changes of the locations for pilot
4 stations;
- 5 (7) establish times during which pilot services will
6 be available;
- 7 (8) hear and determine complaints relating to the
8 conduct of pilots;
- 9 (9) make recommendations to the governor concerning
10 any pilot whose license or certificate should not be renewed or
11 should be revoked;
- 12 (10) adopt rules and issue orders to pilots and
13 vessels when necessary to secure efficient pilot services;
- 14 (11) institute investigations or hearings or both to
15 consider casualties, crashes [~~accidents~~], or other actions that
16 violate this chapter;
- 17 (12) provide penalties to be imposed on a person who is
18 not a pilot for a Galveston County port and who pilots a vessel into
19 or out of the port; and
- 20 (13) approve a training program for deputy branch
21 pilots.

22 SECTION 4. Section 68.017, Transportation Code, is amended
23 to read as follows:

24 Sec. 68.017. DUTIES. The board shall:

- 25 (1) recommend to the governor the number of pilots
26 necessary to provide adequate pilot services for each Brazoria
27 County port;

1 (2) accept applications for pilot licenses and
2 certificates and determine whether each applicant meets the
3 qualifications for a pilot;

4 (3) provide the names of all qualified applicants for
5 certificates to the Brazos Pilots Association;

6 (4) submit to the governor the names of persons who
7 have qualified under this chapter to be commissioned as branch
8 pilots;

9 (5) establish pilotage rates;

10 (6) approve the locations for pilot stations;

11 (7) establish times during which pilot services will
12 be available;

13 (8) hear and determine complaints relating to the
14 conduct of pilots;

15 (9) recommend to the governor each pilot whose license
16 or certificate should not be renewed or should be revoked;

17 (10) adopt rules and issue orders to pilots or vessels
18 when necessary to secure efficient pilot services;

19 (11) institute investigations or hearings or both to
20 consider casualties, crashes [~~accidents~~], or other actions that
21 violate this chapter;

22 (12) provide penalties to be imposed on a person who is
23 not a pilot for a Brazoria County port who pilots a vessel into or
24 out of the port; and

25 (13) approve a training program for deputy branch
26 pilots.

27 SECTION 5. Sections 69.017(a) and (c), Transportation Code,

1 are amended to read as follows:

2 (a) The board shall:

3 (1) establish the number of pilots necessary to
4 provide adequate pilot services for each Jefferson or Orange County
5 port;

6 (2) establish pilotage rates;

7 (3) hear and determine complaints relating to the
8 conduct of pilots;

9 (4) make recommendations to the governor concerning
10 any pilot whose license or certificate should not be renewed or
11 should be revoked;

12 (5) adopt rules and issue orders to pilots and vessels
13 when necessary to secure efficient pilot services;

14 (6) institute investigations or hearings or both to
15 consider casualties, crashes [~~accidents~~], or other actions that
16 violate this chapter;

17 (7) provide penalties to be imposed on a person who is
18 not a pilot for a Jefferson or Orange County port and who pilots a
19 vessel into or out of the port if the person offered pilot services
20 to the vessel;

21 (8) establish times during which pilot services will
22 be available;

23 (9) accept applications for pilot licenses and
24 certificates and determine whether each applicant meets the
25 qualifications for a pilot;

26 (10) submit to the governor the names of persons who
27 have qualified under this chapter to be appointed as branch pilots;

1 and

2 (11) approve any changes of the locations of pilot
3 stations.

4 (c) The board may assess against the users of pilot
5 services:

6 (1) the actual costs the board considers fair and just
7 incurred in connection with hearings against any applicant or
8 objecting party; and

9 (2) other expenses that are necessary and proper to
10 enable the board to effectively carry out the purposes and
11 requirements of this chapter, including processing of applications
12 for pilot licenses and certificates, establishing pilotage,
13 determining and approving the locations for pilot stations,
14 establishing times during which pilot services will be available,
15 hearing and ruling on complaints relating to the conduct of pilots,
16 adopting rules and issuing orders to pilots or vessels when
17 necessary to secure efficient pilot services, instituting
18 investigations or hearings to consider casualties, crashes
19 [~~accidents~~], or other actions that violate this chapter, making of
20 any provision for proper, safe, and efficient pilotage, and funding
21 general administrative expenses associated with the operation of
22 the board.

23 SECTION 6. Section 70.017, Transportation Code, is amended
24 to read as follows:

25 Sec. 70.017. DUTIES. The board shall:

26 (1) recommend to the governor the number of pilots
27 necessary to provide adequate pilot services for the Port of Corpus

1 Christi;

2 (2) examine and determine the qualifications of each
3 applicant for branch pilot;

4 (3) submit to the governor the names of persons who
5 have qualified under this chapter to be appointed as branch pilots;

6 (4) establish pilotage rates;

7 (5) approve any changes of the locations of pilot
8 stations;

9 (6) establish times during which pilot services will
10 be available;

11 (7) hear and determine complaints relating to the
12 conduct of pilots;

13 (8) make recommendations to the governor concerning
14 any pilot whose license or certificate should not be renewed or
15 should be revoked;

16 (9) adopt rules and issue orders to pilots and vessels
17 when necessary to secure efficient pilot services; and

18 (10) institute investigations or hearings or both to
19 consider casualties, crashes [~~accidents~~], or other actions that
20 violate this chapter.

21 SECTION 7. Sections [112.103](#)(b) and (c), Transportation
22 Code, are amended to read as follows:

23 (b) An operator who is involved, while operating a
24 locomotive, in a crash [~~an accident~~] resulting in injury to or death
25 of a person or damage to a vehicle that is driven or attended by a
26 person shall immediately stop the locomotive at the scene of the
27 crash [~~accident~~].

1 (c) The operator shall render to a person injured in the
2 crash [~~accident~~] reasonable assistance, including transporting, or
3 the making of arrangements for transporting, the person to a
4 physician, surgeon, or hospital for medical or surgical treatment
5 if it is apparent that treatment is necessary or if the injured
6 person requests transportation.

7 SECTION 8. Section 192.005, Transportation Code, is amended
8 to read as follows:

9 Sec. 192.005. RECORD OF CRASH [~~ACCIDENT~~] OR VIOLATION. If
10 a person operating a railroad locomotive or train is involved in a
11 crash [~~an accident~~] with another train or a motor vehicle or is
12 arrested for violation of a law relating to the person's operation
13 of a railroad locomotive or train:

14 (1) the number of or other identifying information on
15 the person's driver's license or commercial driver's license may not
16 be included in any report of the crash [~~accident~~] or violation; and

17 (2) the person's involvement in the crash [~~accident~~]
18 or violation may not be recorded in the person's individual driving
19 record maintained by the Department of Public Safety.

20 SECTION 9. Section 201.806, Transportation Code, is amended
21 to read as follows:

22 Sec. 201.806. CRASH [~~ACCIDENT~~] REPORTS. (a) The
23 department shall:

24 (1) tabulate and analyze the vehicle crash [~~accident~~]
25 reports it receives; and

26 (2) annually or more frequently publish on the
27 department's Internet website statistical information derived from

1 the crash [~~accident~~] reports as to the number, cause, and location
2 of highway crashes [~~accidents~~], including information regarding
3 the number of:

4 (A) crashes [~~accidents~~] involving injury to,
5 death of, or property damage to a bicyclist or pedestrian; and

6 (B) fatalities caused by a bridge collapse, as
7 defined by Section 550.081.

8 (b) The department shall provide electronic access to the
9 system containing the crash [~~accident~~] reports so that the
10 Department of Public Safety can perform its duties, including the
11 duty to make timely entries on driver records.

12 SECTION 10. Sections 201.909(a), (b), and (c),
13 Transportation Code, are amended to read as follows:

14 (a) In this section, "victim" means a person killed in a
15 highway crash [~~accident~~] involving alcohol or a controlled
16 substance, excluding an operator who was under the influence of
17 alcohol or a controlled substance.

18 (b) The commission by rule shall establish and administer a
19 memorial sign program to publicly memorialize the victims of
20 alcohol or controlled substance-related vehicle crashes
21 [~~accidents~~].

22 (c) A sign designed and posted under this section shall
23 include:

24 (1) the phrase "Please Don't Drink and Drive";

25 (2) the phrase "In Memory Of" and the name of one or
26 more victims in accordance with the commission rule; and

27 (3) the date of the crash [~~accident~~] that resulted in

1 the victim's death.

2 SECTION 11. Sections 201.911(a), (b), and (c),
3 Transportation Code, are amended to read as follows:

4 (a) In this section, "victim" means a person killed in a
5 highway crash [~~accident~~] while operating or riding on a motorcycle.

6 (b) The commission by rule shall establish and administer a
7 memorial sign program to publicly memorialize the victims of
8 motorcycle crashes [~~accidents~~].

9 (c) A sign designed and posted under this section shall
10 include:

11 (1) a red cross;

12 (2) the phrase "In Memory Of" and the name of one or
13 more victims in accordance with the commission rule; and

14 (3) the date of the crash [~~accident~~] that resulted in
15 the victim's death.

16 SECTION 12. Section 222.003(d), Transportation Code, is
17 amended to read as follows:

18 (d) Of the aggregate principal amount of bonds and other
19 public securities that may be issued under this section, the
20 commission shall issue bonds or other public securities in an
21 aggregate principal amount of \$1.2 billion to fund projects that
22 reduce crashes [~~accidents~~] or correct or improve hazardous
23 locations on the state highway system. The commission by rule
24 shall prescribe criteria for selecting projects eligible for
25 funding under this section. In establishing criteria for the
26 projects, the commission shall consider crash [~~accident~~] data,
27 traffic volume, pavement geometry, and other conditions that can

1 create or exacerbate hazardous roadway conditions.

2 SECTION 13. Section 391.038(c-2), Transportation Code, is
3 amended to read as follows:

4 (c-2) Subsection (c-1) does not apply to the rebuilding of a
5 sign under Subsection (c) if the person who holds the permit for the
6 sign rebuilds because of damage to the sign caused by:

- 7 (1) wind or a natural disaster;
- 8 (2) a motor vehicle crash [~~accident~~]; or
- 9 (3) an act of God.

10 SECTION 14. Section 451.108(c), Transportation Code, is
11 amended to read as follows:

12 (c) A peace officer commissioned under this section, except
13 as provided by Subsections (d) and (e), or a peace officer
14 contracted for employment by an authority confirmed before July 1,
15 1985, in which the principal municipality has a population of less
16 than 850,000, may:

17 (1) make an arrest in any county in which the transit
18 authority system is located as necessary to prevent or abate the
19 commission of an offense against the law of this state or a
20 political subdivision of this state if the offense or threatened
21 offense occurs on or involves the transit authority system;

22 (2) make an arrest for an offense involving injury or
23 detriment to the transit authority system;

24 (3) enforce traffic laws and investigate traffic
25 crashes [~~accidents~~] that involve or occur in the transit authority
26 system; and

27 (4) provide emergency and public safety services to

1 the transit authority system or users of the transit authority
2 system.

3 SECTION 15. Section 451.454(c), Transportation Code, is
4 amended to read as follows:

5 (c) Each audit must include an examination of:

6 (1) one or more of the following:

7 (A) the administration and management of the
8 authority;

9 (B) transit operations; or

10 (C) transit authority system maintenance;

11 (2) the authority's compliance with applicable state
12 law, including this chapter; and

13 (3) the following performance indicators:

14 (A) operating cost per passenger, per revenue
15 mile, and per revenue hour;

16 (B) sales and use tax receipts per passenger;

17 (C) fare recovery rate;

18 (D) average vehicle occupancy;

19 (E) on-time performance;

20 (F) number of crashes [~~accidents~~] per 100,000
21 miles; and

22 (G) number of miles between mechanical road
23 calls.

24 SECTION 16. Section 451.455(h), Transportation Code, is
25 amended to read as follows:

26 (h) The number of crashes [~~accidents~~] per 100,000 miles is
27 computed by multiplying the annual number of crashes [~~accidents~~] by

1 100,000 and dividing the product by the number of miles for all
2 service, including charter and nonrevenue service, directly
3 operated by the authority for the same period. In this subsection,
4 "crash [~~accident~~]" includes:

5 (1) a collision that involves an authority's revenue
6 vehicle, other than a lawfully parked revenue vehicle, and that
7 results in property damage, injury, or death; and

8 (2) an incident that results in the injury or death of
9 a person on board or boarding or alighting from an authority's
10 revenue vehicle.

11 SECTION 17. Section 452.062(b), Transportation Code, is
12 amended to read as follows:

13 (b) An authority may use contracts, rating plans, and risk
14 management programs designed to encourage crash [~~accident~~]
15 prevention.

16 SECTION 18. Section 452.454(c), Transportation Code, is
17 amended to read as follows:

18 (c) Each audit must include an examination of:

19 (1) one or more of the following:

20 (A) the administration and management of the
21 authority;

22 (B) transit operations; or

23 (C) transit authority system maintenance;

24 (2) the authority's compliance with applicable state
25 law, including this chapter; and

26 (3) the following performance indicators:

27 (A) subsidy per passenger, operating cost per

1 revenue mile, and operating cost per revenue hour;

2 (B) sales and use tax receipts per passenger;

3 (C) fare recovery rate;

4 (D) number of passengers per hour;

5 (E) on-time performance;

6 (F) number of crashes [~~accidents~~] per 100,000
7 miles; and

8 (G) number of miles between mechanical service
9 calls.

10 SECTION 19. Section 452.455(i), Transportation Code, is
11 amended to read as follows:

12 (i) The number of crashes [~~accidents~~] per 100,000 miles is
13 computed by multiplying the annual number of crashes [~~accidents~~] by
14 100,000 and dividing the product by the number of miles for all
15 service, including charter and nonrevenue service for the same
16 period. In this subsection, "crash [~~accident~~]" includes:

17 (1) a collision that involves an authority's revenue
18 vehicle, other than a lawfully parked revenue vehicle, and results
19 in property damage, injury, or death; and

20 (2) an operating incident resulting in the injury or
21 death of a person on board or boarding or alighting from an
22 authority's revenue vehicle.

23 SECTION 20. Section 460.110(b), Transportation Code, is
24 amended to read as follows:

25 (b) An authority may use contracts, rating plans, and risk
26 management programs designed to encourage crash [~~accident~~]
27 prevention.

1 SECTION 21. Section 463.065(b), Transportation Code, is
2 amended to read as follows:

3 (b) An authority may use contracts, rating plans, and risk
4 management programs designed to encourage crash [~~accident~~]
5 prevention.

6 SECTION 22. Section 521.025(c), Transportation Code, is
7 amended to read as follows:

8 (c) A person who violates this section commits an
9 offense. An offense under this subsection is a misdemeanor
10 punishable by a fine not to exceed \$200, except that:

11 (1) for a second conviction within one year after the
12 date of the first conviction, the offense is a misdemeanor
13 punishable by a fine of not less than \$25 or more than \$200;

14 (2) for a third or subsequent conviction within one
15 year after the date of the second conviction the offense is a
16 misdemeanor punishable by:

17 (A) a fine of not less than \$25 or more than \$500;

18 (B) confinement in the county jail for not less
19 than 72 hours or more than six months; or

20 (C) both the fine and confinement; and

21 (3) if it is shown on the trial of the offense that at
22 the time of the offense the person was operating the motor vehicle
23 in violation of Section 601.191 and caused or was at fault in a
24 motor vehicle crash [~~accident~~] that resulted in serious bodily
25 injury to or the death of another person, an offense under this
26 section is a Class A misdemeanor.

27 SECTION 23. Section 521.042, Transportation Code, is

1 amended to read as follows:

2 Sec. 521.042. CRASH [~~ACCIDENT~~] AND CONVICTION REPORTS;
3 INDIVIDUAL RECORDS. (a) Except as provided by this section, the
4 department shall record each crash [~~accident~~] report and abstract
5 of the court record of a conviction received by the department under
6 a law of this state.

7 (b) The records must enable the department to consider, on
8 receipt of a renewal application and at other suitable times, the
9 record of each license holder that shows any:

- 10 (1) conviction of that license holder; and
11 (2) traffic crash [~~accident~~] in which the license
12 holder has been involved.

13 (c) The record of a license holder who is employed as a peace
14 officer, fire fighter, or emergency medical services employee of
15 this state, a political subdivision of this state, or a special
16 purpose district may not include information relating to a traffic
17 crash [~~accident~~] that occurs while the peace officer, fire fighter,
18 or emergency medical services employee is driving an official
19 vehicle in the course and scope of the license holder's official
20 duties if:

21 (1) the traffic crash [~~accident~~] resulted in damages
22 to property of less than \$1,000; or

23 (2) an investigation of the crash [~~accident~~] by a
24 peace officer, other than a peace officer involved in the crash
25 [~~accident~~], determines that the peace officer, fire fighter, or
26 emergency medical services employee involved in the crash
27 [~~accident~~] was not at fault.

1 (d) Before issuing or renewing a license, the department
2 shall examine the record of the applicant for information relating
3 to a conviction of a traffic violation or involvement in a traffic
4 crash [~~accident~~]. The department may not issue or renew a license
5 if the department determines that the issuance or renewal of the
6 license would be inimical to the public safety.

7 (e) The director may maintain records required under this
8 subchapter on microfilm or computer.

9 SECTION 24. The heading to Section 521.046, Transportation
10 Code, is amended to read as follows:

11 Sec. 521.046. DISCLOSURE OF CRASH [~~ACCIDENT~~] AND CONVICTION
12 INFORMATION.

13 SECTION 25. Section 521.046(a), Transportation Code, is
14 amended to read as follows:

15 (a) In addition to the information authorized to be released
16 under Section 521.045, on receipt of a written request and payment
17 of a \$6 fee, the department may disclose that information and
18 information regarding each reported motor vehicle moving
19 violation, as defined by department rule, resulting in a traffic
20 law conviction and each motor vehicle crash [~~accident~~] in which the
21 individual received a citation, by date and location, within the
22 three years preceding the date of the request, to a person who:

23 (1) is eligible to receive the information under
24 Chapter 730; and

25 (2) submits to the department the individual's
26 driver's license number or the individual's full name and date of
27 birth.

1 SECTION 26. Section 521.047(b), Transportation Code, is
2 amended to read as follows:

3 (b) The department may disclose information as recorded in
4 department records that relates to:

5 (1) the individual's date of birth;

6 (2) the current license status of the individual;

7 (3) the individual's most recent address;

8 (4) the completion of an approved driver education
9 course by the individual;

10 (5) the fact of, but not the reason for, completion of
11 a driver safety course by the individual; and

12 (6) each of the individual's reported traffic law
13 violations and motor vehicle crashes [~~accidents~~], by date and
14 location.

15 SECTION 27. Section 521.049(e), Transportation Code, is
16 amended to read as follows:

17 (e) A driver's license record or personal identification
18 certificate record provided under Subsection (d)(1) may not include
19 information relating to an individual's social security number or
20 any crash [~~accident~~] or conviction information about an individual.

21 SECTION 28. Section 521.060(a), Transportation Code, is
22 amended to read as follows:

23 (a) The department shall maintain in its files a record of
24 the name, address, and telephone number of each individual
25 identified by the holder of a driver's license or personal
26 identification certificate as an individual the holder authorizes
27 to be contacted in the event that the holder is injured or dies in or

1 as a result of a vehicular crash [~~accident~~] or another emergency
2 situation. In addition, the department shall maintain in its files
3 a record of any medical information described by Section 521.125(a)
4 that is provided to the department under Subsection (c) or any
5 health condition information that is voluntarily provided to the
6 department under Section 521.142(h).

7 SECTION 29. Section 521.292(a), Transportation Code, is
8 amended to read as follows:

9 (a) The department shall suspend the person's license if the
10 department determines that the person:

11 (1) has operated a motor vehicle on a highway while the
12 person's license was suspended, canceled, disqualified, or
13 revoked, or without a license after an application for a license was
14 denied;

15 (2) is a habitually reckless or negligent operator of
16 a motor vehicle;

17 (3) is a habitual violator of the traffic laws;

18 (4) has permitted the unlawful or fraudulent use of
19 the person's license;

20 (5) has committed an offense in another state or
21 Canadian province that, if committed in this state, would be
22 grounds for suspension;

23 (6) has been convicted of two or more separate
24 offenses of a violation of a restriction imposed on the use of the
25 license;

26 (7) has been responsible as a driver for any crash
27 [~~accident~~] resulting in serious personal injury or serious property

1 damage;

2 (8) is under 18 years of age and has been convicted of
3 two or more moving violations committed within a 12-month period;
4 or

5 (9) has committed an offense under Section 545.421.

6 SECTION 30. Section 521.457(f-2), Transportation Code, is
7 amended to read as follows:

8 (f-2) An offense under this section is a Class A misdemeanor
9 if it is shown on the trial of the offense that at the time of the
10 offense the person was operating the motor vehicle in violation of
11 Section 601.191 and caused or was at fault in a motor vehicle crash
12 [~~accident~~] that resulted in serious bodily injury to or the death of
13 another person.

14 SECTION 31. Section 522.003(25), Transportation Code, is
15 amended to read as follows:

16 (25) "Serious traffic violation" means:

17 (A) a conviction arising from the driving of a
18 motor vehicle, other than a parking, vehicle weight, or vehicle
19 defect violation, for:

20 (i) excessive speeding, involving a single
21 charge of driving 15 miles per hour or more above the posted speed
22 limit;

23 (ii) reckless driving, as defined by state
24 or local law;

25 (iii) a violation of a state or local law
26 related to motor vehicle traffic control, including a law
27 regulating the operation of vehicles on highways, arising in

1 connection with a fatal crash [~~accident~~];

2 (iv) improper or erratic traffic lane
3 change;

4 (v) following the vehicle ahead too
5 closely; or

6 (vi) a violation of Sections [522.011](#) or
7 [522.042](#); or

8 (B) a violation of Section [522.015](#).

9 SECTION 32. Section [522.081\(b\)](#), Transportation Code, is
10 amended to read as follows:

11 (b) Except as provided by this subsection, this subsection
12 applies to a violation committed while operating any type of motor
13 vehicle, including a commercial motor vehicle. A person who holds
14 a commercial driver's license or commercial learner's permit is
15 disqualified from driving a commercial motor vehicle for one year:

16 (1) if convicted of three violations of a law that
17 regulates the operation of a motor vehicle at a railroad grade
18 crossing that occur within a three-year period;

19 (2) on first conviction of:

20 (A) driving a motor vehicle under the influence
21 of alcohol or a controlled substance, including a violation of
22 Section [49.04](#), [49.045](#), or [49.07](#), Penal Code;

23 (B) leaving the scene of a crash [~~an accident~~]
24 involving a motor vehicle driven by the person;

25 (C) using a motor vehicle in the commission of a
26 felony, other than a felony described by Subsection (d)(2);

27 (D) causing the death of another person through

1 the negligent or criminal operation of a motor vehicle; or

2 (E) driving a commercial motor vehicle while the
3 person's commercial driver's license or commercial learner's permit
4 is revoked, suspended, or canceled, or while the person is
5 disqualified from driving a commercial motor vehicle, for an action
6 or conduct that occurred while operating a commercial motor
7 vehicle;

8 (3) for refusing to submit to a test under Chapter 724
9 to determine the person's alcohol concentration or the presence in
10 the person's body of a controlled substance or drug while operating
11 a motor vehicle in a public place; or

12 (4) if an analysis of the person's blood, breath, or
13 urine under Chapter 522, 524, or 724 determines that the person:

14 (A) had an alcohol concentration of 0.04 or more,
15 or that a controlled substance or drug was present in the person's
16 body, while operating a commercial motor vehicle in a public place;
17 or

18 (B) had an alcohol concentration of 0.08 or more
19 while operating a motor vehicle, other than a commercial motor
20 vehicle, in a public place.

21 SECTION 33. Section 523.005(a), Transportation Code, is
22 amended to read as follows:

23 (a) The licensing authority in the home state, for the
24 purpose of suspension, revocation, cancellation, denial,
25 disqualification, or limitation of the privilege to operate a motor
26 vehicle, shall give the same effect to the conduct reported
27 pursuant to Section 523.004 as it would if such conduct had occurred

1 in the home state in the case of conviction for:

2 (1) manslaughter or negligent homicide resulting from
3 the operation of a motor vehicle;

4 (2) driving a motor vehicle while under the influence
5 of alcoholic beverages or a narcotic to a degree which renders the
6 driver incapable of safely driving a motor vehicle;

7 (3) any felony in the commission of which a motor
8 vehicle is used; or

9 (4) failure to stop and render aid or information in
10 the event of a motor vehicle crash [~~accident~~] resulting in the death
11 or personal injury of another.

12 SECTION 34. Section 542.206, Transportation Code, is
13 amended to read as follows:

14 Sec. 542.206. EFFECT OF SPEED LIMITS IN A CIVIL ACTION. A
15 provision of this subtitle declaring a maximum or minimum speed
16 limit does not relieve the plaintiff in a civil action from the
17 burden of proving negligence of the defendant as the proximate
18 cause of a crash [~~an accident~~].

19 SECTION 35. Section 542.4045, Transportation Code, is
20 amended to read as follows:

21 Sec. 542.4045. PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY
22 OFFENSE RESULTING IN CRASH [~~ACCIDENT~~]. If it is shown on the trial
23 of an offense under this subtitle in which an element is the failure
24 by the operator of a vehicle to yield the right-of-way to another
25 vehicle that a crash [~~an accident~~] resulted from the operator's
26 failure to yield the right-of-way:

27 (1) the offense is punishable by a fine of not less

1 than \$500 or more than \$2,000, if a person other than the operator
2 of the vehicle suffered bodily injury, as defined by Section 1.07,
3 Penal Code, in the crash [~~accident~~]; and

4 (2) the offense is punishable by a fine of not less
5 than \$1,000 or more than \$4,000, if a person other than the operator
6 of the vehicle suffered serious bodily injury, as defined by
7 Section 1.07, Penal Code, in the crash [~~accident~~].

8 SECTION 36. Section 543.002(a), Transportation Code, is
9 amended to read as follows:

10 (a) A person arrested for a violation of this subtitle
11 punishable as a misdemeanor shall be immediately taken before a
12 magistrate if:

13 (1) the person is arrested on a charge of failure to
14 stop in the event of a crash [~~an accident~~] causing damage to
15 property; or

16 (2) the person demands an immediate appearance before
17 a magistrate or refuses to make a written promise to appear in court
18 as provided by this subchapter.

19 SECTION 37. Section 543.011(c), Transportation Code, is
20 amended to read as follows:

21 (c) The law enforcement agency shall:

22 (1) as soon as practicable contact the United States
23 Department of State to verify the person's status and immunity, if
24 any; and

25 (2) not later than the fifth working day after the date
26 of the stop or issuance of the notice to appear, send to the Bureau
27 of Diplomatic Security and the Office of Foreign Missions of the

1 United States Department of State the following:

2 (A) a copy of any notice to appear issued to the
3 person and any crash [~~accident~~] report prepared; or

4 (B) if a notice to appear was not issued and a
5 crash [~~an accident~~] report was not prepared, a written report of the
6 incident.

7 SECTION 38. Section 545.356(d), Transportation Code, is
8 amended to read as follows:

9 (d) The governing body of a municipality that declares a
10 lower speed limit on a highway or part of a highway under Subsection
11 (b-1) or (b-3), not later than February 1 of each year, shall
12 publish on its Internet website and submit to the department a
13 report that compares for each of the two previous calendar years:

14 (1) the number of traffic citations issued by peace
15 officers of the municipality and the alleged speed of the vehicles,
16 for speed limit violations on the highway or part of the highway;

17 (2) the number of warning citations issued by peace
18 officers of the municipality on the highway or part of the highway;
19 and

20 (3) the number of vehicular crashes [~~accidents~~] that
21 resulted in injury or death and were attributable to speed limit
22 violations on the highway or part of the highway.

23 SECTION 39. Section 545.3561, Transportation Code, is
24 amended to read as follows:

25 Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO
26 TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR CRASH [~~ACCIDENT~~]
27 RECONSTRUCTION SITE. (a) The governing body of a municipality by

1 ordinance may give a designated official with transportation
2 engineering experience establishing speed limits discretion to
3 temporarily lower a prima facie speed limit for a highway or part of
4 a highway in the municipality, including a highway of the state
5 highway system, at the site of an investigation using vehicular
6 crash [~~accident~~] reconstruction.

7 (b) A county commissioners court by order may give a
8 designated official with transportation engineering experience
9 establishing speed limits discretion to temporarily lower prima
10 facie speed limits for a county road or highway outside the
11 boundaries of a municipality at the site of an investigation using
12 vehicular crash [~~accident~~] reconstruction. The authority granted
13 under this subsection does not include a road or highway in the
14 state highway system.

15 (c) The Texas Department of Transportation shall develop
16 safety guidelines for the use of vehicular crash [~~accident~~]
17 reconstruction in investigations. A municipality, county, or
18 designated official shall comply with the guidelines.

19 (d) A designated official may temporarily lower prima facie
20 speed limits without the approval of or permission from the Texas
21 Department of Transportation. A designated official who intends
22 to temporarily lower a prima facie speed limit at the site of an
23 investigation using vehicular crash [~~accident~~] reconstruction
24 shall, at least 48 hours before temporary speed limit signs are
25 posted for the vehicular crash [~~accident~~] reconstruction site,
26 provide to the Texas Department of Transportation notice that
27 includes:

1 (1) the date and time of the crash [~~accident~~]
2 reconstruction;

3 (2) the location of the crash [~~accident~~]
4 reconstruction site;

5 (3) the entities involved at the site;

6 (4) the general size of the area affected by the site;
7 and

8 (5) an estimate of how long the site will be used for
9 the crash [~~accident~~] reconstruction.

10 (e) A temporary speed limit established under this section:

11 (1) is a prima facie prudent and reasonable speed
12 limit enforceable in the same manner as other prima facie speed
13 limits established under other provisions of this subchapter; and

14 (2) supersedes any other established speed limit that
15 would permit a person to operate a motor vehicle at a higher rate of
16 speed.

17 (f) A designated official who temporarily lowers a speed
18 limit shall:

19 (1) place and maintain at the vehicular crash
20 [~~accident~~] reconstruction site temporary speed limit signs that
21 conform to the manual and specifications adopted under Section
22 [544.001](#);

23 (2) temporarily conceal all other signs on the highway
24 segment affected by the vehicular crash [~~accident~~] reconstruction
25 site that give notice of a speed limit that would permit a person to
26 operate a motor vehicle at a higher rate of speed; and

27 (3) remove all temporary speed limit signs placed

1 under Subdivision (1) and concealments of other signs placed under
2 Subdivision (2) when the official finds that the vehicular crash
3 [~~accident~~] reconstruction is complete and all equipment is removed
4 from the vehicular crash [~~accident~~] reconstruction site.

5 (g) A temporary speed limit established under this section
6 is effective when a designated official places temporary speed
7 limit signs and conceals other signs that would permit a person to
8 operate a motor vehicle at a higher rate of speed as required under
9 Subsection (f).

10 (h) A temporary speed limit established under this section
11 is effective until the designated official under Subsection (a) or
12 (b):

13 (1) finds that the vehicular crash [~~accident~~]
14 reconstruction is complete; and

15 (2) removes all temporary signs, concealments, and
16 equipment used at the vehicular crash [~~accident~~] reconstruction
17 site.

18 (i) If a designated official does not comply with the
19 requirements of Subsection (f)(3) for a vehicular crash [~~accident~~]
20 reconstruction on a state highway associated with the
21 reconstruction, the Texas Department of Transportation may remove
22 signs and concealments.

23 SECTION 40. Section [545.4121\(b\)](#), Transportation Code, is
24 amended to read as follows:

25 (b) It is a defense to prosecution of an offense to which
26 this section applies that the defendant provides to the court
27 evidence satisfactory to the court that:

1 (1) at the time of the offense:

2 (A) the defendant was not arrested or issued a
3 citation for violation of any other offense;

4 (B) the defendant did not possess a child
5 passenger safety seat system in the vehicle; and

6 (C) the vehicle the defendant was operating was
7 not involved in a crash [~~an accident~~]; and

8 (2) subsequent to the time of the offense,
9 the defendant obtained an appropriate child passenger safety seat
10 system for each child required to be secured in a child passenger
11 safety seat system under Section 545.412(a).

12 SECTION 41. Section 545.420(i), Transportation Code, is
13 amended to read as follows:

14 (i) This subsection applies only to a motor vehicle used in
15 the commission of an offense under this section that results in a
16 crash [~~an accident~~] with property damage or personal injury. A
17 peace officer shall require the vehicle to be taken to the nearest
18 licensed vehicle storage facility unless the vehicle is seized as
19 evidence, in which case the vehicle may be taken to a storage
20 facility as designated by the peace officer
21 involved. Notwithstanding Article 18.23, Code of Criminal
22 Procedure, the owner of a motor vehicle that is removed or stored
23 under this subsection is liable for all removal and storage fees
24 incurred and is not entitled to take possession of the vehicle until
25 those fees are paid.

26 SECTION 42. The heading to Section 545.428, Transportation
27 Code, is amended to read as follows:

1 Sec. 545.428. MOTOR VEHICLE CRASH [~~ACCIDENT~~] INVOLVING
2 PEDESTRIAN OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK;
3 OFFENSE.

4 SECTION 43. Section [545.455](#), Transportation Code, is
5 amended to read as follows:

6 Sec. 545.455. DUTIES FOLLOWING CRASH [~~ACCIDENT~~] INVOLVING
7 AUTOMATED MOTOR VEHICLE. In the event of a crash [~~an accident~~]
8 involving an automated motor vehicle, the automated motor vehicle
9 or any human operator of the automated motor vehicle shall comply
10 with Chapter [550](#).

11 SECTION 44. Section [547.305\(d\)](#), Transportation Code, is
12 amended to read as follows:

13 (d) A vehicle may be equipped with alternately flashing
14 lighting equipment described by Section [547.701](#) or [547.702](#) only if
15 the vehicle is:

- 16 (1) a school bus;
- 17 (2) an authorized emergency vehicle;
- 18 (3) a church bus that has the words "church bus"
19 printed on the front and rear of the bus so as to be clearly
20 discernable to other vehicle operators;
- 21 (4) a tow truck while under the direction of a law
22 enforcement officer at the scene of a crash [~~an accident~~] or while
23 hooking up to a disabled vehicle on a roadway; or
- 24 (5) a tow truck with a mounted light bar which has turn
25 signals and stop lamps in addition to those required by Sections
26 [547.322](#), [547.323](#), and [547.324](#), Transportation Code.

27 SECTION 45. Section [547.615\(a\)\(2\)](#), Transportation Code, is

1 amended to read as follows:

2 (2) "Recording device" means a feature that is
3 installed by the manufacturer in a motor vehicle and that does any
4 of the following for the purpose of retrieving information from the
5 vehicle after a crash [~~an accident~~] in which the vehicle has been
6 involved:

7 (A) records the speed and direction the vehicle
8 is traveling;

9 (B) records vehicle location data;

10 (C) records steering performance;

11 (D) records brake performance, including
12 information on whether brakes were applied before a crash [~~an~~
13 ~~accident~~];

14 (E) records the driver's safety belt status; or

15 (F) transmits information concerning the crash
16 [~~accident~~] to a central communications system when the crash
17 [~~accident~~] occurs.

18 SECTION 46. Section 547.615(c), Transportation Code, is
19 amended to read as follows:

20 (c) Information recorded or transmitted by a recording
21 device may not be retrieved by a person other than the owner of the
22 motor vehicle in which the recording device is installed except:

23 (1) on court order;

24 (2) with the consent of the owner for any purpose,
25 including for the purpose of diagnosing, servicing, or repairing
26 the motor vehicle;

27 (3) for the purpose of improving motor vehicle safety,

1 including for medical research on the human body's reaction to
2 motor vehicle crashes [~~accidents~~], if the identity of the owner or
3 driver of the vehicle is not disclosed in connection with the
4 retrieved information; or

5 (4) for the purpose of determining the need for or
6 facilitating emergency medical response in the event of a motor
7 vehicle crash [~~accident~~].

8 SECTION 47. Section 548.053(b), Transportation Code, is
9 amended to read as follows:

10 (b) A vehicle that is inspected and is subsequently involved
11 in a crash or other incident [~~an accident~~] affecting the safe
12 operation of an item of inspection must be reinspected following
13 repair. The reinspection must be at an inspection station and shall
14 be treated and charged as an initial inspection.

15 SECTION 48. The heading to Chapter 550, Transportation
16 Code, is amended to read as follows:

17 CHAPTER 550. CRASHES [~~ACCIDENTS~~] AND CRASH [~~ACCIDENT~~] REPORTS

18 SECTION 49. The heading to Subchapter B, Chapter 550,
19 Transportation Code, is amended to read as follows:

20 SUBCHAPTER B. DUTIES FOLLOWING CRASH [~~ACCIDENT~~]

21 SECTION 50. Section 550.021, Transportation Code, is
22 amended to read as follows:

23 Sec. 550.021. CRASH [~~ACCIDENT~~] INVOLVING PERSONAL INJURY OR
24 DEATH. (a) The operator of a vehicle involved in a crash [~~an~~
25 ~~accident~~] that results or is reasonably likely to result in injury
26 to or death of a person shall:

27 (1) immediately stop the vehicle at the scene of the

1 crash [~~accident~~] or as close to the scene as possible;

2 (2) immediately return to the scene of the crash
3 [~~accident~~] if the vehicle is not stopped at the scene of the crash
4 [~~accident~~];

5 (3) immediately determine whether a person is involved
6 in the crash [~~accident~~], and if a person is involved in the crash
7 [~~accident~~], whether that person requires aid; and

8 (4) remain at the scene of the crash [~~accident~~] until
9 the operator complies with the requirements of Section 550.023.

10 (b) An operator of a vehicle required to stop the vehicle by
11 Subsection (a) shall do so without obstructing traffic more than is
12 necessary.

13 (c) A person commits an offense if the person does not stop
14 or does not comply with the requirements of this section. An
15 offense under this section:

16 (1) involving a crash [~~an accident~~] resulting in:

17 (A) death of a person is a felony of the second
18 degree; or

19 (B) serious bodily injury, as defined by Section
20 1.07, Penal Code, to a person is a felony of the third degree; and

21 (2) involving a crash [~~an accident~~] resulting in
22 injury to which Subdivision (1) does not apply is punishable by:

23 (A) imprisonment in the Texas Department of
24 Criminal Justice for not more than five years or confinement in the
25 county jail for not more than one year;

26 (B) a fine not to exceed \$5,000; or

27 (C) both the fine and the imprisonment or

1 confinement.

2 SECTION 51. The heading to Section 550.022, Transportation
3 Code, is amended to read as follows:

4 Sec. 550.022. CRASH [~~ACCIDENT~~] INVOLVING DAMAGE TO VEHICLE.

5 SECTION 52. Sections 550.022(a) and (b), Transportation
6 Code, are amended to read as follows:

7 (a) Except as provided by Subsection (b), the operator of a
8 vehicle involved in a crash [~~an accident~~] resulting only in damage
9 to a vehicle that is driven or attended by a person shall:

10 (1) immediately stop the vehicle at the scene of the
11 crash [~~accident~~] or as close as possible to the scene of the crash
12 [~~accident~~] without obstructing traffic more than is necessary;

13 (2) immediately return to the scene of the crash
14 [~~accident~~] if the vehicle is not stopped at the scene of the crash
15 [~~accident~~]; and

16 (3) remain at the scene of the crash [~~accident~~] until
17 the operator complies with the requirements of Section 550.023.

18 (b) If a crash [~~an accident~~] occurs on a main lane, ramp,
19 shoulder, median, or adjacent area of a freeway in a metropolitan
20 area and each vehicle involved can be normally and safely driven,
21 each operator shall move the operator's vehicle as soon as possible
22 to a designated crash [~~accident~~] investigation site, if available,
23 a location on the frontage road, the nearest suitable cross street,
24 or other suitable location to complete the requirements of Section
25 550.023 and minimize interference with freeway traffic.

26 SECTION 53. Section 550.023, Transportation Code, is
27 amended to read as follows:

1 Sec. 550.023. DUTY TO GIVE INFORMATION AND RENDER AID. The
2 operator of a vehicle involved in a crash [~~an accident~~] resulting in
3 the injury or death of a person or damage to a vehicle that is driven
4 or attended by a person shall:

5 (1) give the operator's name and address, the
6 registration number of the vehicle the operator was driving, and
7 the name of the operator's motor vehicle liability insurer to any
8 person injured or the operator or occupant of or person attending a
9 vehicle involved in the collision;

10 (2) if requested and available, show the operator's
11 driver's license to a person described by Subdivision (1); and

12 (3) provide any person injured in the crash [~~accident~~]
13 reasonable assistance, including transporting or making
14 arrangements for transporting the person to a physician or hospital
15 for medical treatment if it is apparent that treatment is
16 necessary, or if the injured person requests the transportation.

17 SECTION 54. Section 550.025(a), Transportation Code, is
18 amended to read as follows:

19 (a) The operator of a vehicle involved in a crash [~~an~~
20 ~~accident~~] resulting only in damage to a structure adjacent to a
21 highway or a fixture or landscaping legally on or adjacent to a
22 highway shall:

23 (1) take reasonable steps to locate and notify the
24 owner or person in charge of the property of the crash [~~accident~~]
25 and of the operator's name and address and the registration number
26 of the vehicle the operator was driving; and

27 (2) if requested and available, show the operator's

1 driver's license to the owner or person in charge of the property.

2 SECTION 55. Section 550.026, Transportation Code, is
3 amended to read as follows:

4 Sec. 550.026. IMMEDIATE REPORT OF CRASH [~~ACCIDENT~~]. (a)
5 The operator of a vehicle involved in a crash [~~an accident~~]
6 resulting in injury to or death of a person or damage to a vehicle to
7 the extent that it cannot be normally and safely driven shall
8 immediately by the quickest means of communication give notice of
9 the crash [~~accident~~] to the:

10 (1) local police department if the crash [~~accident~~]
11 occurred in a municipality;

12 (2) local police department or the sheriff's office if
13 the crash [~~accident~~] occurred not more than 100 feet outside the
14 limits of a municipality; or

15 (3) sheriff's office or the nearest office of the
16 department if the crash [~~accident~~] is not required to be reported
17 under Subdivision (1) or (2).

18 (b) If a section of road is within 100 feet of the limits of
19 more than one municipality, the municipalities may agree regarding
20 the maintenance of reports made under Subsection (a)(2). A county
21 may agree with municipalities in the county regarding the
22 maintenance of reports made under Subsection (a)(2). An agreement
23 under this subsection does not affect the duty to report a crash [~~an~~
24 ~~accident~~] under Subsection (a).

25 SECTION 56. The heading to Subchapter C, Chapter 550,
26 Transportation Code, is amended to read as follows:

27 SUBCHAPTER C. INVESTIGATION OF CRASH [~~ACCIDENT~~]

1 SECTION 57. Section 550.041(a), Transportation Code, is
2 amended to read as follows:

3 (a) A peace officer who is notified of a motor vehicle crash
4 [~~accident~~] resulting in injury to or death of a person or property
5 damage to an apparent extent of at least \$1,000 may investigate the
6 crash [~~accident~~] and file justifiable charges relating to the crash
7 [~~accident~~] without regard to whether the crash [~~accident~~] occurred
8 on property to which this chapter applies.

9 SECTION 58. The heading to Subchapter D, Chapter 550,
10 Transportation Code, is amended to read as follows:

11 SUBCHAPTER D. WRITTEN CRASH [~~ACCIDENT~~] REPORT

12 SECTION 59. Section 550.062, Transportation Code, is
13 amended to read as follows:

14 Sec. 550.062. OFFICER'S CRASH [~~ACCIDENT~~] REPORT. (a) A law
15 enforcement officer who in the regular course of duty investigates
16 a motor vehicle crash [~~accident~~] shall make a written report of the
17 crash [~~accident~~] if the crash [~~accident~~] resulted in injury to or
18 the death of a person or damage to the property of any one person to
19 the apparent extent of \$1,000 or more.

20 (b) The report required by Subsection (a) must be filed
21 electronically with the department not later than the 10th day
22 after the date of the crash [~~accident~~].

23 (b-1) If the motor vehicle crash [~~accident~~] involved a
24 combination of vehicles operating under a permit issued under
25 Section 623.402, the report required by Subsection (a) must include
26 the weight and the number of axles of the vehicle combination.

27 (c) This section applies without regard to whether the

1 officer investigates the crash [~~accident~~] at the location of the
2 crash [~~accident~~] and immediately after the crash [~~accident~~] or
3 afterwards by interviewing those involved in the crash [~~accident~~]
4 or witnesses to the crash [~~accident~~].

5 SECTION 60. Section 550.063, Transportation Code, is
6 amended to read as follows:

7 Sec. 550.063. REPORT ON APPROPRIATE FORM. The form of all
8 written crash [~~accident~~] reports must be approved by the department
9 and the Department of Public Safety. A person who is required to
10 file a written crash [~~accident~~] report shall report on the
11 appropriate form and shall disclose all information required by the
12 form unless the information is not available.

13 SECTION 61. Section 550.064, Transportation Code, is
14 amended to read as follows:

15 Sec. 550.064. CRASH [~~ACCIDENT~~] REPORT FORMS. (a) The
16 department shall prepare and when requested supply to police
17 departments, coroners, sheriffs, garages, and other suitable
18 agencies or individuals the crash [~~accident~~] report forms
19 appropriate for the persons required to make a report and
20 appropriate for the purposes to be served by those reports.

21 (b) A crash [~~An accident~~] report form prepared by the
22 department must:

23 (1) require sufficiently detailed information to
24 disclose the cause and conditions of and the persons and vehicles
25 involved in a crash [~~an accident~~] if the form is for the report to be
26 made by a person investigating the crash [~~accident~~];

27 (2) include a way to designate and identify a peace

1 officer, firefighter, or emergency medical services employee who is
2 involved in a crash [~~an accident~~] while driving a law enforcement
3 vehicle, fire department vehicle, or emergency medical services
4 vehicle while performing the person's duties;

5 (3) require a statement by a person described by
6 Subdivision (2) as to the nature of the crash [~~accident~~]; and

7 (4) include a way to designate whether an individual
8 involved in a crash [~~an accident~~] wants to be contacted by a person
9 seeking to obtain employment as a professional described by Section
10 [38.01\(12\)](#), Penal Code.

11 SECTION 62. Section [550.065](#), Transportation Code, is
12 amended to read as follows:

13 Sec. 550.065. RELEASE OF CERTAIN INFORMATION RELATING TO
14 CRASHES [~~ACCIDENTS~~]. (a) This section applies only to the
15 following information that is held by the department or another
16 governmental entity:

17 (1) a written report of a crash [~~an accident~~] required
18 under:

19 (A) Section [550.062](#); or

20 (B) former Section 550.061 or 601.004 before
21 September 1, 2017; or

22 (2) crash [~~accident~~] report information compiled
23 under Section [201.806](#).

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

26 (1) the department; and

27 (2) an agency of the United States, this state, or a

1 local government of this state that has use for the information for
2 crash [~~accident~~] prevention purposes.

3 (c) On written request and payment of any required fee, the
4 department or the governmental entity shall release the information
5 to:

6 (1) an entity described by Subsection (b);

7 (2) the law enforcement agency that employs the peace
8 officer who investigated the crash [~~accident~~] and sent the
9 information to the department, including an agent of the law
10 enforcement agency authorized by contract to obtain the
11 information;

12 (3) the court in which a case involving a person
13 involved in the crash [~~accident~~] is pending if the report is
14 subpoenaed; or

15 (4) any person directly concerned in the crash
16 [~~accident~~] or having a proper interest therein, including:

17 (A) any person involved in the crash [~~accident~~];

18 (B) the authorized representative of any person
19 involved in the crash [~~accident~~];

20 (C) a driver involved in the crash [~~accident~~];

21 (D) an employer, parent, or legal guardian of a
22 driver involved in the crash [~~accident~~];

23 (E) the owner of a vehicle or property damaged in
24 the crash [~~accident~~];

25 (F) a person who has established financial
26 responsibility for a vehicle involved in the crash [~~accident~~] in a
27 manner described by Section 601.051, including a policyholder of a

1 motor vehicle liability insurance policy covering the vehicle;

2 (G) an insurance company that issued an insurance
3 policy covering a vehicle involved in the crash [~~accident~~];

4 (H) an insurance company that issued a policy
5 covering any person involved in the crash [~~accident~~];

6 (I) a person under contract to provide claims or
7 underwriting information to a person described by Paragraph (F),
8 (G), or (H);

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

11 (K) a newspaper that is:

12 (i) a free newspaper of general circulation
13 or qualified under Section 2051.044, Government Code, to publish
14 legal notices;

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

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

18 (L) any person who may sue because of death
19 resulting from the crash [~~accident~~].

20 (c-1) On receiving information to which this section
21 applies, the department or the governmental entity that receives
22 the information shall create a redacted crash [~~accident~~] report
23 that may be requested by any person. The redacted crash [~~accident~~]
24 report may not include the items of information described by
25 Subsection (f)(2). A report released under this subsection is not
26 considered personal information under Section 730.003.

27 (d) The fee for a copy of the crash [~~accident~~] report is

1 \$6. The copy may be certified by the department or the
2 governmental entity for an additional fee of \$2. The department or
3 the governmental entity may issue a certification that no report or
4 information is on file for a fee of \$6.

5 (e) In addition to the information required to be released
6 under Subsection (c), the department may release:

7 (1) crash [~~accident~~] report information compiled
8 under Section 201.806; or

9 (2) a vehicle identification number and specific crash
10 [~~accident~~] information relating to that vehicle.

11 (f) The department when releasing information under
12 Subsection (c-1) or (e):

13 (1) may not release personal information, as defined
14 by Section 730.003; and

15 (2) shall withhold or redact the following items:

16 (A) the first, middle, and last name of any
17 person listed in a crash [~~an accident~~] report, including a vehicle
18 driver, occupant, owner, or lessee, a bicyclist, a pedestrian, or a
19 property owner;

20 (B) the number of any driver's license,
21 commercial driver's license, or personal identification
22 certificate issued to any person listed in a crash [~~an accident~~]
23 report;

24 (C) the date of birth, other than the year, of any
25 person listed in a crash [~~an accident~~] report;

26 (D) the address, other than zip code, and
27 telephone number of any person listed in a crash [~~an accident~~]

1 report;

2 (E) the license plate number of any vehicle
3 listed in a crash [~~an accident~~] report;

4 (F) the name of any insurance company listed as a
5 provider of financial responsibility for a vehicle listed in a
6 crash [~~an accident~~] report;

7 (G) the number of any insurance policy issued by
8 an insurance company listed as a provider of financial
9 responsibility;

10 (H) the date the peace officer who investigated
11 the crash [~~accident~~] was notified of the crash [~~accident~~];

12 (I) the date the investigating peace officer
13 arrived at the crash [~~accident~~] site;

14 (J) the badge number or identification number of
15 the investigating officer;

16 (K) the date on which any person who died as a
17 result of the crash [~~accident~~] died;

18 (L) the date of any commercial motor vehicle
19 report; and

20 (M) the place where any person injured or killed
21 in a crash [~~an accident~~] was taken and the person or entity that
22 provided the transportation.

23 (g) The amount that may be charged for information provided
24 under Subsection (e) shall be calculated in the manner specified by
25 Chapter 552, Government Code, for public information provided by a
26 governmental body under that chapter.

27 SECTION 63. Section 550.066, Transportation Code, is

1 amended to read as follows:

2 Sec. 550.066. ADMISSIBILITY OF CERTAIN CRASH [~~ACCIDENT~~]
3 REPORT INFORMATION. An individual's response to the information
4 requested on a crash [~~an accident~~] report form as provided by
5 Section 550.064(b)(4) is not admissible evidence in a civil trial.

6 SECTION 64. Section 550.067, Transportation Code, is
7 amended to read as follows:

8 Sec. 550.067. MUNICIPAL AUTHORITY TO REQUIRE CRASH
9 [~~ACCIDENT~~] REPORTS. (a) A municipality by ordinance may require
10 the operator of a vehicle involved in a crash [~~an accident~~] to file
11 with a designated municipal department:

12 (1) a report of the crash [~~accident~~], if the crash
13 [~~accident~~] results in injury to or the death of a person or the
14 apparent total property damage is \$25 or more; or

15 (2) a copy of a report required by this chapter to be
16 filed with the department.

17 (b) A report filed under Subsection (a) is for the
18 confidential use of the municipal department and subject to the
19 provisions of Section 550.065.

20 (c) A municipality by ordinance may require the person in
21 charge of a garage or repair shop where a motor vehicle is brought
22 if the vehicle shows evidence of having been involved in a crash [~~an~~
23 ~~accident~~] described by Section 550.062(a) or shows evidence of
24 having been struck by a bullet to report to a department of the
25 municipality within 24 hours after the garage or repair shop
26 receives the motor vehicle, giving the engine number, registration
27 number, and the name and address of the owner or operator of the

1 vehicle.

2 SECTION 65. Section 550.068, Transportation Code, is
3 amended to read as follows:

4 Sec. 550.068. CHANGING CRASH [~~ACCIDENT~~] REPORT.

5 (a) Except as provided by Subsection (b), a change in or a
6 modification of a written report of a motor vehicle crash
7 [~~accident~~] prepared by a peace officer that alters a material fact
8 in the report may be made only by the peace officer who prepared the
9 report.

10 (b) A change in or a modification of the written report of
11 the crash [~~accident~~] may be made by a person other than the peace
12 officer if:

13 (1) the change is made by a written supplement to the
14 report; and

15 (2) the written supplement clearly indicates the name
16 of the person who originated the change.

17 SECTION 66. Sections 550.081(b) and (c), Transportation
18 Code, are amended to read as follows:

19 (b) A medical examiner or justice of the peace acting as
20 coroner in a county that does not have a medical examiner's office
21 or that is not part of a medical examiner's district shall submit a
22 report in writing to the department of the death of a person that
23 was the result of a traffic crash [~~accident~~] or bridge collapse:

24 (1) to which this chapter applies; and

25 (2) that occurred within the jurisdiction of the
26 medical examiner or justice of the peace in the preceding calendar
27 quarter.

1 (c) The report must be submitted before the 11th day of each
2 calendar month and include:

3 (1) the name of the deceased and a statement as to
4 whether the deceased was:

5 (A) the operator of or a passenger in a vehicle
6 [~~involved in the accident~~]; or

7 (B) a pedestrian or other nonoccupant of a
8 vehicle;

9 (2) the date of the crash [~~accident~~] and the name of
10 the county in which the crash [~~accident~~] occurred, and, if a bridge
11 collapse, the location of the bridge in that county;

12 (3) the name of any laboratory, medical examiner's
13 office, or other facility that conducted toxicological testing
14 relative to the deceased; and

15 (4) the results of any toxicological testing that was
16 conducted.

17 SECTION 67. Section 601.002(3), Transportation Code, is
18 amended to read as follows:

19 (3) "Financial responsibility" means the ability to
20 respond in damages for liability for a crash [~~an accident~~] that:

21 (A) occurs after the effective date of the
22 document evidencing the establishment of the financial
23 responsibility; and

24 (B) arises out of the ownership, maintenance, or
25 use of a motor vehicle.

26 SECTION 68. Section 601.003(b), Transportation Code, is
27 amended to read as follows:

1 (b) For purposes of this chapter, a judgment is considered
2 to be satisfied as to the appropriate part of the judgment set out
3 by this subsection if:

4 (1) the total amount credited on one or more judgments
5 for bodily injury to or death of one person resulting from one crash
6 [~~accident~~] equals or exceeds the amount required under Section
7 601.072(a-1) [~~(a)~~] (1) to establish financial responsibility;

8 (2) the total amount credited on one or more judgments
9 for bodily injury to or death of two or more persons resulting from
10 one crash [~~accident~~] equals or exceeds the amount required under
11 Section 601.072(a-1) [~~(a)~~] (2) to establish financial
12 responsibility; or

13 (3) the total amount credited on one or more judgments
14 for damage to or destruction of property of another resulting from
15 one crash [~~accident~~] equals or exceeds the amount required under
16 Section 601.072(a-1) [~~(a)~~] (3) to establish financial
17 responsibility.

18 SECTION 69. Section 601.006, Transportation Code, is
19 amended to read as follows:

20 Sec. 601.006. APPLICABILITY TO CERTAIN OWNERS AND
21 OPERATORS. If an owner or operator of a motor vehicle involved in a
22 crash [~~an accident~~] in this state does not have a driver's license
23 or vehicle registration or is a nonresident, the person may not be
24 issued a driver's license or registration until the person has
25 complied with this chapter to the same extent that would be
26 necessary if, at the time of the crash [~~accident~~], the person had a
27 driver's license or registration.

1 SECTION 70. Sections 601.009(b) and (c), Transportation
2 Code, are amended to read as follows:

3 (b) Except as provided by Subsection (c), the department
4 shall suspend the resident's driver's license and vehicle
5 registrations if the evidence shows that the resident's operating
6 privilege was suspended in the other state or the province for
7 violation of a financial responsibility law under circumstances
8 that would require the department to suspend a nonresident's
9 operating privilege had the crash [~~accident~~] occurred in this
10 state.

11 (c) The department may not suspend the resident's driver's
12 license and registration if the alleged failure to comply is based
13 on the failure of the resident's insurance company or surety
14 company to:

15 (1) obtain authorization to write motor vehicle
16 liability insurance in the other state or the province; or

17 (2) execute a power of attorney directing the
18 appropriate official in the other state or the province to accept on
19 the company's behalf service of notice or process in an action under
20 the policy arising out of a crash [~~an accident~~].

21 SECTION 71. Section 601.053(a), Transportation Code, is
22 amended to read as follows:

23 (a) As a condition of operating in this state a motor
24 vehicle to which Section 601.051 applies, the operator of the
25 vehicle on request shall provide to a peace officer, as defined by
26 Article 2.12, Code of Criminal Procedure, or a person involved in a
27 crash [~~an accident~~] with the operator evidence of financial

1 responsibility by exhibiting:

2 (1) a motor vehicle liability insurance policy
3 covering the vehicle that satisfies Subchapter D or a photocopy of
4 the policy;

5 (2) a standard proof of motor vehicle liability
6 insurance form prescribed by the Texas Department of Insurance
7 under Section 601.081 and issued by a liability insurer for the
8 motor vehicle;

9 (2-a) an image displayed on a wireless communication
10 device that includes the information required by Section 601.081 as
11 provided by a liability insurer;

12 (3) an insurance binder that confirms the operator is
13 in compliance with this chapter;

14 (4) a surety bond certificate issued under Section
15 601.121;

16 (5) a certificate of a deposit with the comptroller
17 covering the vehicle issued under Section 601.122;

18 (6) a copy of a certificate of a deposit with the
19 appropriate county judge covering the vehicle issued under Section
20 601.123; or

21 (7) a certificate of self-insurance covering the
22 vehicle issued under Section 601.124 or a photocopy of the
23 certificate.

24 SECTION 72. Section 601.056(e), Transportation Code, is
25 amended to read as follows:

26 (e) The department may not act under Subsection (a)(1) or
27 (2) if:

1 (1) an action for damages on a liability covered by the
2 evidence of financial responsibility is pending;

3 (2) a judgment for damages on a liability covered by
4 the evidence of financial responsibility is not satisfied; or

5 (3) the person for whom the bond has been filed or for
6 whom money or securities have been deposited has, within the two
7 years preceding the request for cancellation or return of the
8 evidence of financial responsibility, been involved as an operator
9 or owner in a motor vehicle crash [~~accident~~] resulting in bodily
10 injury to, or property damage to the property of, another person.

11 SECTION 73. Sections 601.072(a-1) and (b), Transportation
12 Code, are amended to read as follows:

13 (a-1) Effective January 1, 2011, the minimum amounts of
14 motor vehicle liability insurance coverage required to establish
15 financial responsibility under this chapter are:

16 (1) \$30,000 for bodily injury to or death of one person
17 in one crash [~~accident~~];

18 (2) \$60,000 for bodily injury to or death of two or
19 more persons in one crash [~~accident~~], subject to the amount
20 provided by Subdivision (1) for bodily injury to or death of one of
21 the persons; and

22 (3) \$25,000 for damage to or destruction of property
23 of others in one crash [~~accident~~].

24 (b) The coverage required under this section may exclude,
25 with respect to one crash [~~accident~~]:

26 (1) the first \$250 of liability for bodily injury to or
27 death of one person;

1 (2) the first \$500 of liability for bodily injury to or
2 death of two or more persons, subject to the amount provided by
3 Subdivision (1) for bodily injury to or death of one of the persons;
4 and

5 (3) the first \$250 of liability for property damage to
6 or destruction of property of others.

7 SECTION 74. Section 601.084(c), Transportation Code, is
8 amended to read as follows:

9 (c) The department shall accept the certificate of an
10 insurer not authorized to transact business in this state if the
11 certificate otherwise complies with this chapter and the insurance
12 company:

13 (1) executes a power of attorney authorizing the
14 department to accept on its behalf service of notice or process in
15 an action arising out of a motor vehicle crash [~~accident~~] in this
16 state; and

17 (2) agrees in writing that its policies will be
18 treated as conforming to the laws of this state relating to the
19 terms of a motor vehicle liability insurance policy.

20 SECTION 75. Section 601.086, Transportation Code, is
21 amended to read as follows:

22 Sec. 601.086. RESPONSE OF INSURANCE COMPANY IF POLICY NOT
23 IN EFFECT. An insurance company that is notified by the department
24 of a crash [~~an accident~~] in connection with which an owner or
25 operator has reported a motor vehicle liability insurance policy
26 with the company shall advise the department if a policy is not in
27 effect as reported.

1 SECTION 76. Section 601.124(c), Transportation Code, is
2 amended to read as follows:

3 (c) The self-insurer must supplement the certificate with
4 an agreement that, for crashes [~~accidents~~] occurring while the
5 certificate is in force, the self-insurer will pay the same
6 judgments in the same amounts as an insurer would be obligated to
7 pay under an owner's motor vehicle liability insurance policy
8 issued to the self-insurer if such policy were issued.

9 SECTION 77. The heading to Subchapter F, Chapter 601,
10 Transportation Code, is amended to read as follows:

11 SUBCHAPTER F. SECURITY FOLLOWING CRASH [~~ACCIDENT~~]

12 SECTION 78. Section 601.151, Transportation Code, is
13 amended to read as follows:

14 Sec. 601.151. APPLICABILITY OF SUBCHAPTER. (a) This
15 subchapter applies only to a motor vehicle crash [~~accident~~] in this
16 state that results in bodily injury or death or in damage to the
17 property of one person of at least \$1,000.

18 (b) This subchapter does not apply to:

19 (1) an owner or operator who has in effect at the time
20 of the crash [~~accident~~] a motor vehicle liability insurance policy
21 that covers the motor vehicle involved in the crash [~~accident~~];

22 (2) an operator who is not the owner of the motor
23 vehicle, if a motor vehicle liability insurance policy or bond for
24 the operation of a motor vehicle the person does not own is in
25 effect at the time of the crash [~~accident~~];

26 (3) an owner or operator whose liability for damages
27 resulting from the crash [~~accident~~], in the judgment of the

1 department, is covered by another liability insurance policy or
2 bond;

3 (4) an owner or operator, if there was not bodily
4 injury to or damage of the property of a person other than the owner
5 or operator;

6 (5) the owner or operator of a motor vehicle that at
7 the time of the crash [~~accident~~] was legally parked or legally
8 stopped at a traffic signal;

9 (6) the owner of a motor vehicle that at the time of
10 the crash [~~accident~~] was being operated without the owner's express
11 or implied permission or was parked by a person who had been
12 operating the vehicle without that permission; or

13 (7) a person qualifying as a self-insurer under
14 Section 601.124 or a person operating a motor vehicle for a
15 self-insurer.

16 SECTION 79. Section 601.152(a), Transportation Code, is
17 amended to read as follows:

18 (a) Subject to Section 601.153, the department shall
19 suspend the driver's license and vehicle registrations of the owner
20 and operator of a motor vehicle if:

21 (1) the vehicle is involved in any manner in a crash
22 [~~an accident~~]; and

23 (2) the department finds that there is a reasonable
24 probability that a judgment will be rendered against the person as a
25 result of the crash [~~accident~~].

26 SECTION 80. Sections 601.154(a), (c), and (d),
27 Transportation Code, are amended to read as follows:

1 (a) Subject to Subsection (d), if the department finds that
2 there is a reasonable probability that a judgment will be rendered
3 against an owner or operator as a result of a crash [~~an accident~~],
4 the department shall determine the amount of security sufficient to
5 satisfy any judgment for damages resulting from the crash
6 [~~accident~~] that may be recovered from the owner or operator.

7 (c) In determining whether there is a reasonable
8 probability that a judgment will be rendered against the person as a
9 result of a crash [~~an accident~~] and the amount of security that is
10 sufficient under Subsection (a), the department may consider:

- 11 (1) a report of an investigating officer; and
12 (2) an affidavit of a person who has knowledge of the
13 facts.

14 (d) The department shall make the determination required by
15 Subsection (a) only if the department has not received, before the
16 21st day after the date the department receives a report of a motor
17 vehicle crash [~~accident~~], satisfactory evidence that the owner or
18 operator has:

- 19 (1) been released from liability;
20 (2) been finally adjudicated not to be liable; or
21 (3) executed an acknowledged written agreement
22 providing for the payment of an agreed amount in installments for
23 all claims for injuries or damages resulting from the crash
24 [~~accident~~].

25 SECTION 81. Section [601.155\(b\)](#), Transportation Code, is
26 amended to read as follows:

27 (b) The notice must state that:

1 (1) the person's driver's license and vehicle
2 registration or the person's nonresident's operating privilege will
3 be suspended unless the person, not later than the 20th day after
4 the date the notice was personally served or sent, establishes
5 that:

6 (A) this subchapter does not apply to the person,
7 and the person has previously provided this information to the
8 department; or

9 (B) there is no reasonable probability that a
10 judgment will be rendered against the person as a result of the
11 crash [~~accident~~]; and

12 (2) the person is entitled to a hearing under this
13 subchapter if a written request for a hearing is delivered or mailed
14 to the department not later than the 20th day after the date the
15 notice was personally served or sent.

16 SECTION 82. Section 601.157(b), Transportation Code, is
17 amended to read as follows:

18 (b) The judge at the hearing shall determine:

19 (1) whether there is a reasonable probability that a
20 judgment will be rendered against the person requesting the hearing
21 as a result of the crash [~~accident~~]; and

22 (2) if there is a reasonable probability that a
23 judgment will be rendered, the amount of security sufficient to
24 satisfy any judgment for damages resulting from the crash
25 [~~accident~~].

26 SECTION 83. Section 601.158(a), Transportation Code, is
27 amended to read as follows:

1 (a) If, after a hearing under this subchapter, the judge
2 determines that there is a reasonable probability that a judgment
3 will be rendered against the person requesting the hearing as a
4 result of the crash [~~accident~~], the person may appeal the
5 determination.

6 SECTION 84. Section 601.162(a), Transportation Code, is
7 amended to read as follows:

8 (a) The suspension of a driver's license, vehicle
9 registration, or nonresident's operating privilege under this
10 subchapter remains in effect, the license, registration, or
11 privilege may not be renewed, and a license or vehicle registration
12 may not be issued to the holder of the suspended license,
13 registration, or privilege, until:

14 (1) the date the person, or a person acting on the
15 person's behalf, deposits security and files evidence of financial
16 responsibility under Section 601.153;

17 (2) the second anniversary of the date of the crash
18 [~~accident~~], if evidence satisfactory to the department is filed
19 with the department that, during the two-year period, an action for
20 damages arising out of the crash [~~accident~~] has not been
21 instituted; or

22 (3) the date evidence satisfactory to the department
23 is filed with the department of:

24 (A) a release from liability for claims arising
25 out of the crash [~~accident~~];

26 (B) a final adjudication that the person is not
27 liable for claims arising out of the crash [~~accident~~]; or

1 (C) an installment agreement described by
2 Section 601.154(d)(3).

3 SECTION 85. Section 601.163(b), Transportation Code, is
4 amended to read as follows:

5 (b) A person depositing security shall specify in writing
6 the person on whose behalf the deposit is made. A single deposit of
7 security is applicable only on behalf of persons required to
8 provide security because of the same crash [~~accident~~] and the same
9 motor vehicle.

10 SECTION 86. Section 601.164(a), Transportation Code, is
11 amended to read as follows:

12 (a) The department may reduce the amount of security ordered
13 in a case within six months after the date of the crash [~~accident~~]
14 if, in the department's judgment, the amount is excessive.

15 SECTION 87. Section 601.166, Transportation Code, is
16 amended to read as follows:

17 Sec. 601.166. PAYMENT OF CASH SECURITY. (a) Cash security
18 may be applied only to the payment of:

19 (1) a judgment rendered against the person on whose
20 behalf the deposit is made for damages arising out of the crash
21 [~~accident~~]; or

22 (2) a settlement, agreed to by the depositor, of a
23 claim arising out of the crash [~~accident~~].

24 (b) For payment under Subsection (a), the action under which
25 the judgment was rendered must have been instituted before the
26 second anniversary of the later of:

27 (1) the date of the crash [~~accident~~]; or

1 (2) the date of the deposit, in the case of a deposit
2 of security under Section 601.162(b).

3 SECTION 88. Section 601.167, Transportation Code, is
4 amended to read as follows:

5 Sec. 601.167. RETURN OF CASH SECURITY. Cash security or any
6 balance of the security shall be returned to the depositor or the
7 depositor's personal representative when:

8 (1) evidence satisfactory to the department is filed
9 with the department that there has been:

10 (A) a release of liability;

11 (B) a final adjudication that the person on whose
12 behalf the deposit is made is not liable; or

13 (C) an agreement as described by Section
14 601.154(d)(3);

15 (2) reasonable evidence is provided to the department
16 after the second anniversary of the date of the crash [~~accident~~]
17 that no action arising out of the crash [~~accident~~] is pending and no
18 judgment rendered in such an action is unpaid; or

19 (3) in the case of a deposit of security under Section
20 601.162(b), reasonable evidence is provided to the department after
21 the second anniversary of the date of the deposit that no action
22 arising out of the crash [~~accident~~] is pending and no unpaid
23 judgment rendered in such an action is unpaid.

24 SECTION 89. Section 601.168(b), Transportation Code, is
25 amended to read as follows:

26 (b) A bond or motor vehicle liability insurance policy
27 issued by a surety company or insurance company that is not

1 authorized to do business in this state is effective under this
2 subchapter only if:

3 (1) the bond or policy is issued for a motor vehicle
4 that:

5 (A) is not registered in this state; or

6 (B) was not registered in this state on the
7 effective date of the most recent renewal of the policy; and

8 (2) the surety company or insurance company executes a
9 power of attorney authorizing the department to accept on the
10 company's behalf service of notice or process in an action arising
11 out of the crash [~~accident~~] on the bond or policy.

12 SECTION 90. Section 601.169, Transportation Code, is
13 amended to read as follows:

14 Sec. 601.169. REASONABLE PROBABILITY NOT ADMISSIBLE IN
15 CIVIL SUIT. A determination under Section 601.154 or 601.157 that
16 there is a reasonable probability that a judgment will be rendered
17 against a person as a result of a crash [~~an accident~~] may not be
18 introduced in evidence in a suit for damages arising from that crash
19 [~~accident~~].

20 SECTION 91. Section 601.291, Transportation Code, is
21 amended to read as follows:

22 Sec. 601.291. APPLICABILITY OF SUBCHAPTER. This subchapter
23 applies only to the owner or operator of a motor vehicle that:

24 (1) is not registered in this state; and

25 (2) is involved in a motor vehicle crash [~~accident~~] in
26 this state that results in bodily injury, death, or damage to the
27 property of one person to an apparent extent of at least \$500.

1 SECTION 92. Section 601.292, Transportation Code, is
2 amended to read as follows:

3 Sec. 601.292. DUTY TO PROVIDE EVIDENCE OF FINANCIAL
4 RESPONSIBILITY TO INVESTIGATING OFFICER. A person to whom this
5 subchapter applies shall provide evidence of financial
6 responsibility to a law enforcement officer of this state or a
7 political subdivision of this state who is conducting an
8 investigation of the crash [~~accident~~].

9 SECTION 93. Sections 601.293(b), (c), and (d),
10 Transportation Code, are amended to read as follows:

11 (b) The magistrate shall conduct an inquiry on the issues of
12 negligence and liability for bodily injury, death, or property
13 damage sustained in the crash [~~accident~~].

14 (c) If the magistrate determines that there is a reasonable
15 possibility that a judgment will be rendered against the person for
16 bodily injury, death, or property damage sustained in the crash
17 [~~accident~~], the magistrate shall order the person to provide:

18 (1) evidence of financial responsibility for the
19 bodily injury, death, or property damage; or

20 (2) evidence that the person is exempt from the
21 requirement of Section 601.051.

22 (d) A determination of negligence or liability under
23 Subsection (c) does not act as collateral estoppel on an issue in a
24 criminal or civil adjudication arising from the crash [~~accident~~].

25 SECTION 94. Section 601.294, Transportation Code, is
26 amended to read as follows:

27 Sec. 601.294. IMPOUNDMENT OF MOTOR VEHICLE. If a person to

1 whom this subchapter applies does not provide evidence required
2 under Section 601.293(c), the magistrate shall enter an order
3 directing the sheriff of the county or the chief of police of the
4 municipality to impound the motor vehicle owned or operated by the
5 person that was involved in the crash [~~accident~~].

6 SECTION 95. Section 601.296(a), Transportation Code, is
7 amended to read as follows:

8 (a) The department shall issue a certificate of release of
9 an impounded motor vehicle to the owner, operator, or person
10 authorized by the owner on submission to the department of:

11 (1) evidence of financial responsibility under
12 Section 601.053 that shows that at the time of the crash [~~accident~~]
13 the vehicle was in compliance with Section 601.051 or was exempt
14 from the requirement of Section 601.051;

15 (2) a release executed by each person damaged in the
16 crash [~~accident~~] other than the operator of the vehicle for which
17 the certificate of release is requested; or

18 (3) security in a form and amount determined by the
19 department to secure the payment of damages for which the operator
20 may be liable.

21 SECTION 96. Section 601.333, Transportation Code, is
22 amended to read as follows:

23 Sec. 601.333. RELIEF FROM SUSPENSION: MOTOR VEHICLE
24 LIABILITY INSURANCE. (a) A person whose driver's license, vehicle
25 registrations, or nonresident's operating privilege has been
26 suspended or is subject to suspension under Section 601.332 may
27 file with the department:

1 (1) evidence that there was a motor vehicle liability
2 insurance policy covering the motor vehicle involved in the crash
3 [~~accident~~] out of which the judgment arose in effect at the time of
4 the crash [~~accident~~];

5 (2) an affidavit stating that the person was insured
6 at the time of the crash [~~accident~~], that the insurance company is
7 liable to pay the judgment, and the reason, if known, that the
8 insurance company has not paid the judgment;

9 (3) the original policy of insurance or a certified
10 copy of the policy, if available; and

11 (4) any other documents required by the department to
12 show that the loss, injury, or damage for which the judgment was
13 rendered was covered by the insurance.

14 (b) The department may not suspend the driver's license,
15 vehicle registrations, or nonresident's operating privilege, and
16 shall reinstate a license, registration, or privilege that has been
17 suspended, if it is satisfied from the documents filed under
18 Subsection (a) that:

19 (1) there was a motor vehicle liability insurance
20 policy in effect for the vehicle at the time of the crash
21 [~~accident~~];

22 (2) the insurance company that issued the policy was
23 authorized to issue the policy in this state at the time the policy
24 was issued; and

25 (3) the insurance company is liable to pay the
26 judgment to the extent and for the amounts required by this chapter.

27 SECTION 97. Section [622.954\(a\)](#), Transportation Code, is

1 amended to read as follows:

2 (a) A permit is not required to exceed the weight
3 limitations of Section 621.101 by a combination of a tow truck and
4 another vehicle or vehicle combination if:

5 (1) the nature of the service provided by the tow truck
6 is needed to remove disabled, abandoned, or crash-damaged
7 [~~accident-damaged~~] vehicles; and

8 (2) the tow truck is towing the other vehicle or
9 vehicle combination directly to the nearest authorized place of
10 repair, terminal, or vehicle storage facility.

11 SECTION 98. Section 623.0172(1), Transportation Code, is
12 amended to read as follows:

13 (1) Beginning in 2022, not later than September 1 of each
14 even-numbered year, the Texas Department of Transportation shall
15 conduct a study concerning vehicles operating under a permit issued
16 under this section and publish the results of the study. In
17 conducting the study, the Texas Department of Transportation shall
18 collect and examine the following information:

19 (1) the weight and configuration of vehicles operating
20 under a permit under this section that are involved in a motor
21 vehicle crash [~~accident~~];

22 (2) the types of vehicles operating under a permit
23 issued under this section;

24 (3) traffic volumes and variations of vehicles
25 operating under a permit issued under this section;

26 (4) weigh-in-motion data for highways located in and
27 around the area described by Subsection (c);

1 (5) impacts to state and local bridges, including
2 long-term bridge performance, for bridges located in and around the
3 area described by Subsection (c); and

4 (6) impacts to state and local roads, including
5 changes in pavement design standards, construction specification
6 details, maintenance frequency and types, and properties of
7 pavement and underlying soils resulting from or necessitated by
8 vehicles operating under a permit issued under this section.

9 SECTION 99. Section [623.410](#), Transportation Code, is
10 amended to read as follows:

11 Sec. 623.410. STUDY. Beginning in 2022, not later than
12 September 1 of each even-numbered year, the Texas Department of
13 Transportation shall conduct a study concerning vehicles operating
14 under a permit issued under this subchapter and publish the results
15 of the study. In conducting the study, the Texas Department of
16 Transportation shall collect and examine the following
17 information:

18 (1) the weight and configuration of vehicles operating
19 under a permit issued under this subchapter that are involved in a
20 motor vehicle crash [~~accident~~];

21 (2) the types of vehicles operating under a permit
22 issued under this subchapter;

23 (3) traffic volumes and variations of vehicles
24 operating under a permit issued under this subchapter;

25 (4) weigh-in-motion data for highways and roads
26 located in and around the area described by Section [623.405](#)(b);

27 (5) impacts to state and local bridges, including

1 long-term bridge performance, for bridges located in and around the
2 area described by Section 623.405(b); and

3 (6) impacts to state and local roads, including
4 changes in pavement design standards, construction specification
5 details, maintenance frequency and types, and properties of
6 pavement and underlying soils resulting from or necessitated by
7 vehicles operating under a permit issued under this subchapter.

8 SECTION 100. Section 643.105, Transportation Code, is
9 amended to read as follows:

10 Sec. 643.105. INSOLVENCY OF INSURER. If an insurer for a
11 motor carrier becomes insolvent, is placed in receivership, or has
12 its certificate of authority suspended or revoked and if the
13 carrier no longer has insurance coverage as required by this
14 subchapter, the carrier shall file with the department, not later
15 than the 10th day after the date the coverage lapses:

16 (1) evidence of insurance as required by Section
17 643.103; and

18 (2) an affidavit that:

19 (A) indicates that a crash [~~an accident~~] from
20 which the carrier may incur liability did not occur while the
21 coverage was not in effect; or

22 (B) contains a plan acceptable to the department
23 indicating how the carrier will satisfy claims of liability against
24 the carrier for a crash [~~an accident~~] that occurred while the
25 coverage was not in effect.

26 SECTION 101. Section 644.151(b-1), Transportation Code, is
27 amended to read as follows:

1 (b-1) An offense under Subsection (a)(3) is a Class A
2 misdemeanor, except that the offense is:

3 (1) a state jail felony if it is shown on the trial of
4 the offense that at the time of the offense the commercial motor
5 vehicle was involved in a motor vehicle crash [~~accident~~] that
6 resulted in bodily injury; or

7 (2) a felony of the second degree if it is shown on the
8 trial of the offense that at the time of the offense the commercial
9 motor vehicle was involved in a motor vehicle crash [~~accident~~] that
10 resulted in the death of a person.

11 SECTION 102. Sections 661.003(c) and (i), Transportation
12 Code, are amended to read as follows:

13 (c) It is an exception to the application of Subsection (a)
14 or (b) that at the time the offense was committed, the person
15 required to wear protective headgear was at least 21 years old and
16 had successfully completed a motorcycle operator training and
17 safety course under Chapter 662 or was covered by a health insurance
18 plan providing the person with medical benefits for injuries
19 incurred as a result of a crash [~~an accident~~] while operating or
20 riding on a motorcycle. A peace officer may not arrest a person or
21 issue a citation to a person for a violation of Subsection (a) or
22 (b) if the person required to wear protective headgear is at least
23 21 years of age and presents evidence sufficient to show that the
24 person required to wear protective headgear has successfully
25 completed a motorcycle operator training and safety course or is
26 covered by a health insurance plan as described by this subsection.

27 (i) In this section, "health insurance plan" means an

1 individual, group, blanket, or franchise insurance policy,
2 insurance agreement, evidence of coverage, group hospital services
3 contract, health maintenance organization membership, or employee
4 benefit plan that provides benefits for health care services or for
5 medical or surgical expenses incurred as a result of a crash [~~an~~
6 ~~accident~~].

7 SECTION 103. Section 686.001(1), Transportation Code, is
8 amended to read as follows:

9 (1) "Financial responsibility" means the ability to
10 respond in damages for liability for a crash [~~an accident~~] that:

11 (A) occurs after the effective date of the
12 document evidencing the establishment of the financial
13 responsibility; and

14 (B) arises out of the operation of a motor
15 vehicle by an employee of a valet parking service.

16 SECTION 104. Section 686.004(a), Transportation Code, is
17 amended to read as follows:

18 (a) The minimum amounts of motor vehicle liability
19 insurance coverage required to establish financial responsibility
20 under this chapter are:

21 (1) \$100,000 for bodily injury to or death of one
22 person in one crash [~~accident~~];

23 (2) \$300,000 for bodily injury to or death of two or
24 more persons in one crash [~~accident~~], subject to the amount
25 provided by Subdivision (1) for bodily injury to or death of one of
26 the persons; and

27 (3) \$50,000 for damage to or destruction of property

1 of others in one crash [~~accident~~].

2 SECTION 105. Section 686.005, Transportation Code, is
3 amended to read as follows:

4 Sec. 686.005. COMMON LAW DEFENSES. In an action against an
5 owner or operator of a valet parking service that has not
6 established financial responsibility as required by this chapter to
7 recover damages for personal injuries, death, or property damage
8 sustained in a motor vehicle crash [~~accident~~] arising out of the
9 operation of a valet parking service, it is not a defense that the
10 party who brings the action:

- 11 (1) was guilty of contributory negligence; or
12 (2) assumed the risk of injury, death, or property
13 damage.

14 SECTION 106. Section 709.002(e), Transportation Code, is
15 amended to read as follows:

16 (e) Of the money received by the comptroller under this
17 section, the comptroller shall deposit:

18 (1) 80 percent to the credit of the undedicated
19 portion of the general revenue fund, to be used only for criminal
20 justice purposes; and

21 (2) 20 percent to the credit of the designated trauma
22 facility and emergency medical services account under Section
23 780.003, Health and Safety Code, to be used only for the criminal
24 justice purpose of funding designated trauma facilities, county and
25 regional emergency medical services, and trauma care systems that
26 provide trauma care and emergency medical services to victims of
27 crashes [~~accidents~~] resulting from traffic offenses.

1 SECTION 107. Section 723.011(a), Transportation Code, is
2 amended to read as follows:

3 (a) The governor shall:

4 (1) prepare and administer a statewide traffic safety
5 program designed to reduce traffic crashes [~~accidents~~] and the
6 death, injury, and property damage that result from traffic crashes
7 [~~accidents~~];

8 (2) adopt rules for the administration of this
9 chapter, including rules, procedures, and policy statements
10 governing grants-in-aid and contractual relations;

11 (3) receive on the state's behalf for the
12 implementation of this chapter money made available by the United
13 States under federal law; and

14 (4) allocate money appropriated by the legislature in
15 the General Appropriations Act to implement this chapter.

16 SECTION 108. Section 723.012, Transportation Code, is
17 amended to read as follows:

18 Sec. 723.012. TRAFFIC SAFETY PROGRAM. The statewide
19 traffic safety program must include:

20 (1) a driver education and training program
21 administered by the governor through appropriate agencies that
22 complies with Section 723.013;

23 (2) plans for improving:

24 (A) driver licensing;

25 (B) crash [~~accident~~] records;

26 (C) vehicle inspection, registration, and
27 titling;

- 1 (D) traffic engineering;
- 2 (E) personnel;
- 3 (F) police traffic supervision;
- 4 (G) traffic courts;
- 5 (H) highway design; and
- 6 (I) uniform traffic laws; and

7 (3) plans for local traffic safety programs by legal
8 and political subdivisions of this state that may be implemented if
9 the programs:

- 10 (A) are approved by the governor; and
- 11 (B) conform with uniform standards adopted under
12 the Highway Safety Act of 1966 (23 U.S.C. Sec. 401 et seq.).

13 SECTION 109. Section 723.013(a), Transportation Code, is
14 amended to read as follows:

15 (a) The statewide driver education and training program
16 required by Section 723.012 shall provide for:

17 (1) rules that permit controlled innovation and
18 experimentation and that set minimum standards for:

- 19 (A) classroom instruction;
- 20 (B) driving skills training;
- 21 (C) instructor qualifications;
- 22 (D) program content; and
- 23 (E) supplementary materials and equipment;

24 (2) a method for continuing evaluation of approved
25 driver education and training programs to identify the practices
26 most effective in preventing traffic crashes [~~accidents~~]; and

27 (3) contracts between the governing bodies of

1 centrally located independent school districts or other
2 appropriate public or private agencies and the state to provide
3 approved driver education and training programs.

4 SECTION 110. Sections 724.012(a-1) and (b), Transportation
5 Code, are amended to read as follows:

6 (a-1) A peace officer shall require the taking of a specimen
7 of the person's blood if:

8 (1) the officer arrests the person for an offense
9 under Chapter 49, Penal Code, involving the operation of a motor
10 vehicle or a watercraft;

11 (2) the person refuses the officer's request to submit
12 to the taking of a specimen voluntarily;

13 (3) the person was the operator of a motor vehicle or a
14 watercraft involved in a crash [~~an accident~~] that the officer
15 reasonably believes occurred as a result of the offense; and

16 (4) at the time of the arrest, the officer reasonably
17 believes that as a direct result of the crash [~~accident~~] any
18 individual has died, will die, or has suffered serious bodily
19 injury.

20 (b) Subject to Subsection (a-1), a peace officer shall
21 require the taking of a specimen of the person's breath or blood
22 under any of the following circumstances if the officer arrests the
23 person for an offense under Chapter 49, Penal Code, involving the
24 operation of a motor vehicle or a watercraft and the person refuses
25 the officer's request to submit to the taking of a specimen
26 voluntarily:

27 (1) the person was the operator of a motor vehicle or a

1 watercraft involved in a crash [~~an accident~~] that the officer
2 reasonably believes occurred as a result of the offense and, at the
3 time of the arrest, the officer reasonably believes that as a direct
4 result of the crash [~~accident~~] an individual other than the person
5 has suffered bodily injury and been transported to a hospital or
6 other medical facility for medical treatment;

7 (2) the offense for which the officer arrests the
8 person is an offense under Section 49.045, Penal Code; or

9 (3) at the time of the arrest, the officer possesses or
10 receives reliable information from a credible source that the
11 person:

12 (A) has been previously convicted of or placed on
13 community supervision for an offense under Section 49.045, 49.07,
14 or 49.08, Penal Code, or an offense under the laws of another state
15 containing elements substantially similar to the elements of an
16 offense under those sections; or

17 (B) on two or more occasions, has been previously
18 convicted of or placed on community supervision for an offense
19 under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an
20 offense under the laws of another state containing elements
21 substantially similar to the elements of an offense under those
22 sections.

23 SECTION 111. Section 726.002, Transportation Code, is
24 amended to read as follows:

25 Sec. 726.002. TESTING AND INSPECTION OF MOTOR VEHICLES. A
26 municipality may adopt an ordinance:

27 (1) requiring each resident of the municipality,

1 including a corporation having its principal office or place of
2 business in the municipality, who owns a motor vehicle used for the
3 transportation of persons or property and each person operating a
4 motor vehicle on the public thoroughfares of the municipality to
5 have each motor vehicle owned or operated, as appropriate, tested
6 and inspected not more than four times in each calendar year;

7 (2) requiring each motor vehicle involved in a crash
8 [~~an accident~~] to be tested and inspected before it may be operated
9 on the public thoroughfares of the municipality; or

10 (3) requiring that a motor vehicle operated on the
11 public thoroughfares of the municipality be tested, inspected, and
12 approved by the testing and inspecting authority.

13 SECTION 112. Sections 730.003(4) and (6), Transportation
14 Code, are amended to read as follows:

15 (4) "Motor vehicle record" means a record that
16 pertains to a motor vehicle operator's or driver's license or
17 permit, motor vehicle registration, motor vehicle title, or
18 identification document issued by an agency of this state or a local
19 agency authorized to issue an identification document. The term
20 does not include:

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

22 (B) a crash [~~an accident~~] report prepared under:

23 (i) Chapter 550; or

24 (ii) former Section 601.004 before
25 September 1, 2017.

26 (6) "Personal information" means information that
27 identifies a person, including an individual's photograph or

1 computerized image, social security number, date of birth, driver
2 identification number, name, address, but not the zip code, e-mail
3 address, telephone number, and medical or disability information.

4 The term does not include:

5 (A) information on vehicle crashes [~~accidents~~],
6 driving or equipment-related violations, or driver's license or
7 registration status; or

8 (B) information contained in a crash [~~an~~
9 ~~accident~~] report prepared under:

10 (i) Chapter 550; or

11 (ii) former Section 601.004 before
12 September 1, 2017.

13 SECTION 113. Section 1006.153(e), Transportation Code, is
14 amended to read as follows:

15 (e) Out of each fee collected under Subsection (b) or an
16 amount collected under Subsection (b-1):

17 (1) 20 percent shall be appropriated to the authority
18 for the purposes of this chapter;

19 (2) 20 percent shall be deposited to the credit of the
20 general revenue fund, to be used only for criminal justice
21 purposes; and

22 (3) 60 percent shall be deposited to the credit of the
23 designated trauma facility and emergency medical services account
24 under Section 780.003, Health and Safety Code, to be used only for
25 the criminal justice purpose of funding designated trauma
26 facilities, county and regional emergency medical services, and
27 trauma care systems that provide trauma care and emergency medical

1 services to victims of crashes [~~accidents~~] resulting from traffic
2 offenses.

3 SECTION 114. The heading to Chapter 504, Business &
4 Commerce Code, is amended to read as follows:

5 CHAPTER 504. PROHIBITED USE OF CRIME VICTIM OR MOTOR VEHICLE CRASH
6 [~~ACCIDENT~~] INFORMATION

7 SECTION 115. Section 504.001(2), Business & Commerce Code,
8 is amended to read as follows:

9 (2) "Motor vehicle crash [~~accident~~] information"
10 means information that:

11 (A) is collected or prepared by a law enforcement
12 agency; and

13 (B) identifies or serves to identify a person
14 who, according to a record of the agency, may have been involved in
15 a motor vehicle crash [~~accident~~].

16 SECTION 116. Section 504.002(a), Business & Commerce Code,
17 is amended to read as follows:

18 (a) A person who possesses crime victim or motor vehicle
19 crash [~~accident~~] information that the person obtained or knows was
20 obtained from a law enforcement agency may not:

21 (1) use the information to contact directly any of the
22 following persons for the purpose of soliciting business from the
23 person:

24 (A) a crime victim;

25 (B) a person who was involved in a motor vehicle
26 crash [~~accident~~]; or

27 (C) a member of the family of a person described

1 by Paragraph (A) or (B); or

2 (2) sell the information to another person for
3 financial gain.

4 SECTION 117. Section 17.062(a), Civil Practice and Remedies
5 Code, is amended to read as follows:

6 (a) The chairman of the Texas Transportation Commission is
7 an agent for service of process on a person who is a nonresident or
8 an agent of a nonresident in any suit against the person or agent
9 that grows out of a collision or crash [~~accident~~] in which the
10 person or the person's [~~his~~] agent is involved while operating a
11 motor vehicle in this state.

12 SECTION 118. Section 30.006(e), Civil Practice and Remedies
13 Code, is amended to read as follows:

14 (e) This section does not apply to:

15 (1) a report of a crash [~~an accident~~] under Chapter
16 550, Transportation Code; and

17 (2) photographs, field measurements, scene drawings,
18 and crash [~~accident~~] reconstruction done in conjunction with the
19 investigation of the underlying crash [~~accident~~].

20 SECTION 119. Section 72.001, Civil Practice and Remedies
21 Code, is amended to read as follows:

22 Sec. 72.001. LIMITED LIABILITY. A person who is related to
23 the owner or operator of a motor vehicle within the second degree by
24 consanguinity or affinity, as determined under Chapter 573,
25 Government Code, and who is being transported in the motor vehicle
26 over a public highway of this state as a guest without payment for
27 the transportation has a cause of action against the owner or

1 operator of the motor vehicle for injury, death, or loss in a crash
2 [~~an accident~~] only if the crash [~~accident~~] was intentional on the
3 part of the owner or operator or was caused by the owner's or
4 operator's [~~his~~] heedlessness or reckless disregard of the rights
5 of others.

6 SECTION 120. Section 72.051, Civil Practice and Remedies
7 Code, is amended by amending Subdivisions (2) and (4) and adding
8 Subdivision (5-a) to read as follows:

9 (2) "Civil action" means an action in which:

10 (A) a claimant seeks recovery of damages for
11 bodily injury or death caused in a crash [~~an accident~~]; and

12 (B) a defendant:

13 (i) operated a commercial motor vehicle
14 involved in the crash [~~accident~~]; or

15 (ii) owned, leased, or otherwise held or
16 exercised legal control over a commercial motor vehicle or operator
17 of a commercial motor vehicle involved in the crash [~~accident~~].

18 (4) "Commercial motor vehicle" means a motor vehicle
19 being used for commercial purposes in interstate or intrastate
20 commerce to transport property or passengers, deliver or transport
21 goods, or provide services. The term does not include a motor
22 vehicle being used at the time of the crash [~~accident~~] for personal,
23 family, or household purposes.

24 (5-a) "Crash" means an event in which operating a
25 commercial motor vehicle causes bodily injury or death.

26 SECTION 121. The heading to Section 72.052, Civil Practice
27 and Remedies Code, is amended to read as follows:

1 Sec. 72.052. BIFURCATED TRIAL IN CERTAIN COMMERCIAL MOTOR
2 VEHICLE CRASH [~~ACCIDENT~~] ACTIONS.

3 SECTION 122. Sections 72.054(a), (c), (d), and (f), Civil
4 Practice and Remedies Code, are amended to read as follows:

5 (a) Except as provided by Subsection (d), in a civil action
6 under this subchapter, an employer defendant's liability for
7 damages caused by the ordinary negligence of a person operating the
8 defendant's commercial motor vehicle shall be based only on
9 respondeat superior if the defendant stipulates, within the time
10 provided by Section 72.052 for filing a motion to bifurcate, that,
11 at the time of the crash [~~accident~~], the person operating the
12 vehicle was:

- 13 (1) the defendant's employee; and
14 (2) acting within the scope of employment.

15 (c) In a civil action under this subchapter in which an
16 employer defendant is regulated by the Motor Carrier Safety
17 Improvement Act of 1999 (Pub. L. No. 106-159) or Chapter 644,
18 Transportation Code, a party may present any of the following
19 evidence in the first phase of a trial that is bifurcated under
20 Section 72.052 if applicable to a defendant in the action:

21 (1) whether the employee who was operating the
22 employer defendant's commercial motor vehicle at the time of the
23 crash [~~accident~~] that is the subject of the civil action:

24 (A) was licensed to drive the vehicle at the time
25 of the crash [~~accident~~];

26 (B) was disqualified from driving the vehicle
27 under 49 C.F.R. Section 383.51, 383.52, or 391.15 at the time of the

1 crash [~~accident~~];

2 (C) was subject to an out-of-service order, as
3 defined by 49 C.F.R. Section 390.5, at the time of the crash
4 [~~accident~~];

5 (D) was driving the vehicle in violation of a
6 license restriction imposed under 49 C.F.R. Section 383.95 or
7 Section 522.043, Transportation Code, at the time of the crash
8 [~~accident~~];

9 (E) had received a certificate of driver's road
10 test from the employer defendant as required by 49 C.F.R. Section
11 391.31 or had an equivalent certificate or license as provided by 49
12 C.F.R. Section 391.33;

13 (F) had been medically certified as physically
14 qualified to operate the vehicle under 49 C.F.R. Section 391.41;

15 (G) was operating the vehicle when prohibited
16 from doing so under 49 C.F.R. Section 382.201, 382.205, 382.207,
17 382.215, 395.3, or 395.5 or 37 T.A.C. Section 4.12, as applicable,
18 on the day of the crash [~~accident~~];

19 (H) was texting or using a handheld mobile
20 telephone while driving the vehicle in violation of 49 C.F.R.
21 Section 392.80 or 392.82 at the time of the crash [~~accident~~];

22 (I) provided the employer defendant with an
23 application for employment as required by 49 C.F.R. Section
24 391.21(a) if the crash [~~accident~~] occurred on or before the first
25 anniversary of the date the employee began employment with the
26 employer defendant; and

27 (J) refused to submit to a controlled substance

1 test as required by 49 C.F.R. Section 382.303, 382.305, 382.307,
2 382.309, or 382.311 during the two years preceding the date of the
3 crash [~~accident~~]; and

4 (2) whether the employer defendant:

5 (A) allowed the employee to operate the
6 employer's commercial motor vehicle on the day of the crash
7 [~~accident~~] in violation of 49 C.F.R. Section 382.201, 382.205,
8 382.207, 382.215, 382.701(d), 395.3, or 395.5 or 37 T.A.C. Section
9 4.12, as applicable;

10 (B) had complied with 49 C.F.R. Section 382.301
11 in regard to controlled-substance testing of the employee driver
12 if:

13 (i) the employee driver was impaired
14 because of the use of a controlled substance at the time of the
15 crash [~~accident~~]; and

16 (ii) the crash [~~accident~~] occurred on or
17 before the 180th day after the date the employee driver began
18 employment with the employer defendant;

19 (C) had made the investigations and inquiries as
20 provided by 49 C.F.R. Section 391.23(a) in regard to the employee
21 driver if the crash [~~accident~~] occurred on or before the first
22 anniversary of the date the employee driver began employment with
23 the employer defendant; and

24 (D) was subject to an out-of-service order, as
25 defined by 49 C.F.R. Section 390.5, at the time of the crash
26 [~~accident~~].

27 (d) If a civil action is bifurcated under Section [72.052](#),

1 evidence admissible under Subsection (c) is:

2 (1) admissible in the first phase of the trial only to
3 prove ordinary negligent entrustment by the employer defendant to
4 the employee who was driving the employer defendant's commercial
5 motor vehicle at the time of the crash [~~accident~~] that is the
6 subject of the action; and

7 (2) the only evidence that may be presented by the
8 claimant in the first phase of the trial on the negligent
9 entrustment claim.

10 (f) Nothing in this section prevents a claimant from
11 pursuing:

12 (1) an ordinary negligence claim against an employer
13 defendant for a claim, such as negligent maintenance, that does not
14 require a finding of negligence by an employee as a prerequisite to
15 an employer defendant being found negligent for its conduct or
16 omission, or from presenting evidence on that claim in the first
17 phase of a bifurcated trial; or

18 (2) a claim for exemplary damages under Chapter 41 for
19 an employer defendant's conduct or omissions in relation to the
20 crash [~~accident~~] that is the subject of the action, or from
21 presenting evidence on that claim in the second phase of a
22 bifurcated trial.

23 SECTION 123. Section 72.055, Civil Practice and Remedies
24 Code, is amended to read as follows:

25 Sec. 72.055. ADMISSIBILITY OF VISUAL DEPICTIONS OF CRASH
26 [~~ACCIDENT~~]. (a) In a civil action under this subchapter, a court
27 may not require expert testimony for admission into evidence of a

1 photograph or video of a vehicle or object involved in a crash [~~an~~
2 ~~accident~~] that is the subject of the action except as necessary to
3 authenticate the photograph or video.

4 (b) If properly authenticated under the Texas Rules of
5 Evidence, a photograph or video of a vehicle or object involved in a
6 crash [~~an accident~~] that is the subject of a civil action under this
7 subchapter is presumed admissible, even if the photograph or video
8 tends to support or refute an assertion regarding the severity of
9 damages or injury to an object or person involved in the crash
10 [~~accident~~].

11 SECTION 124. Article 12.01, Code of Criminal Procedure, is
12 amended to read as follows:

13 Art. 12.01. FELONIES. Except as provided in Article 12.03,
14 felony indictments may be presented within these limits, and not
15 afterward:

16 (1) no limitation:

17 (A) murder and manslaughter;

18 (B) sexual assault under Section 22.011(a)(2),
19 Penal Code, or aggravated sexual assault under Section
20 22.021(a)(1)(B), Penal Code;

21 (C) sexual assault, if:

22 (i) during the investigation of the offense
23 biological matter is collected and the matter:

24 (a) has not yet been subjected to
25 forensic DNA testing; or

26 (b) has been subjected to forensic DNA
27 testing and the testing results show that the matter does not match

1 the victim or any other person whose identity is readily
2 ascertained; or

3 (ii) probable cause exists to believe that
4 the defendant has committed the same or a similar sex offense
5 against five or more victims;

6 (D) continuous sexual abuse of young child or
7 disabled individual under Section 21.02, Penal Code;

8 (E) indecency with a child under Section 21.11,
9 Penal Code;

10 (F) an offense involving leaving the scene of a
11 crash [~~an accident~~] under Section 550.021, Transportation Code, if
12 the crash [~~accident~~] resulted in the death of a person;

13 (G) trafficking of persons under Section
14 20A.02(a)(7) or (8), Penal Code;

15 (H) continuous trafficking of persons under
16 Section 20A.03, Penal Code; or

17 (I) compelling prostitution under Section
18 43.05(a)(2), Penal Code;

19 (2) ten years from the date of the commission of the
20 offense:

21 (A) theft of any estate, real, personal or mixed,
22 by an executor, administrator, guardian or trustee, with intent to
23 defraud any creditor, heir, legatee, ward, distributee,
24 beneficiary or settlor of a trust interested in such estate;

25 (B) theft by a public servant of government
26 property over which the public servant exercises control in the
27 public servant's official capacity;

1 (C) forgery or the uttering, using, or passing of
2 forged instruments;

3 (D) injury to an elderly or disabled individual
4 punishable as a felony of the first degree under Section 22.04,
5 Penal Code;

6 (E) sexual assault, except as provided by
7 Subdivision (1) or (7);

8 (F) arson;

9 (G) trafficking of persons under Section
10 20A.02(a)(1), (2), (3), or (4), Penal Code; or

11 (H) compelling prostitution under Section
12 43.05(a)(1), Penal Code;

13 (3) seven years from the date of the commission of the
14 offense:

15 (A) misapplication of fiduciary property or
16 property of a financial institution;

17 (B) fraudulent securing of document execution;

18 (C) a felony violation under Chapter 162, Tax
19 Code;

20 (D) false statement to obtain property or credit
21 under Section 32.32, Penal Code;

22 (E) money laundering;

23 (F) credit card or debit card abuse under Section
24 32.31, Penal Code;

25 (G) fraudulent use or possession of identifying
26 information under Section 32.51, Penal Code;

27 (H) exploitation of a child, elderly individual,

1 or disabled individual under Section 32.53, Penal Code;

2 (I) health care fraud under Section 35A.02, Penal
3 Code; or

4 (J) bigamy under Section 25.01, Penal Code,
5 except as provided by Subdivision (6);

6 (4) five years from the date of the commission of the
7 offense:

8 (A) theft or robbery;

9 (B) except as provided by Subdivision (5),
10 kidnapping or burglary;

11 (C) injury to an elderly or disabled individual
12 that is not punishable as a felony of the first degree under Section
13 22.04, Penal Code;

14 (D) abandoning or endangering a child; or

15 (E) insurance fraud;

16 (5) if the investigation of the offense shows that the
17 victim is younger than 17 years of age at the time the offense is
18 committed, 20 years from the 18th birthday of the victim of one of
19 the following offenses:

20 (A) sexual performance by a child under Section
21 43.25, Penal Code;

22 (B) aggravated kidnapping under Section
23 20.04(a)(4), Penal Code, if the defendant committed the offense
24 with the intent to violate or abuse the victim sexually; or

25 (C) burglary under Section 30.02, Penal Code, if
26 the offense is punishable under Subsection (d) of that section and
27 the defendant committed the offense with the intent to commit an

1 offense described by Subdivision (1)(B) or (D) of this article or
2 Paragraph (B) of this subdivision;

3 (6) ten years from the 18th birthday of the victim of
4 the offense:

5 (A) trafficking of persons under Section
6 20A.02(a)(5) or (6), Penal Code;

7 (B) injury to a child under Section 22.04, Penal
8 Code; or

9 (C) bigamy under Section 25.01, Penal Code, if
10 the investigation of the offense shows that the person, other than
11 the legal spouse of the defendant, whom the defendant marries or
12 purports to marry or with whom the defendant lives under the
13 appearance of being married is younger than 18 years of age at the
14 time the offense is committed;

15 (7) two years from the date the offense was
16 discovered: sexual assault punishable as a state jail felony under
17 Section 22.011(f)(2), Penal Code; or

18 (8) three years from the date of the commission of the
19 offense: all other felonies.

20 SECTION 125. The heading to Article 42A.516, Code of
21 Criminal Procedure, is amended to read as follows:

22 Art. 42A.516. COMMUNITY SUPERVISION FOR LEAVING SCENE OF
23 MOTOR VEHICLE CRASH [~~ACCIDENT~~] RESULTING IN DEATH OF PERSON.

24 SECTION 126. Article 49.10(j), Code of Criminal Procedure,
25 is amended to read as follows:

26 (j) A justice of the peace may order a physician, qualified
27 technician, paramedic, chemist, registered professional nurse, or

1 licensed vocational nurse to take a specimen of blood from the body
2 of a person who died as the result of a motor vehicle crash
3 [~~accident~~] if the justice determines that circumstances indicate
4 that the person may have been driving while intoxicated.

5 SECTION 127. Article 59.01(3), Code of Criminal Procedure,
6 is amended to read as follows:

7 (3) "Crime of violence" means:

8 (A) any criminal offense defined in the Penal
9 Code or in a federal criminal law that results in a personal injury
10 to a victim; or

11 (B) an act that is not an offense under the Penal
12 Code involving the operation of a motor vehicle, aircraft, or water
13 vehicle that results in injury or death sustained in a crash [~~an~~
14 ~~accident~~] caused by a driver in violation of Section 550.021,
15 Transportation Code.

16 SECTION 128. The heading to Section 34.015, Education Code,
17 is amended to read as follows:

18 Sec. 34.015. REPORTING OF BUS CRASHES [~~ACCIDENTS~~].

19 SECTION 129. Section 34.015(b), Education Code, is amended
20 to read as follows:

21 (b) A school district shall report annually to the Texas
22 Education Agency the number of crashes [~~accidents~~] in which the
23 district's buses are involved. The agency by rule shall determine
24 the information to be reported, including:

- 25 (1) the type of bus involved in the crash [~~accident~~];
26 (2) whether the bus was equipped with seat belts;
27 (3) the number of students and adults involved in the

1 crash [~~accident~~];

2 (4) the number and types of injuries sustained by bus
3 passengers in the crash [~~accident~~]; and

4 (5) whether the injured passengers were wearing seat
5 belts at the time of the crash [~~accident~~].

6 SECTION 130. Section 54.352(g), Education Code, is amended
7 to read as follows:

8 (g) For the purpose of this section, an injury is suffered
9 during the performance of a duty as a peace officer if the injury
10 occurs as a result of the peace officer's performance of any of the
11 following law enforcement duties:

12 (1) traffic enforcement or traffic control duties,
13 including enforcement of traffic laws, investigation of vehicle
14 crashes [~~accidents~~], or directing traffic;

15 (2) pursuit, arrest, or search of a person reasonably
16 believed to have violated a law;

17 (3) investigation, including undercover
18 investigation, of a criminal act;

19 (4) patrol duties, including automobile, bicycle,
20 foot, air, or horse patrol;

21 (5) duties related to the transfer of prisoners; or

22 (6) training duties, including participation in any
23 training required by the officer's employer or supervisor or by the
24 Texas Commission on Law Enforcement.

25 SECTION 131. Section 1001.1015(b), Education Code, is
26 amended to read as follows:

27 (b) A driver education course under Subsection (a) must:

1 (1) provide at least the minimum number of hours of
2 classroom instruction required by commission rule; and

3 (2) include instruction in:

4 (A) alcohol and drug awareness;

5 (B) the traffic laws of this state;

6 (C) highway signs, signals, and markings that
7 regulate, warn, or direct traffic; and

8 (D) the issues commonly associated with motor
9 vehicle crashes [~~accidents~~], including poor decision-making, risk
10 taking, impaired driving, distraction, speed, failure to use a
11 safety belt, driving at night, failure to yield the right-of-way,
12 and using a wireless communication device while operating a
13 vehicle.

14 SECTION 132. Section [1001.112\(b\)](#), Education Code, is
15 amended to read as follows:

16 (b) A person is eligible to conduct a driver education
17 course for another person as provided by Subsection (a) if the
18 person:

19 (1) is either:

20 (A) a parent, stepparent, foster parent, legal
21 guardian, grandparent, or step-grandparent of the other person; or

22 (B) an individual who:

23 (i) has been designated on a form
24 prescribed by the department for purposes of this section by a
25 parent or legal guardian of the other person or by a judge of a court
26 with jurisdiction over the other person;

27 (ii) is at least 25 years of age;

1 (iii) does not charge a fee for conducting
2 the course; and

3 (iv) has at least seven years of driving
4 experience;

5 (2) has possessed a valid license for the preceding
6 three years that has not been suspended, revoked, or forfeited in
7 the past three years for an offense that involves the operation of a
8 motor vehicle;

9 (3) has not been convicted of:

10 (A) criminally negligent homicide; or

11 (B) driving while intoxicated in the past seven
12 years; and

13 (4) has not been convicted during the preceding three
14 years of:

15 (A) three or more moving violations described by
16 Section 542.304, Transportation Code, including violations that
17 resulted in a crash [~~an accident~~]; or

18 (B) two or more moving violations described by
19 Section 542.304, Transportation Code, that resulted in a crash [~~an~~
20 ~~accident~~].

21 SECTION 133. Section 203.007(b), Family Code, is amended to
22 read as follows:

23 (b) A domestic relations office is entitled to obtain from
24 the Department of Public Safety records that relate to:

25 (1) a person's date of birth;

26 (2) a person's most recent address;

27 (3) a person's current driver's license status;

1 (4) motor vehicle crashes [~~accidents~~] involving a
2 person;

3 (5) reported traffic-law violations of which a person
4 has been convicted; and

5 (6) a person's criminal history record information.

6 SECTION 134. Section 264.513(c), Family Code, is amended to
7 read as follows:

8 (c) A person is not required to report a death under this
9 section that is the result of a motor vehicle crash [~~accident~~].
10 This subsection does not affect a duty imposed by another law to
11 report a death that is the result of a motor vehicle crash
12 [~~accident~~].

13 SECTION 135. Section 411.019(a), Government Code, is
14 amended to read as follows:

15 (a) The department shall provide a 24-hour toll-free
16 telephone number for use by the public in reporting traffic
17 offenses, including driving while intoxicated, suspected criminal
18 activity, and traffic crashes [~~accidents~~] and other emergencies.

19 SECTION 136. Section 411.0726(e), Government Code, is
20 amended to read as follows:

21 (e) A court may not issue an order of nondisclosure of
22 criminal history record information under this section if the
23 attorney representing the state presents evidence sufficient to the
24 court demonstrating that the commission of the offense for which
25 the order is sought resulted in a motor vehicle crash [~~accident~~]
26 involving another person, including a passenger in a motor vehicle
27 operated by the person seeking the order of nondisclosure.

1 SECTION 137. Section 411.0731(e), Government Code, is
2 amended to read as follows:

3 (e) A court may not issue an order of nondisclosure of
4 criminal history record information under this section if the
5 attorney representing the state presents evidence sufficient to the
6 court demonstrating that the commission of the offense for which
7 the order is sought resulted in a motor vehicle crash [~~accident~~]
8 involving another person, including a passenger in a motor vehicle
9 operated by the person seeking the order of nondisclosure.

10 SECTION 138. Section 411.0736(e), Government Code, is
11 amended to read as follows:

12 (e) A court may not issue an order of nondisclosure of
13 criminal history record information under this section if the
14 attorney representing the state presents evidence sufficient to the
15 court demonstrating that the commission of the offense for which
16 the order is sought resulted in a motor vehicle crash [~~accident~~]
17 involving another person, including a passenger in a motor vehicle
18 operated by the person seeking the order of nondisclosure.

19 SECTION 139. Section 423.002(a), Government Code, is
20 amended to read as follows:

21 (a) It is lawful to capture an image using an unmanned
22 aircraft in this state:

23 (1) for the purpose of professional or scholarly
24 research and development or for another academic purpose by a
25 person acting on behalf of an institution of higher education or a
26 private or independent institution of higher education, as those
27 terms are defined by Section 61.003, Education Code, including a

1 person who:

2 (A) is a professor, employee, or student of the
3 institution; or

4 (B) is under contract with or otherwise acting
5 under the direction or on behalf of the institution;

6 (2) in airspace designated as a test site or range
7 authorized by the Federal Aviation Administration for the purpose
8 of integrating unmanned aircraft systems into the national
9 airspace;

10 (3) as part of an operation, exercise, or mission of
11 any branch of the United States military;

12 (4) if the image is captured by a satellite for the
13 purposes of mapping;

14 (5) if the image is captured by or for an electric or
15 natural gas utility or a telecommunications provider:

16 (A) for operations and maintenance of utility or
17 telecommunications facilities for the purpose of maintaining
18 utility or telecommunications system reliability and integrity;

19 (B) for inspecting utility or telecommunications
20 facilities to determine repair, maintenance, or replacement needs
21 during and after construction of such facilities;

22 (C) for assessing vegetation growth for the
23 purpose of maintaining clearances on utility or telecommunications
24 easements; and

25 (D) for utility or telecommunications facility
26 routing and siting for the purpose of providing utility or
27 telecommunications service;

1 (6) with the consent of the individual who owns or
2 lawfully occupies the real property captured in the image;

3 (7) pursuant to a valid search or arrest warrant;

4 (8) if the image is captured by a law enforcement
5 authority or a person who is under contract with or otherwise acting
6 under the direction or on behalf of a law enforcement authority:

7 (A) in immediate pursuit of a person law
8 enforcement officers have reasonable suspicion or probable cause to
9 suspect has committed an offense, not including misdemeanors or
10 offenses punishable by a fine only;

11 (B) for the purpose of documenting a crime scene
12 where an offense, not including misdemeanors or offenses punishable
13 by a fine only, has been committed;

14 (C) for the purpose of investigating the scene
15 of:

16 (i) a human fatality;

17 (ii) a motor vehicle crash [~~accident~~]
18 causing death or serious bodily injury to a person; or

19 (iii) any motor vehicle crash [~~accident~~] on
20 a state highway or federal interstate or highway;

21 (D) in connection with the search for a missing
22 person;

23 (E) for the purpose of conducting a high-risk
24 tactical operation that poses a threat to human life;

25 (F) of private property that is generally open to
26 the public where the property owner consents to law enforcement
27 public safety responsibilities; or

1 (G) of real property or a person on real property
2 that is within 25 miles of the United States border for the sole
3 purpose of ensuring border security;

4 (9) if the image is captured by state or local law
5 enforcement authorities, or a person who is under contract with or
6 otherwise acting under the direction or on behalf of state
7 authorities, for the purpose of:

8 (A) surveying the scene of a catastrophe or other
9 damage to determine whether a state of emergency should be
10 declared;

11 (B) preserving public safety, protecting
12 property, or surveying damage or contamination during a lawfully
13 declared state of emergency; or

14 (C) conducting routine air quality sampling and
15 monitoring, as provided by state or local law;

16 (10) at the scene of a spill, or a suspected spill, of
17 hazardous materials;

18 (11) for the purpose of fire suppression;

19 (12) for the purpose of rescuing a person whose life or
20 well-being is in imminent danger;

21 (13) if the image is captured by a Texas licensed real
22 estate broker in connection with the marketing, sale, or financing
23 of real property, provided that no individual is identifiable in
24 the image;

25 (14) from a height no more than eight feet above ground
26 level in a public place, if the image was captured without using any
27 electronic, mechanical, or other means to amplify the image beyond

1 normal human perception;

2 (15) of public real property or a person on that
3 property;

4 (16) if the image is captured by the owner or operator
5 of an oil, gas, water, or other pipeline for the purpose of
6 inspecting, maintaining, or repairing pipelines or other related
7 facilities, and is captured without the intent to conduct
8 surveillance on an individual or real property located in this
9 state;

10 (17) in connection with oil pipeline safety and rig
11 protection;

12 (18) in connection with port authority surveillance
13 and security;

14 (19) if the image is captured by a registered
15 professional land surveyor in connection with the practice of
16 professional surveying, as those terms are defined by Section
17 [1071.002](#), Occupations Code, provided that no individual is
18 identifiable in the image;

19 (20) if the image is captured by a professional
20 engineer licensed under Subchapter [G](#), Chapter [1001](#), Occupations
21 Code, in connection with the practice of engineering, as defined by
22 Section [1001.003](#), Occupations Code, provided that no individual is
23 identifiable in the image; or

24 (21) if:

25 (A) the image is captured by an employee of an
26 insurance company or of an affiliate of the company in connection
27 with the underwriting of an insurance policy, or the rating or

1 adjusting of an insurance claim, regarding real property or a
2 structure on real property; and

3 (B) the operator of the unmanned aircraft is
4 authorized by the Federal Aviation Administration to conduct
5 operations within the airspace from which the image is captured.

6 SECTION 140. Section 1952.155, Insurance Code, is amended
7 to read as follows:

8 Sec. 1952.155. BENEFITS PAYABLE WITHOUT REGARD TO FAULT OR
9 COLLATERAL SOURCE; EFFECT ON SUBROGATION. (a) The benefits under
10 coverage required by this subchapter are payable without regard to:

11 (1) the fault or nonfault of the named insured or
12 recipient in causing or contributing to the crash [~~accident~~]; and

13 (2) any collateral source of medical, hospital, or
14 wage continuation benefits.

15 (b) Except as provided by Subsection (c), an insurer paying
16 benefits under coverage required by this subchapter does not have a
17 right of subrogation or claim against any other person or insurer to
18 recover any benefits by reason of the alleged fault of the other
19 person in causing or contributing to the crash [~~accident~~].

20 (c) An insurer paying benefits pursuant to this subchapter,
21 including a county mutual insurance company, shall have a right of
22 subrogation and a claim against a person causing or contributing to
23 the crash [~~accident~~] if, on the date of loss, financial
24 responsibility as required by Chapter 601, Transportation Code, has
25 not been established for a motor vehicle involved in the crash
26 [~~accident~~] and operated by that person.

27 SECTION 141. Section 1954.056(b), Insurance Code, is

1 amended to read as follows:

2 (b) A transportation network company driver shall carry
3 proof of insurance that satisfies Sections 1954.052 and 1954.053
4 with the driver when the driver uses a vehicle in connection with a
5 transportation network company's digital network. In the event of
6 a crash [~~an accident~~], a driver shall provide the proof of insurance
7 to a directly interested person, automobile insurer, and
8 investigating peace officer on request under Section 601.053,
9 Transportation Code. On request, a driver shall also disclose to a
10 directly interested person, automobile insurer, and investigating
11 peace officer whether, at the time of the crash [~~accident~~], the
12 driver was:

- 13 (1) logged on to the company's digital network; or
14 (2) engaged in a prearranged ride.

15 SECTION 142. Section 2308.002(5-a), Occupations Code, is
16 amended to read as follows:

17 (5-a) "Incident management tow" means any tow of a
18 vehicle in which the tow truck is summoned to the scene of a traffic
19 crash [~~accident~~] or to an incident, including the removal of a
20 vehicle, commercial cargo, and commercial debris from a crash [~~an~~
21 ~~accident~~] or incident scene.

22 SECTION 143. Sections 2308.209(c), (d), and (h),
23 Occupations Code, are amended to read as follows:

24 (c) The sheriff's office may maintain a list of towing
25 companies to perform nonconsent tows of motor vehicles initiated by
26 a peace officer investigating a traffic crash [~~accident~~] or a
27 traffic incident. The towing companies must operate in a county to

1 which this section applies.

2 (d) A peace officer initiating a nonconsent tow of a motor
3 vehicle involved in a traffic crash [~~accident~~] or traffic incident
4 that the officer is investigating shall notify the sheriff's office
5 that the tow is being initiated. The sheriff's office shall
6 contact successive towing companies on the tow rotation list until
7 a company agrees to carry out the tow.

8 (h) In a county in which a list is maintained under
9 Subsection (c), a person commits an offense if:

10 (1) the person arrives at the scene of a traffic crash
11 [~~accident~~] or traffic incident to perform a nonconsent tow of a
12 motor vehicle without first being contacted by the sheriff's
13 office;

14 (2) the person directly or indirectly solicits, on
15 streets located in the county, towing services, including towing,
16 removing, repairing, wrecking, storing, trading, selling, or
17 purchasing related to a vehicle that has been damaged in a crash [~~an~~
18 ~~accident~~] to the extent that it cannot be normally and safely
19 driven; or

20 (3) the person enters the scene of a traffic crash
21 [~~accident~~], traffic incident, or other area under the control of a
22 peace officer without the permission of the peace officer.

23 SECTION 144. The heading to Section [38.18](#), Penal Code, is
24 amended to read as follows:

25 Sec. 38.18. USE OF CRASH [~~ACCIDENT~~] REPORT INFORMATION AND
26 OTHER INFORMATION FOR PECUNIARY GAIN.

27 SECTION 145. Section 2(4-a), Article [6243g-4](#), Vernon's

1 Texas Civil Statutes, is amended to read as follows:

2 (4-a) "Catastrophic injury" means a sudden, violent,
3 life-threatening, duty-related injury sustained by an active
4 member that is due to an externally caused motor vehicle crash
5 [~~accident~~], gunshot wound, aggravated assault, or other external
6 event or events and results, as supported by evidence, in one of the
7 following conditions:

8 (A) total, complete, and permanent loss of sight
9 in one or both eyes;

10 (B) total, complete, and permanent loss of the
11 use of one or both feet at or above the ankle;

12 (C) total, complete, and permanent loss of the
13 use of one or both hands at or above the wrist;

14 (D) injury to the spine that results in a total,
15 permanent, and complete paralysis of both arms, both legs, or one
16 arm and one leg; or

17 (E) an externally caused physical traumatic
18 injury to the brain rendering the member physically or mentally
19 unable to perform the member's duties as a police officer.

20 SECTION 146. Section 72.051(1), Civil Practice and Remedies
21 Code, is repealed.

22 SECTION 147. The changes in law made by this Act are
23 nonsubstantive and are intended to clarify rather than change
24 existing law.

25 SECTION 148. To the extent of any conflict, this Act
26 prevails over another Act of the 88th Legislature, Regular Session,
27 2023, relating to nonsubstantive additions to and corrections in

1 enacted codes.

2 SECTION 149. This Act takes effect September 1, 2023.