

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

Sec. 66.017. DUTIES. The board shall:

- (1) establish the number of pilots necessary to provide adequate pilot services for each Harris County port;
- (2) accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot;
- (3) submit to the governor lists of applicants the board finds to be qualified for appointment as pilots;
- (4) establish pilotage rates;
- (5) approve the locations for pilot stations;
- (6) establish times during which pilot services will be available;
- (7) hear and determine complaints relating to the conduct of pilots;
- (8) recommend to the governor each pilot whose license or certificate should not be renewed or should be revoked;
- (9) adopt rules and issue orders to pilots or vessels when necessary to secure efficient pilot services, including minimizing the interference of two-way routes;

SENATE VERSION (CS)

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

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

No equivalent provision.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (10) institute investigations or hearings or both to consider casualties, ~~crashes~~ ~~[accidents]~~, or other actions that violate this chapter; and
- (11) provide penalties to be imposed on a person who is not a pilot for a Harris County port who pilots a vessel into or out of the port if a pilot offered those services to the vessel.

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

Sec. 67.017. DUTIES. The board shall:

- (1) recommend to the governor the number of pilots necessary to provide adequate pilot services for each Galveston County port;
- (2) accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot;
- (3) provide names of all qualified applicants for certificates to each pilot association office of Galveston County;
- (4) submit to the governor the names of persons who have qualified under this chapter to be appointed as branch pilots;
- (5) establish pilotage rates;
- (6) approve any changes of the locations for pilot stations;
- (7) establish times during which pilot services will be available;
- (8) hear and determine complaints relating to the conduct of pilots;
- (9) make recommendations to the governor concerning any pilot whose license or certificate should not be renewed or should be revoked;
- (10) adopt rules and issue orders to pilots and vessels when necessary to secure efficient pilot services;

SENATE VERSION (CS)

No equivalent provision.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (11) institute investigations or hearings or both to consider casualties, ~~crashes~~ ~~[accidents]~~, or other actions that violate this chapter;
- (12) provide penalties to be imposed on a person who is not a pilot for a Galveston County port and who pilots a vessel into or out of the port; and
- (13) approve a training program for deputy branch pilots.

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

Sec. 68.017. DUTIES. The board shall:

- (1) recommend to the governor the number of pilots necessary to provide adequate pilot services for each Brazoria County port;
- (2) accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot;
- (3) provide the names of all qualified applicants for certificates to the Brazos Pilots Association;
- (4) submit to the governor the names of persons who have qualified under this chapter to be commissioned as branch pilots;
- (5) establish pilotage rates;
- (6) approve the locations for pilot stations;
- (7) establish times during which pilot services will be available;
- (8) hear and determine complaints relating to the conduct of pilots;
- (9) recommend to the governor each pilot whose license or certificate should not be renewed or should be revoked;
- (10) adopt rules and issue orders to pilots or vessels when necessary to secure efficient pilot services;

SENATE VERSION (CS)

No equivalent provision.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (11) institute investigations or hearings or both to consider casualties, crashes [~~accidents~~], or other actions that violate this chapter;
- (12) provide penalties to be imposed on a person who is not a pilot for a Brazoria County port who pilots a vessel into or out of the port; and
- (13) approve a training program for deputy branch pilots.

SECTION 5. Sections 69.017(a) and (c), Transportation Code, are amended to read as follows:

(a) The board shall:

- (1) establish the number of pilots necessary to provide adequate pilot services for each Jefferson or Orange County port;
- (2) establish pilotage rates;
- (3) hear and determine complaints relating to the conduct of pilots;
- (4) make recommendations to the governor concerning any pilot whose license or certificate should not be renewed or should be revoked;
- (5) adopt rules and issue orders to pilots and vessels when necessary to secure efficient pilot services;
- (6) institute investigations or hearings or both to consider casualties, crashes [~~accidents~~], or other actions that violate this chapter;
- (7) provide penalties to be imposed on a person who is not a pilot for a Jefferson or Orange County port and who pilots a vessel into or out of the port if the person offered pilot services to the vessel;
- (8) establish times during which pilot services will be available;

SENATE VERSION (CS)

No equivalent provision.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (9) accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot;
 - (10) submit to the governor the names of persons who have qualified under this chapter to be appointed as branch pilots; and
 - (11) approve any changes of the locations of pilot stations.
- (c) The board may assess against the users of pilot services:
- (1) the actual costs the board considers fair and just incurred in connection with hearings against any applicant or objecting party; and
 - (2) other expenses that are necessary and proper to enable the board to effectively carry out the purposes and requirements of this chapter, including processing of applications for pilot licenses and certificates, establishing pilotage, determining and approving the locations for pilot stations, establishing times during which pilot services will be available, hearing and ruling on complaints relating to the conduct of pilots, adopting rules and issuing orders to pilots or vessels when necessary to secure efficient pilot services, instituting investigations or hearings to consider casualties, ~~crashes~~ [accidents], or other actions that violate this chapter, making of any provision for proper, safe, and efficient pilotage, and funding general administrative expenses associated with the operation of the board.

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

Sec. 70.017. DUTIES. The board shall:

- (1) recommend to the governor the number of pilots necessary to provide adequate pilot services for the Port of Corpus Christi;

SENATE VERSION (CS)

No equivalent provision.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (2) examine and determine the qualifications of each applicant for branch pilot;
- (3) submit to the governor the names of persons who have qualified under this chapter to be appointed as branch pilots;
- (4) establish pilotage rates;
- (5) approve any changes of the locations of pilot stations;
- (6) establish times during which pilot services will be available;
- (7) hear and determine complaints relating to the conduct of pilots;
- (8) make recommendations to the governor concerning any pilot whose license or certificate should not be renewed or should be revoked;
- (9) adopt rules and issue orders to pilots and vessels when necessary to secure efficient pilot services; and
- (10) institute investigations or hearings or both to consider casualties, crashes [~~accidents~~], or other actions that violate this chapter.

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

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

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

SENATE VERSION (CS)

SECTION 2. Sections 112.103(b) and (c), Transportation Code, are amended to read as follows:

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) the number of or other identifying information on the person's driver's license or commercial driver's license may not be included in any report of the **crash** [~~accident~~] or violation; and
- (2) the person's involvement in the **crash** [~~accident~~] or violation may not be recorded in the person's individual driving record maintained by the Department of Public Safety.

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

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

- (1) tabulate and analyze the vehicle **crash** [~~accident~~] reports it receives; and
- (2) annually or more frequently publish on the department's Internet website statistical information derived from the **crash** [~~accident~~] reports as to the number, cause, and location of highway **crashes** [~~accidents~~], including information regarding the number of:
 - (A) **crashes** [~~accidents~~] involving injury to, death of, or property damage to a bicyclist or pedestrian; and
 - (B) fatalities caused by a bridge collapse, as defined by Section 550.081.

SENATE VERSION (CS)

SECTION 3. Section 192.005, Transportation Code, is amended to read as follows:

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

- (1) the number of or other identifying information on the person's driver's license or commercial driver's license may not be included in any report of the **collision** [~~accident~~] or violation; and
- (2) the person's involvement in the **collision** [~~accident~~] or violation may not be recorded in the person's individual driving record maintained by the Department of Public Safety.

SECTION 4. Section 201.806, Transportation Code, is amended to read as follows:

Sec. 201.806. **COLLISION** [~~ACCIDENT~~] REPORTS. (a) The department shall:

- (1) tabulate and analyze the vehicle **collision** [~~accident~~] reports it receives; and
- (2) annually or more frequently publish on the department's Internet website statistical information derived from the **collision** [~~accident~~] reports as to the number, cause, and location of highway **collisions** [~~accidents~~], including information regarding the number of:
 - (A) **collisions** [~~accidents~~] involving injury to, death of, or property damage to a bicyclist or pedestrian; and
 - (B) fatalities caused by a bridge collapse, as defined by Section 550.081.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

- (1) the phrase "Please Don't Drink and Drive";
- (2) the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule; and
- (3) the date of the crash [~~accident~~] that resulted in the victim's death.

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

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

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

SENATE VERSION (CS)

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

SECTION 5. Sections 201.909(a), (b), and (c), Transportation Code, are amended to read as follows:

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

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

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

- (1) the phrase "Please Don't Drink and Drive";
- (2) the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule; and
- (3) the date of the collision [~~accident~~] that resulted in the victim's death.

SECTION 6. Sections 201.911(a), (b), and (c), Transportation Code, are amended to read as follows:

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

- (1) a red cross;
- (2) the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule; and
- (3) the date of the crash [~~accident~~] that resulted in the victim's death.

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

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

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

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

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

SENATE VERSION (CS)

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

- (1) a red cross;
- (2) the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule; and
- (3) the date of the collision [~~accident~~] that resulted in the victim's death.

SECTION 7. Section 222.003(d), Transportation Code, is amended to read as follows:

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

SECTION 8. Section 391.038(c-2), Transportation Code, is amended to read as follows:

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) make an arrest in any county in which the transit authority system is located as necessary to prevent or abate the commission of an offense against the law of this state or a political subdivision of this state if the offense or threatened offense occurs on or involves the transit authority system;
- (2) make an arrest for an offense involving injury or detriment to the transit authority system;
- (3) enforce traffic laws and investigate traffic crashes [~~accidents~~] that involve or occur in the transit authority system; and
- (4) provide emergency and public safety services to the transit authority system or users of the transit authority system.

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

(c) Each audit must include an examination of:

- (1) one or more of the following:
 - (A) the administration and management of the authority;
 - (B) transit operations; or
 - (C) transit authority system maintenance;
- (2) the authority's compliance with applicable state law, including this chapter; and
- (3) the following performance indicators:

SENATE VERSION (CS)

SECTION 9. Section 451.108(c), Transportation Code, is amended to read as follows:

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

- (1) make an arrest in any county in which the transit authority system is located as necessary to prevent or abate the commission of an offense against the law of this state or a political subdivision of this state if the offense or threatened offense occurs on or involves the transit authority system;
- (2) make an arrest for an offense involving injury or detriment to the transit authority system;
- (3) enforce traffic laws and investigate traffic collisions [~~accidents~~] that involve or occur in the transit authority system; and
- (4) provide emergency and public safety services to the transit authority system or users of the transit authority system.

SECTION 10. Section 451.454(c), Transportation Code, is amended to read as follows:

(c) Each audit must include an examination of:

- (1) one or more of the following:
 - (A) the administration and management of the authority;
 - (B) transit operations; or
 - (C) transit authority system maintenance;
- (2) the authority's compliance with applicable state law, including this chapter; and
- (3) the following performance indicators:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (A) operating cost per passenger, per revenue mile, and per revenue hour;
- (B) sales and use tax receipts per passenger;
- (C) fare recovery rate;
- (D) average vehicle occupancy;
- (E) on-time performance;
- (F) number of crashes [~~accidents~~] per 100,000 miles; and
- (G) number of miles between mechanical road calls.

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

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

- (1) a collision that involves an authority's revenue vehicle, other than a lawfully parked revenue vehicle, and that results in property damage, injury, or death; and
- (2) an incident that results in the injury or death of a person on board or boarding or alighting from an authority's revenue vehicle.

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

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

SENATE VERSION (CS)

- (A) operating cost per passenger, per revenue mile, and per revenue hour;
- (B) sales and use tax receipts per passenger;
- (C) fare recovery rate;
- (D) average vehicle occupancy;
- (E) on-time performance;
- (F) number of collisions [~~accidents~~] per 100,000 miles; and
- (G) number of miles between mechanical road calls.

SECTION 11. Section 451.455(h), Transportation Code, is amended to read as follows:

(h) The number of collisions [~~accidents~~] per 100,000 miles is computed by multiplying the annual number of collisions [~~accidents~~] by 100,000 and dividing the product by the number of miles for all service, including charter and nonrevenue service, directly operated by the authority for the same period. In this subsection, "collision [~~accident~~]" includes:

- (1) a collision that involves an authority's revenue vehicle, other than a lawfully parked revenue vehicle, and that results in property damage, injury, or death; and
- (2) an incident that results in the injury or death of a person on board or boarding or alighting from an authority's revenue vehicle.

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

- (c) Each audit must include an examination of:
 - (1) one or more of the following:
 - (A) the administration and management of the authority;
 - (B) transit operations; or
 - (C) transit authority system maintenance;
 - (2) the authority's compliance with applicable state law, including this chapter; and
 - (3) the following performance indicators:
 - (A) subsidy per passenger, operating cost per revenue mile, and operating cost per revenue hour;
 - (B) sales and use tax receipts per passenger;
 - (C) fare recovery rate;
 - (D) number of passengers per hour;
 - (E) on-time performance;
 - (F) number of crashes [~~accidents~~] per 100,000 miles; and
 - (G) number of miles between mechanical service calls.

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

- (i) The number of crashes [~~accidents~~] per 100,000 miles is computed by multiplying the annual number of crashes [~~accidents~~] by 100,000 and dividing the product by the number of miles for all service, including charter and nonrevenue service for the same period. In this subsection, "crash [~~accident~~]" includes:
 - (1) a collision that involves an authority's revenue vehicle, other than a lawfully parked revenue vehicle, and results in property damage, injury, or death; and

SENATE VERSION (CS)

SECTION 13. Section 452.454(c), Transportation Code, is amended to read as follows:

- (c) Each audit must include an examination of:
 - (1) one or more of the following:
 - (A) the administration and management of the authority;
 - (B) transit operations; or
 - (C) transit authority system maintenance;
 - (2) the authority's compliance with applicable state law, including this chapter; and
 - (3) the following performance indicators:
 - (A) subsidy per passenger, operating cost per revenue mile, and operating cost per revenue hour;
 - (B) sales and use tax receipts per passenger;
 - (C) fare recovery rate;
 - (D) number of passengers per hour;
 - (E) on-time performance;
 - (F) number of collisions [~~accidents~~] per 100,000 miles; and
 - (G) number of miles between mechanical service calls.

SECTION 14. Section 452.455(i), Transportation Code, is amended to read as follows:

- (i) The number of collisions [~~accidents~~] per 100,000 miles is computed by multiplying the annual number of collisions [~~accidents~~] by 100,000 and dividing the product by the number of miles for all service, including charter and nonrevenue service for the same period. In this subsection, "collision [~~accident~~]" includes:
 - (1) a collision that involves an authority's revenue vehicle, other than a lawfully parked revenue vehicle, and results in property damage, injury, or death; and

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

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

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

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

(C) both the fine and confinement; and

SENATE VERSION (CS)

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

SECTION 15. Section 460.110(b), Transportation Code, is amended to read as follows:

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

SECTION 16. Section 463.065(b), Transportation Code, is amended to read as follows:

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

SECTION 17. Section 521.025(c), Transportation Code, is amended to read as follows:

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

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

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

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

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

(C) both the fine and confinement; and

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SECTION 23. Section 521.042, Transportation Code, is amended to read as follows:

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

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

(1) conviction of that license holder; and

(2) traffic crash [~~accident~~] in which the license holder has been involved.

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

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

SENATE VERSION (CS)

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

SECTION 18. Section 521.042, Transportation Code, is amended to read as follows:

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

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

(1) conviction of that license holder; and

(2) traffic collision [~~accident~~] in which the license holder has been involved.

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

SENATE VERSION (CS)

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

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

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

SECTION 19. The heading to Section 521.046, Transportation Code, is amended to read as follows:

Sec. 521.046. DISCLOSURE OF COLLISION [ACCIDENT] AND CONVICTION INFORMATION.

SECTION 20. Section 521.046(a), Transportation Code, is amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) is eligible to receive the information under Chapter 730; and
- (2) submits to the department the individual's driver's license number or the individual's full name and date of birth.

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

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

- (1) the individual's date of birth;
- (2) the current license status of the individual;
- (3) the individual's most recent address;
- (4) the completion of an approved driver education course by the individual;
- (5) the fact of, but not the reason for, completion of a driver safety course by the individual; and
- (6) each of the individual's reported traffic law violations and motor vehicle crashes [~~accidents~~], by date and location.

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

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

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

(a) The department shall maintain in its files a record of the name, address, and telephone number of each individual

SENATE VERSION (CS)

- (1) is eligible to receive the information under Chapter 730; and
- (2) submits to the department the individual's driver's license number or the individual's full name and date of birth.

SECTION 21. Section 521.047(b), Transportation Code, is amended to read as follows:

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

- (1) the individual's date of birth;
- (2) the current license status of the individual;
- (3) the individual's most recent address;
- (4) the completion of an approved driver education course by the individual;
- (5) the fact of, but not the reason for, completion of a driver safety course by the individual; and
- (6) each of the individual's reported traffic law violations and motor vehicle collisions [~~accidents~~], by date and location.

SECTION 22. Section 521.049(e), Transportation Code, is amended to read as follows:

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

SECTION 23. Section 521.060(a), Transportation Code, is amended to read as follows:

(a) The department shall maintain in its files a record of the name, address, and telephone number of each individual

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

identified by the holder of a driver's license or personal identification certificate as an individual the holder authorizes to be contacted in the event that the holder is injured or dies in or as a result of a vehicular ~~crash~~ [accident] or another emergency situation. In addition, the department shall maintain in its files a record of any medical information described by Section 521.125(a) that is provided to the department under Subsection (c) or any health condition information that is voluntarily provided to the department under Section 521.142(h).

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

- (a) The department shall suspend the person's license if the department determines that the person:
- (1) has operated a motor vehicle on a highway while the person's license was suspended, canceled, disqualified, or revoked, or without a license after an application for a license was denied;
 - (2) is a habitually reckless or negligent operator of a motor vehicle;
 - (3) is a habitual violator of the traffic laws;
 - (4) has permitted the unlawful or fraudulent use of the person's license;
 - (5) has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for suspension;
 - (6) has been convicted of two or more separate offenses of a violation of a restriction imposed on the use of the license;
 - (7) has been responsible as a driver for any ~~crash~~ [accident] resulting in serious personal injury or serious property damage;

SENATE VERSION (CS)

identified by the holder of a driver's license or personal identification certificate as an individual the holder authorizes to be contacted in the event that the holder is injured or dies in or as a result of a vehicular ~~collision~~ [accident] or another emergency situation. In addition, the department shall maintain in its files a record of any medical information described by Section 521.125(a) that is provided to the department under Subsection (c) or any health condition information that is voluntarily provided to the department under Section 521.142(h).

SECTION 24. Section 521.292(a), Transportation Code, is amended to read as follows:

- (a) The department shall suspend the person's license if the department determines that the person:
- (1) has operated a motor vehicle on a highway while the person's license was suspended, canceled, disqualified, or revoked, or without a license after an application for a license was denied;
 - (2) is a habitually reckless or negligent operator of a motor vehicle;
 - (3) is a habitual violator of the traffic laws;
 - (4) has permitted the unlawful or fraudulent use of the person's license;
 - (5) has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for suspension;
 - (6) has been convicted of two or more separate offenses of a violation of a restriction imposed on the use of the license;
 - (7) has been responsible as a driver for any ~~collision~~ [accident] resulting in serious personal injury or serious property damage;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (8) is under 18 years of age and has been convicted of two or more moving violations committed within a 12-month period; or
- (9) has committed an offense under Section 545.421.

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

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

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

(25) "Serious traffic violation" means:

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

- (i) excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit;
 - (ii) reckless driving, as defined by state or local law;
 - (iii) a violation of a state or local law related to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, arising in connection with a fatal crash [~~accident~~];
 - (iv) improper or erratic traffic lane change;
 - (v) following the vehicle ahead too closely; or
 - (vi) a violation of Sections 522.011 or 522.042; or
- (B) a violation of Section 522.015.

SENATE VERSION (CS)

- (8) is under 18 years of age and has been convicted of two or more moving violations committed within a 12-month period; or
- (9) has committed an offense under Section 545.421.

SECTION 25. Section 521.457(f-2), Transportation Code, is amended to read as follows:

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

SECTION 26. Section 522.003(25), Transportation Code, is amended to read as follows:

(25) "Serious traffic violation" means:

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

- (i) excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit;
 - (ii) reckless driving, as defined by state or local law;
 - (iii) a violation of a state or local law related to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, arising in connection with a fatal collision [~~accident~~];
 - (iv) improper or erratic traffic lane change;
 - (v) following the vehicle ahead too closely; or
 - (vi) a violation of Sections 522.011 or 522.042; or
- (B) a violation of Section 522.015.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 32. Section 522.081(b), Transportation Code, is amended to read as follows:

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

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

(2) on first conviction of:

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

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

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

(D) causing the death of another person through the negligent or criminal operation of a motor vehicle; or

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

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

SENATE VERSION (CS)

SECTION 27. Section 522.081(b), Transportation Code, is amended to read as follows:

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

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

(2) on first conviction of:

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

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

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

(D) causing the death of another person through the negligent or criminal operation of a motor vehicle; or

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

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

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

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

SECTION 28. Section 523.005(a), Transportation Code, is amended to read as follows:

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

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

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

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

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

SECTION 29. Section 542.206, Transportation Code, is amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

- (1) the offense is punishable by a fine of not less than \$500 or more than \$2,000, if a person other than the operator of the vehicle suffered bodily injury, as defined by Section 1.07, Penal Code, in the crash [~~accident~~]; and
- (2) the offense is punishable by a fine of not less than \$1,000 or more than \$4,000, if a person other than the operator of the vehicle suffered serious bodily injury, as defined by Section 1.07, Penal Code, in the crash [~~accident~~].

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

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

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

SENATE VERSION (CS)

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

SECTION 30. Section 542.4045, Transportation Code, is amended to read as follows:

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

- (1) the offense is punishable by a fine of not less than \$500 or more than \$2,000, if a person other than the operator of the vehicle suffered bodily injury, as defined by Section 1.07, Penal Code, in the collision [~~accident~~]; and
- (2) the offense is punishable by a fine of not less than \$1,000 or more than \$4,000, if a person other than the operator of the vehicle suffered serious bodily injury, as defined by Section 1.07, Penal Code, in the collision [~~accident~~].

SECTION 31. Section 543.002(a), Transportation Code, is amended to read as follows:

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(c) The law enforcement agency shall:

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

(2) not later than the fifth working day after the date of the stop or issuance of the notice to appear, send to the Bureau of Diplomatic Security and the Office of Foreign Missions of the United States Department of State the following:

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

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

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

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

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

SENATE VERSION (CS)

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

SECTION 32. Section 543.011(c), Transportation Code, is amended to read as follows:

(c) The law enforcement agency shall:

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

(2) not later than the fifth working day after the date of the stop or issuance of the notice to appear, send to the Bureau of Diplomatic Security and the Office of Foreign Missions of the United States Department of State the following:

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

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

SECTION 33. Section 545.356(d), Transportation Code, is amended to read as follows:

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR CRASH [~~ACCIDENT~~] RECONSTRUCTION SITE. (a) The governing body of a municipality by ordinance may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower a prima facie speed limit for a highway or part of a highway in the municipality, including a highway of the state highway system, at the site of an investigation using vehicular crash [~~accident~~] reconstruction.

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

(c) The Texas Department of Transportation shall develop safety guidelines for the use of vehicular crash [~~accident~~]

SENATE VERSION (CS)

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

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

SECTION 34. Section 545.3561, Transportation Code, is amended to read as follows:

Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR COLLISION [~~ACCIDENT~~] RECONSTRUCTION SITE. (a) The governing body of a municipality by ordinance may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower a prima facie speed limit for a highway or part of a highway in the municipality, including a highway of the state highway system, at the site of an investigation using vehicular collision [~~accident~~] reconstruction.

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

(c) The Texas Department of Transportation shall develop safety guidelines for the use of vehicular collision [~~accident~~]

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

reconstruction in investigations. A municipality, county, or designated official shall comply with the guidelines.

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

- (1) the date and time of the crash [accident] reconstruction;
- (2) the location of the crash [accident] reconstruction site;
- (3) the entities involved at the site;
- (4) the general size of the area affected by the site; and
- (5) an estimate of how long the site will be used for the crash [accident] reconstruction.

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

- (1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and
- (2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

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

- (1) place and maintain at the vehicular crash [accident] reconstruction site temporary speed limit signs that conform

SENATE VERSION (CS)

reconstruction in investigations. A municipality, county, or designated official shall comply with the guidelines.

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

- (1) the date and time of the collision [accident] reconstruction;
- (2) the location of the collision [accident] reconstruction site;
- (3) the entities involved at the site;
- (4) the general size of the area affected by the site; and
- (5) an estimate of how long the site will be used for the collision [accident] reconstruction.

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

- (1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and
- (2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

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

- (1) place and maintain at the vehicular collision [accident] reconstruction site temporary speed limit signs that conform

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

to the manual and specifications adopted under Section 544.001;

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

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

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

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

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

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

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

SENATE VERSION (CS)

to the manual and specifications adopted under Section 544.001;

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

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

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

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

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

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 40. Section 545.4121(b), Transportation Code, is amended to read as follows:

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

(1) at the time of the offense:

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

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

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

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

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

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

SENATE VERSION (CS)

SECTION 35. Section 545.4121(b), Transportation Code, is amended to read as follows:

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

(1) at the time of the offense:

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

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

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

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

SECTION 36. Section 545.420(i), Transportation Code, is amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SECTION 43. Section 545.455, Transportation Code, is amended to read as follows:

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

SECTION 44. Section 547.305(d), Transportation Code, is amended to read as follows:

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

- (1) a school bus;
- (2) an authorized emergency vehicle;
- (3) a church bus that has the words "church bus" printed on the front and rear of the bus so as to be clearly discernable to other vehicle operators;
- (4) a tow truck while under the direction of a law enforcement officer at the scene of a ~~crash~~ [an accident] or while hooking up to a disabled vehicle on a roadway; or
- (5) a tow truck with a mounted light bar which has turn signals and stop lamps in addition to those required by

SENATE VERSION (CS)

SECTION 37. The heading to Section 545.428, Transportation Code, is amended to read as follows:

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

SECTION 38. Section 545.455, Transportation Code, is amended to read as follows:

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

SECTION 39. Section 547.305(d), Transportation Code, is amended to read as follows:

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

- (1) a school bus;
- (2) an authorized emergency vehicle;
- (3) a church bus that has the words "church bus" printed on the front and rear of the bus so as to be clearly discernable to other vehicle operators;
- (4) a tow truck while under the direction of a law enforcement officer at the scene of a ~~crash~~ [an accident] or while hooking up to a disabled vehicle on a roadway; or
- (5) a tow truck with a mounted light bar which has turn signals and stop lamps in addition to those required by

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Sections 547.322, 547.323, and 547.324, Transportation Code.

SECTION 45. Section 547.615(a)(2), Transportation Code, is amended to read as follows:

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

- (A) records the speed and direction the vehicle is traveling;
- (B) records vehicle location data;
- (C) records steering performance;
- (D) records brake performance, including information on whether brakes were applied before a crash [~~an accident~~];
- (E) records the driver's safety belt status; or
- (F) transmits information concerning the crash [~~accident~~] to a central communications system when the crash [~~accident~~] occurs.

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

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

- (1) on court order;
- (2) with the consent of the owner for any purpose, including for the purpose of diagnosing, servicing, or repairing the motor vehicle;
- (3) for the purpose of improving motor vehicle safety, including for medical research on the human body's reaction

SENATE VERSION (CS)

Sections 547.322, 547.323, and 547.324, Transportation Code.

SECTION 40. Section 547.615(a)(2), Transportation Code, is amended to read as follows:

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

- (A) records the speed and direction the vehicle is traveling;
- (B) records vehicle location data;
- (C) records steering performance;
- (D) records brake performance, including information on whether brakes were applied before a collision [~~an accident~~];
- (E) records the driver's safety belt status; or
- (F) transmits information concerning the collision [~~accident~~] to a central communications system when the collision [~~accident~~] occurs.

SECTION 41. Section 547.615(c), Transportation Code, is amended to read as follows:

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

- (1) on court order;
- (2) with the consent of the owner for any purpose, including for the purpose of diagnosing, servicing, or repairing the motor vehicle;
- (3) for the purpose of improving motor vehicle safety, including for medical research on the human body's reaction

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

to motor vehicle crashes [~~accidents~~], if the identity of the owner or driver of the vehicle is not disclosed in connection with the retrieved information; or

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

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

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

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

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

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

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

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

Sec. 550.021. CRASH [~~ACCIDENT~~] INVOLVING PERSONAL INJURY OR DEATH. (a) The operator of a vehicle involved in a crash [~~an accident~~] that results or is

SENATE VERSION (CS)

to motor vehicle collisions [~~accidents~~], if the identity of the owner or driver of the vehicle is not disclosed in connection with the retrieved information; or

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

SECTION 42. Section 548.053(b), Transportation Code, is amended to read as follows:

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

SECTION 43. The heading to Chapter 550, Transportation Code, is amended to read as follows:

CHAPTER 550. COLLISIONS [~~ACCIDENTS~~] AND COLLISION [~~ACCIDENT~~] REPORTS

SECTION 44. The heading to Subchapter B, Chapter 550, Transportation Code, is amended to read as follows:

SUBCHAPTER B. DUTIES FOLLOWING COLLISION [~~ACCIDENT~~]

SECTION 45. Section 550.021, Transportation Code, is amended to read as follows:

Sec. 550.021. COLLISION [~~ACCIDENT~~] INVOLVING PERSONAL INJURY OR DEATH. (a) The operator of a vehicle involved in a collision [~~an accident~~] that results or is

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

reasonably likely to result in injury to or death of a person shall:

- (1) immediately stop the vehicle at the scene of the crash [~~accident~~] or as close to the scene as possible;
 - (2) immediately return to the scene of the crash [~~accident~~] if the vehicle is not stopped at the scene of the crash [~~accident~~];

 - (3) immediately determine whether a person is involved in the crash [~~accident~~], and if a person is involved in the crash [~~accident~~], whether that person requires aid; and
 - (4) remain at the scene of the crash [~~accident~~] until the operator complies with the requirements of Section 550.023.
- (b) An operator of a vehicle required to stop the vehicle by Subsection (a) shall do so without obstructing traffic more than is necessary.
- (c) A person commits an offense if the person does not stop or does not comply with the requirements of this section. An offense under this section:
- (1) involving a crash [~~an accident~~] resulting in:
 - (A) death of a person is a felony of the second degree; or
 - (B) serious bodily injury, as defined by Section 1.07, Penal Code, to a person is a felony of the third degree; and
 - (2) involving a crash [~~an accident~~] resulting in injury to which Subdivision (1) does not apply is punishable by:
 - (A) imprisonment in the Texas Department of Criminal Justice for not more than five years or confinement in the county jail for not more than one year;
 - (B) a fine not to exceed \$5,000; or
 - (C) both the fine and the imprisonment or confinement.

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

SENATE VERSION (CS)

reasonably likely to result in injury to or death of a person shall:

- (1) immediately stop the vehicle at the scene of the collision [~~accident~~] or as close to the scene as possible;
 - (2) immediately return to the scene of the collision [~~accident~~] if the vehicle is not stopped at the scene of the collision [~~accident~~];

 - (3) immediately determine whether a person is involved in the collision [~~accident~~], and if a person is involved in the collision [~~accident~~], whether that person requires aid; and
 - (4) remain at the scene of the collision [~~accident~~] until the operator complies with the requirements of Section 550.023.
- (b) An operator of a vehicle required to stop the vehicle by Subsection (a) shall do so without obstructing traffic more than is necessary.
- (c) A person commits an offense if the person does not stop or does not comply with the requirements of this section. An offense under this section:
- (1) involving a collision [~~an accident~~] resulting in:
 - (A) death of a person is a felony of the second degree; or
 - (B) serious bodily injury, as defined by Section 1.07, Penal Code, to a person is a felony of the third degree; and
 - (2) involving a collision [~~an accident~~] resulting in injury to which Subdivision (1) does not apply is punishable by:
 - (A) imprisonment in the Texas Department of Criminal Justice for not more than five years or confinement in the county jail for not more than one year;
 - (B) a fine not to exceed \$5,000; or
 - (C) both the fine and the imprisonment or confinement.

SECTION 46. The heading to Section 550.022, Transportation Code, is amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

Sec. 550.023. DUTY TO GIVE INFORMATION AND RENDER AID. The operator of a vehicle involved in a **crash** [~~an accident~~] resulting in the injury or death of a person or

SENATE VERSION (CS)

Sec. 550.022. **COLLISION** [~~ACCIDENT~~] INVOLVING DAMAGE TO VEHICLE.

SECTION 47. Sections 550.022(a) and (b), Transportation Code, are amended to read as follows:

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

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

(2) immediately return to the scene of the **collision** [~~accident~~] if the vehicle is not stopped at the scene of the **collision** [~~accident~~]; and

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

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

SECTION 48. Section 550.023, Transportation Code, is amended to read as follows:

Sec. 550.023. DUTY TO GIVE INFORMATION AND RENDER AID. The operator of a vehicle involved in a **collision** [~~an accident~~] resulting in the injury or death of a

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

damage to a vehicle that is driven or attended by a person shall:

- (1) give the operator's name and address, the registration number of the vehicle the operator was driving, and the name of the operator's motor vehicle liability insurer to any person injured or the operator or occupant of or person attending a vehicle involved in the collision;
- (2) if requested and available, show the operator's driver's license to a person described by Subdivision (1); and
- (3) provide any person injured in the **crash** [~~accident~~] reasonable assistance, including transporting or making arrangements for transporting the person to a physician or hospital for medical treatment if it is apparent that treatment is necessary, or if the injured person requests the transportation.

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

- (a) The operator of a vehicle involved in a **crash** [~~an accident~~] resulting only in damage to a structure adjacent to a highway or a fixture or landscaping legally on or adjacent to a highway shall:
 - (1) take reasonable steps to locate and notify the owner or person in charge of the property of the **crash** [~~accident~~] and of the operator's name and address and the registration number of the vehicle the operator was driving; and
 - (2) if requested and available, show the operator's driver's license to the owner or person in charge of the property.

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

SENATE VERSION (CS)

person or damage to a vehicle that is driven or attended by a person shall:

- (1) give the operator's name and address, the registration number of the vehicle the operator was driving, and the name of the operator's motor vehicle liability insurer to any person injured or the operator or occupant of or person attending a vehicle involved in the collision;
- (2) if requested and available, show the operator's driver's license to a person described by Subdivision (1); and
- (3) provide any person injured in the **collision** [~~accident~~] reasonable assistance, including transporting or making arrangements for transporting the person to a physician or hospital for medical treatment if it is apparent that treatment is necessary, or if the injured person requests the transportation.

SECTION 49. Section 550.025(a), Transportation Code, is amended to read as follows:

- (a) The operator of a vehicle involved in a **collision** [~~an accident~~] resulting only in damage to a structure adjacent to a highway or a fixture or landscaping legally on or adjacent to a highway shall:
 - (1) take reasonable steps to locate and notify the owner or person in charge of the property of the **collision** [~~accident~~] and of the operator's name and address and the registration number of the vehicle the operator was driving; and
 - (2) if requested and available, show the operator's driver's license to the owner or person in charge of the property.

SECTION 50. Section 550.026, Transportation Code, is amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

- (1) local police department if the **crash** [~~accident~~] occurred in a municipality;
 - (2) local police department or the sheriff's office if the **crash** [~~accident~~] occurred not more than 100 feet outside the limits of a municipality; or
 - (3) sheriff's office or the nearest office of the department if the **crash** [~~accident~~] is not required to be reported under Subdivision (1) or (2).
- (b) If a section of road is within 100 feet of the limits of more than one municipality, the municipalities may agree regarding the maintenance of reports made under Subsection (a)(2). A county may agree with municipalities in the county regarding the maintenance of reports made under Subsection (a)(2). An agreement under this subsection does not affect the duty to report a **crash** [~~an accident~~] under Subsection (a).

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

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

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

SENATE VERSION (CS)

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

- (1) local police department if the **collision** [~~accident~~] occurred in a municipality;
 - (2) local police department or the sheriff's office if the **collision** [~~accident~~] occurred not more than 100 feet outside the limits of a municipality; or
 - (3) sheriff's office or the nearest office of the department if the **collision** [~~accident~~] is not required to be reported under Subdivision (1) or (2).
- (b) If a section of road is within 100 feet of the limits of more than one municipality, the municipalities may agree regarding the maintenance of reports made under Subsection (a)(2). A county may agree with municipalities in the county regarding the maintenance of reports made under Subsection (a)(2). An agreement under this subsection does not affect the duty to report a **collision** [~~an accident~~] under Subsection (a).

SECTION 51. The heading to Subchapter C, Chapter 550, Transportation Code, is amended to read as follows:

SUBCHAPTER C. INVESTIGATION OF **COLLISION** [~~ACCIDENT~~]

SECTION 52. Section 550.041(a), Transportation Code, is amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

(c) This section applies without regard to whether the officer investigates the crash [~~accident~~] at the location of the crash

SENATE VERSION (CS)

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

SECTION 53. The heading to Subchapter D, Chapter 550, Transportation Code, is amended to read as follows:

SUBCHAPTER D. WRITTEN COLLISION [~~ACCIDENT~~] REPORT

SECTION 54. Section 550.062, Transportation Code, is amended to read as follows:

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

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

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

(c) This section applies without regard to whether the officer investigates the collision [~~accident~~] at the location of the

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

[~~accident~~] and immediately after the crash [~~accident~~] or afterwards by interviewing those involved in the crash [~~accident~~] or witnesses to the crash [~~accident~~].

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

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

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

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

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

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

SENATE VERSION (CS)

collision [~~accident~~] and immediately after the collision [~~accident~~] or afterwards by interviewing those involved in the collision [~~accident~~] or witnesses to the collision [~~accident~~].

SECTION 55. Section 550.063, Transportation Code, is amended to read as follows:

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

SECTION 56. Section 550.064, Transportation Code, is amended to read as follows:

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

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in a crash [~~an accident~~] while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;
- (3) require a statement by a person described by Subdivision (2) as to the nature of the crash [~~accident~~]; and
- (4) include a way to designate whether an individual involved in a crash [~~an accident~~] wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code.

SECTION 62. Section 550.065, Transportation Code, is amended to read as follows:

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

- (1) a written report of a crash [~~an accident~~] required under:
 - (A) Section 550.062; or
 - (B) former Section 550.061 or 601.004 before September 1, 2017; or
 - (2) crash [~~accident~~] report information compiled under Section 201.806.
- (b) Except as provided by Subsection (c), (c-1), or (e), the information is privileged and for the confidential use of:
- (1) the department; and
 - (2) an agency of the United States, this state, or a local government of this state that has use for the information for crash [~~accident~~] prevention purposes.

SENATE VERSION (CS)

- (2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in a collision [~~an accident~~] while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;
- (3) require a statement by a person described by Subdivision (2) as to the nature of the collision [~~accident~~]; and
- (4) include a way to designate whether an individual involved in a collision [~~an accident~~] wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code.

SECTION 57. Section 550.065, Transportation Code, is amended to read as follows:

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

- (1) a written report of a collision [~~an accident~~] required under:
 - (A) Section 550.062; or
 - (B) former Section 550.061 or 601.004 before September 1, 2017; or
 - (2) collision [~~accident~~] report information compiled under Section 201.806.
- (b) Except as provided by Subsection (c), (c-1), or (e), the information is privileged and for the confidential use of:
- (1) the department; and
 - (2) an agency of the United States, this state, or a local government of this state that has use for the information for collision [~~accident~~] prevention purposes.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

- (1) an entity described by Subsection (b);
- (2) the law enforcement agency that employs the peace officer who investigated the crash [accident] and sent the information to the department, including an agent of the law enforcement agency authorized by contract to obtain the information;
- (3) the court in which a case involving a person involved in the crash [accident] is pending if the report is subpoenaed; or
- (4) any person directly concerned in the crash [accident] or having a proper interest therein, including:
 - (A) any person involved in the crash [accident];
 - (B) the authorized representative of any person involved in the crash [accident];
 - (C) a driver involved in the crash [accident];
 - (D) an employer, parent, or legal guardian of a driver involved in the crash [accident];
 - (E) the owner of a vehicle or property damaged in the crash [accident];
 - (F) a person who has established financial responsibility for a vehicle involved in the crash [accident] in a manner described by Section 601.051, including a policyholder of a motor vehicle liability insurance policy covering the vehicle;
 - (G) an insurance company that issued an insurance policy covering a vehicle involved in the crash [accident];
 - (H) an insurance company that issued a policy covering any person involved in the crash [accident];

SENATE VERSION (CS)

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

- (1) an entity described by Subsection (b);
- (2) the law enforcement agency that employs the peace officer who investigated the collision [accident] and sent the information to the department, including an agent of the law enforcement agency authorized by contract to obtain the information;
- (3) the court in which a case involving a person involved in the collision [accident] is pending if the report is subpoenaed; or
- (4) any person directly concerned in the collision [accident] or having a proper interest therein, including:
 - (A) any person involved in the collision [accident];
 - (B) the authorized representative of any person involved in the collision [accident];
 - (C) a driver involved in the collision [accident];
 - (D) an employer, parent, or legal guardian of a driver involved in the collision [accident];
 - (E) the owner of a vehicle or property damaged in the collision [accident];
 - (F) a person who has established financial responsibility for a vehicle involved in the collision [accident] in a manner described by Section 601.051, including a policyholder of a motor vehicle liability insurance policy covering the vehicle;
 - (G) an insurance company that issued an insurance policy covering a vehicle involved in the collision [accident];
 - (H) an insurance company that issued a policy covering any person involved in the collision [accident];

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (I) a person under contract to provide claims or underwriting information to a person described by Paragraph (F), (G), or (H);
- (J) a radio or television station that holds a license issued by the Federal Communications Commission;
- (K) a newspaper that is:
- (i) a free newspaper of general circulation or qualified under Section 2051.044, Government Code, to publish legal notices;
 - (ii) published at least once a week; and
 - (iii) available and of interest to the general public in connection with the dissemination of news; or
- (L) any person who may sue because of death resulting from the crash [~~accident~~].
- (c-1) On receiving information to which this section applies, the department or the governmental entity that receives the information shall create a redacted crash [~~accident~~] report that may be requested by any person. The redacted crash [~~accident~~] report may not include the items of information described by Subsection (f)(2). A report released under this subsection is not considered personal information under Section 730.003.
- (d) The fee for a copy of the crash [~~accident~~] report is \$6. The copy may be certified by the department or the governmental entity for an additional fee of \$2. The department or the governmental entity may issue a certification that no report or information is on file for a fee of \$6.
- (e) In addition to the information required to be released under Subsection (c), the department may release:
- (1) crash [~~accident~~] report information compiled under Section 201.806; or

SENATE VERSION (CS)

- (I) a person under contract to provide claims or underwriting information to a person described by Paragraph (F), (G), or (H);
- (J) a radio or television station that holds a license issued by the Federal Communications Commission;
- (K) a newspaper that is:
- (i) a free newspaper of general circulation or qualified under Section 2051.044, Government Code, to publish legal notices;
 - (ii) published at least once a week; and
 - (iii) available and of interest to the general public in connection with the dissemination of news; or
- (L) any person who may sue because of death resulting from the collision [~~accident~~].
- (c-1) On receiving information to which this section applies, the department or the governmental entity that receives the information shall create a redacted collision [~~accident~~] report that may be requested by any person. The redacted collision [~~accident~~] report may not include the items of information described by Subsection (f)(2). A report released under this subsection is not considered personal information under Section 730.003.
- (d) The fee for a copy of the collision [~~accident~~] report is \$6. The copy may be certified by the department or the governmental entity for an additional fee of \$2. The department or the governmental entity may issue a certification that no report or information is on file for a fee of \$6.
- (e) In addition to the information required to be released under Subsection (c), the department may release:
- (1) collision [~~accident~~] report information compiled under Section 201.806; or

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (2) a vehicle identification number and specific crash [~~accident~~] information relating to that vehicle.
- (f) The department when releasing information under Subsection (c-1) or (e):
- (1) may not release personal information, as defined by Section 730.003; and
- (2) shall withhold or redact the following items:
- (A) the first, middle, and last name of any person listed in a crash [~~an accident~~] report, including a vehicle driver, occupant, owner, or lessee, a bicyclist, a pedestrian, or a property owner;
- (B) the number of any driver's license, commercial driver's license, or personal identification certificate issued to any person listed in a crash [~~an accident~~] report;
- (C) the date of birth, other than the year, of any person listed in a crash [~~an accident~~] report;
- (D) the address, other than zip code, and telephone number of any person listed in a crash [~~an accident~~] report;
- (E) the license plate number of any vehicle listed in a crash [~~an accident~~] report;
- (F) the name of any insurance company listed as a provider of financial responsibility for a vehicle listed in a crash [~~an accident~~] report;
- (G) the number of any insurance policy issued by an insurance company listed as a provider of financial responsibility;
- (H) the date the peace officer who investigated the crash [~~accident~~] was notified of the crash [~~accident~~];
- (I) the date the investigating peace officer arrived at the crash [~~accident~~] site;
- (J) the badge number or identification number of the investigating officer;

SENATE VERSION (CS)

- (2) a vehicle identification number and specific collision [~~accident~~] information relating to that vehicle.
- (f) The department when releasing information under Subsection (c-1) or (e):
- (1) may not release personal information, as defined by Section 730.003; and
- (2) shall withhold or redact the following items:
- (A) the first, middle, and last name of any person listed in a collision [~~an accident~~] report, including a vehicle driver, occupant, owner, or lessee, a bicyclist, a pedestrian, or a property owner;
- (B) the number of any driver's license, commercial driver's license, or personal identification certificate issued to any person listed in a collision [~~an accident~~] report;
- (C) the date of birth, other than the year, of any person listed in a collision [~~an accident~~] report;
- (D) the address, other than zip code, and telephone number of any person listed in a collision [~~an accident~~] report;
- (E) the license plate number of any vehicle listed in a collision [~~an accident~~] report;
- (F) the name of any insurance company listed as a provider of financial responsibility for a vehicle listed in a collision [~~an accident~~] report;
- (G) the number of any insurance policy issued by an insurance company listed as a provider of financial responsibility;
- (H) the date the peace officer who investigated the collision [~~accident~~] was notified of the collision [~~accident~~];
- (I) the date the investigating peace officer arrived at the collision [~~accident~~] site;
- (J) the badge number or identification number of the investigating officer;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SECTION 63. Section 550.066, Transportation Code, is amended to read as follows:

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

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

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

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

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

SENATE VERSION (CS)

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

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

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

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

SECTION 58. Section 550.066, Transportation Code, is amended to read as follows:

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

SECTION 59. Section 550.067, Transportation Code, is amended to read as follows:

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

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

Sec. 550.068. CHANGING CRASH [~~ACCIDENT~~] REPORT. (a) Except as provided by Subsection (b), a change in or a modification of a written report of a motor vehicle crash [~~accident~~] prepared by a peace officer that alters a material fact in the report may be made only by the peace officer who prepared the report.

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

- (1) the change is made by a written supplement to the report; and
- (2) the written supplement clearly indicates the name of the person who originated the change.

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

SENATE VERSION (CS)

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

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

SECTION 60. Section 550.068, Transportation Code, is amended to read as follows:

Sec. 550.068. CHANGING COLLISION [~~ACCIDENT~~] REPORT. (a) Except as provided by Subsection (b), a change in or a modification of a written report of a motor vehicle collision [~~accident~~] prepared by a peace officer that alters a material fact in the report may be made only by the peace officer who prepared the report.

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

- (1) the change is made by a written supplement to the report; and
- (2) the written supplement clearly indicates the name of the person who originated the change.

SECTION 61. Sections 550.081(b) and (c), Transportation Code, are amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(1) to which this chapter applies; and
(2) that occurred within the jurisdiction of the medical examiner or justice of the peace in the preceding calendar quarter.

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

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

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

(1) to which this chapter applies; and
(2) that occurred within the jurisdiction of the medical examiner or justice of the peace in the preceding calendar quarter.

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

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

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

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

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

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

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

SECTION 62. Section 601.002(3), Transportation Code, is amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (A) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and
- (B) arises out of the ownership, maintenance, or use of a motor vehicle.

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

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

- (1) the total amount credited on one or more judgments for bodily injury to or death of one person resulting from one crash [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(~~a~~)(1) to establish financial responsibility;
- (2) the total amount credited on one or more judgments for bodily injury to or death of two or more persons resulting from one crash [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(~~a~~)(2) to establish financial responsibility; or
- (3) the total amount credited on one or more judgments for damage to or destruction of property of another resulting from one crash [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(~~a~~)(3) to establish financial responsibility.

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

Sec. 601.006. APPLICABILITY TO CERTAIN OWNERS AND OPERATORS. If an owner or operator of a motor vehicle involved in a crash [~~an accident~~] in this state does not

SENATE VERSION (CS)

- (A) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and
- (B) arises out of the ownership, maintenance, or use of a motor vehicle.

SECTION 63. Section 601.003(b), Transportation Code, is amended to read as follows:

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

- (1) the total amount credited on one or more judgments for bodily injury to or death of one person resulting from one collision [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(1) [~~601.072(a)(1)~~] to establish financial responsibility;
- (2) the total amount credited on one or more judgments for bodily injury to or death of two or more persons resulting from one collision [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(2) [~~601.072(a)(2)~~] to establish financial responsibility; or
- (3) the total amount credited on one or more judgments for damage to or destruction of property of another resulting from one collision [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(3) [~~601.072(a)(3)~~] to establish financial responsibility.

SECTION 64. Section 601.006, Transportation Code, is amended to read as follows:

Sec. 601.006. APPLICABILITY TO CERTAIN OWNERS AND OPERATORS. If an owner or operator of a motor vehicle involved in a collision [~~an accident~~] in this state does

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

have a driver's license or vehicle registration or is a nonresident, the person may not be issued a driver's license or registration until the person has complied with this chapter to the same extent that would be necessary if, at the time of the crash [~~accident~~], the person had a driver's license or registration.

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

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

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

- (1) obtain authorization to write motor vehicle liability insurance in the other state or the province; or
- (2) execute a power of attorney directing the appropriate official in the other state or the province to accept on the company's behalf service of notice or process in an action under the policy arising out of a crash [~~an accident~~].

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

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle

SENATE VERSION (CS)

not have a driver's license or vehicle registration or is a nonresident, the person may not be issued a driver's license or registration until the person has complied with this chapter to the same extent that would be necessary if, at the time of the collision [~~accident~~], the person had a driver's license or registration.

SECTION 65. Sections 601.009(b) and (c), Transportation Code, are amended to read as follows:

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

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

- (1) obtain authorization to write motor vehicle liability insurance in the other state or the province; or
- (2) execute a power of attorney directing the appropriate official in the other state or the province to accept on the company's behalf service of notice or process in an action under the policy arising out of a collision [~~an accident~~].

SECTION 66. Section 601.053(a), Transportation Code, is amended to read as follows:

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in a crash ~~[an accident]~~ with the operator evidence of financial responsibility by exhibiting:

- (1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;
- (2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;
- (2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;
- (3) an insurance binder that confirms the operator is in compliance with this chapter;
- (4) a surety bond certificate issued under Section 601.121;
- (5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;
- (6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or
- (7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

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

- (e) The department may not act under Subsection (a)(1) or (2) if:
- (1) an action for damages on a liability covered by the evidence of financial responsibility is pending;

SENATE VERSION (CS)

on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in a collision ~~[an accident]~~ with the operator evidence of financial responsibility by exhibiting:

- (1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;
- (2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;
- (2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;
- (3) an insurance binder that confirms the operator is in compliance with this chapter;
- (4) a surety bond certificate issued under Section 601.121;
- (5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;
- (6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or
- (7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

SECTION 67. Section 601.056(e), Transportation Code, is amended to read as follows:

- (e) The department may not act under Subsection (a)(1) or (2) if:
- (1) an action for damages on a liability covered by the evidence of financial responsibility is pending;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(2) a judgment for damages on a liability covered by the evidence of financial responsibility is not satisfied; or
(3) the person for whom the bond has been filed or for whom money or securities have been deposited has, within the two years preceding the request for cancellation or return of the evidence of financial responsibility, been involved as an operator or owner in a motor vehicle **crash** [~~accident~~] resulting in bodily injury to, or property damage to the property of, another person.

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

(2) a judgment for damages on a liability covered by the evidence of financial responsibility is not satisfied; or
(3) the person for whom the bond has been filed or for whom money or securities have been deposited has, within the two years preceding the request for cancellation or return of the evidence of financial responsibility, been involved as an operator or owner in a motor vehicle **collision** [~~accident~~] resulting in bodily injury to, or property damage to the property of, another person.

SECTION 68. Sections 601.072(a-1) and (b), Transportation Code, are amended to read as follows:

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

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

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

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

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

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

(c) The self-insurer must supplement the certificate with an agreement that, for crashes [~~accidents~~] occurring while the certificate is in force, the self-insurer will pay the same

SENATE VERSION (CS)

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

SECTION 69. Section 601.084(c), Transportation Code, is amended to read as follows:

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

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

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

SECTION 70. Section 601.086, Transportation Code, is amended to read as follows:

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

SECTION 71. Section 601.124(c), Transportation Code, is amended to read as follows:

(c) The self-insurer must supplement the certificate with an agreement that, for collisions [~~accidents~~] occurring while the certificate is in force, the self-insurer will pay the same

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

judgments in the same amounts as an insurer would be obligated to pay under an owner's motor vehicle liability insurance policy issued to the self-insurer if such policy were issued.

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

SUBCHAPTER F. SECURITY FOLLOWING CRASH [ACCIDENT]

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

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

(b) This subchapter does not apply to:

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

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

(3) an owner or operator whose liability for damages resulting from the crash [accident], in the judgment of the department, is covered by another liability insurance policy or bond;

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

SENATE VERSION (CS)

judgments in the same amounts as an insurer would be obligated to pay under an owner's motor vehicle liability insurance policy issued to the self-insurer if such policy were issued.

SECTION 72. The heading to Subchapter F, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER F. SECURITY FOLLOWING COLLISION [ACCIDENT]

SECTION 73. Section 601.151, Transportation Code, is amended to read as follows:

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

(b) This subchapter does not apply to:

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

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

(3) an owner or operator whose liability for damages resulting from the collision [accident], in the judgment of the department, is covered by another liability insurance policy or bond;

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

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

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

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

SECTION 74. Section 601.152(a), Transportation Code, is amended to read as follows:

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

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

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

SECTION 75. Sections 601.154(a), (c), and (d), Transportation Code, are amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

- (1) a report of an investigating officer; and
 - (2) an affidavit of a person who has knowledge of the facts.
- (d) The department shall make the determination required by Subsection (a) only if the department has not received, before the 21st day after the date the department receives a report of a motor vehicle crash [~~accident~~], satisfactory evidence that the owner or operator has:
- (1) been released from liability;
 - (2) been finally adjudicated not to be liable; or
 - (3) executed an acknowledged written agreement providing for the payment of an agreed amount in installments for all claims for injuries or damages resulting from the crash [~~accident~~].

SECTION 81. Section 601.155(b), Transportation Code, is amended to read as follows:

- (b) The notice must state that:
- (1) the person's driver's license and vehicle registration or the person's nonresident's operating privilege will be suspended unless the person, not later than the 20th day after the date the notice was personally served or sent, establishes that:
- (A) this subchapter does not apply to the person, and the person has previously provided this information to the department; or

SENATE VERSION (CS)

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

- (1) a report of an investigating officer; and
 - (2) an affidavit of a person who has knowledge of the facts.
- (d) The department shall make the determination required by Subsection (a) only if the department has not received, before the 21st day after the date the department receives a report of a motor vehicle collision [~~accident~~], satisfactory evidence that the owner or operator has:
- (1) been released from liability;
 - (2) been finally adjudicated not to be liable; or
 - (3) executed an acknowledged written agreement providing for the payment of an agreed amount in installments for all claims for injuries or damages resulting from the collision [~~accident~~].

SECTION 76. Section 601.155(b), Transportation Code, is amended to read as follows:

- (b) The notice must state that:
- (1) the person's driver's license and vehicle registration or the person's nonresident's operating privilege will be suspended unless the person, not later than the 20th day after the date the notice was personally served or sent, establishes that:
- (A) this subchapter does not apply to the person, and the person has previously provided this information to the department; or

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(b) The judge at the hearing shall determine:

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

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

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

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

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

(a) The suspension of a driver's license, vehicle registration, or nonresident's operating privilege under this subchapter remains in effect, the license, registration, or privilege may

SENATE VERSION (CS)

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

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

SECTION 77. Section 601.157(b), Transportation Code, is amended to read as follows:

(b) The judge at the hearing shall determine:

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

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

SECTION 78. Section 601.158(a), Transportation Code, is amended to read as follows:

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

SECTION 79. Section 601.162(a), Transportation Code, is amended to read as follows:

(a) The suspension of a driver's license, vehicle registration, or nonresident's operating privilege under this subchapter remains in effect, the license, registration, or privilege may

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

not be renewed, and a license or vehicle registration may not be issued to the holder of the suspended license, registration, or privilege, until:

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

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

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

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

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

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

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

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

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

(a) The department may reduce the amount of security ordered in a case within six months after the date of the crash

SENATE VERSION (CS)

not be renewed, and a license or vehicle registration may not be issued to the holder of the suspended license, registration, or privilege, until:

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

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

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

(A) a release from liability for claims arising out of the collision [accident];

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

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

SECTION 80. Section 601.163(b), Transportation Code, is amended to read as follows:

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

SECTION 81. Section 601.164(a), Transportation Code, is amended to read as follows:

(a) The department may reduce the amount of security ordered in a case within six months after the date of the

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

[~~accident~~] if, in the department's judgment, the amount is excessive.

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

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

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

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

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

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

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

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

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

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

(A) a release of liability;

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

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

(2) reasonable evidence is provided to the department after the second anniversary of the date of the ~~crash~~ [~~accident~~] that

SENATE VERSION (CS)

~~collision~~ [~~accident~~] if, in the department's judgment, the amount is excessive.

SECTION 82. Section 601.166, Transportation Code, is amended to read as follows:

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

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

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

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

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

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

SECTION 83. Section 601.167, Transportation Code, is amended to read as follows:

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

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

(A) a release of liability;

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

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

(2) reasonable evidence is provided to the department after the second anniversary of the date of the ~~collision~~ [~~accident~~] that

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(b) A bond or motor vehicle liability insurance policy issued by a surety company or insurance company that is not authorized to do business in this state is effective under this subchapter only if:

- (1) the bond or policy is issued for a motor vehicle that:
 - (A) is not registered in this state; or
 - (B) was not registered in this state on the effective date of the most recent renewal of the policy; and
- (2) the surety company or insurance company executes a power of attorney authorizing the department to accept on the company's behalf service of notice or process in an action arising out of the crash [~~accident~~] on the bond or policy.

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

Sec. 601.169. REASONABLE PROBABILITY NOT ADMISSIBLE IN CIVIL SUIT. A determination under Section 601.154 or 601.157 that there is a reasonable probability that a judgment will be rendered against a person as a result of a crash [~~an accident~~] may not be introduced in

SENATE VERSION (CS)

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

SECTION 84. Section 601.168(b), Transportation Code, is amended to read as follows:

(b) A bond or motor vehicle liability insurance policy issued by a surety company or insurance company that is not authorized to do business in this state is effective under this subchapter only if:

- (1) the bond or policy is issued for a motor vehicle that:
 - (A) is not registered in this state; or
 - (B) was not registered in this state on the effective date of the most recent renewal of the policy; and
- (2) the surety company or insurance company executes a power of attorney authorizing the department to accept on the company's behalf service of notice or process in an action arising out of the collision [~~accident~~] on the bond or policy.

SECTION 85. Section 601.169, Transportation Code, is amended to read as follows:

Sec. 601.169. REASONABLE PROBABILITY NOT ADMISSIBLE IN CIVIL SUIT. A determination under Section 601.154 or 601.157 that there is a reasonable probability that a judgment will be rendered against a person as a result of a collision [~~an accident~~] may not be introduced

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

evidence in a suit for damages arising from that crash [~~accident~~].

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

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

- (1) is not registered in this state; and
- (2) is involved in a motor vehicle crash [~~accident~~] in this state that results in bodily injury, death, or damage to the property of one person to an apparent extent of at least \$500.

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

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

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

- (b) The magistrate shall conduct an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in the crash [~~accident~~].
- (c) If the magistrate determines that there is a reasonable possibility that a judgment will be rendered against the person for bodily injury, death, or property damage sustained

SENATE VERSION (CS)

in evidence in a suit for damages arising from that collision [~~accident~~].

SECTION 86. Section 601.291, Transportation Code, is amended to read as follows:

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

- (1) is not registered in this state; and
- (2) is involved in a motor vehicle collision [~~accident~~] in this state that results in bodily injury, death, or damage to the property of one person to an apparent extent of at least \$500.

SECTION 87. Section 601.292, Transportation Code, is amended to read as follows:

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

SECTION 88. Sections 601.293(b), (c), and (d), Transportation Code, are amended to read as follows:

- (b) The magistrate shall conduct an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in the collision [~~accident~~].
- (c) If the magistrate determines that there is a reasonable possibility that a judgment will be rendered against the person for bodily injury, death, or property damage sustained

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

in the crash [accident], the magistrate shall order the person to provide:

- (1) evidence of financial responsibility for the bodily injury, death, or property damage; or
- (2) evidence that the person is exempt from the requirement of Section 601.051.
- (d) A determination of negligence or liability under Subsection (c) does not act as collateral estoppel on an issue in a criminal or civil adjudication arising from the crash [accident].

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

Sec. 601.294. IMPOUNDMENT OF MOTOR VEHICLE. If a person to whom this subchapter applies does not provide evidence required under Section 601.293(c), the magistrate shall enter an order directing the sheriff of the county or the chief of police of the municipality to impound the motor vehicle owned or operated by the person that was involved in the crash [accident].

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

- (a) The department shall issue a certificate of release of an impounded motor vehicle to the owner, operator, or person authorized by the owner on submission to the department of:
 - (1) evidence of financial responsibility under Section 601.053 that shows that at the time of the crash [accident] the vehicle was in compliance with Section 601.051 or was exempt from the requirement of Section 601.051;

SENATE VERSION (CS)

in the collision [accident], the magistrate shall order the person to provide:

- (1) evidence of financial responsibility for the bodily injury, death, or property damage; or
- (2) evidence that the person is exempt from the requirement of Section 601.051.
- (d) A determination of negligence or liability under Subsection (c) does not act as collateral estoppel on an issue in a criminal or civil adjudication arising from the collision [accident].

SECTION 89. Section 601.294, Transportation Code, is amended to read as follows:

Sec. 601.294. IMPOUNDMENT OF MOTOR VEHICLE. If a person to whom this subchapter applies does not provide evidence required under Section 601.293(c), the magistrate shall enter an order directing the sheriff of the county or the chief of police of the municipality to impound the motor vehicle owned or operated by the person that was involved in the collision [accident].

SECTION 90. Section 601.296(a), Transportation Code, is amended to read as follows:

- (a) The department shall issue a certificate of release of an impounded motor vehicle to the owner, operator, or person authorized by the owner on submission to the department of:
 - (1) evidence of financial responsibility under Section 601.053 that shows that at the time of the collision [accident] the vehicle was in compliance with Section 601.051 or was exempt from the requirement of Section 601.051;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

(b) The department may not suspend the driver's license, vehicle registrations, or nonresident's operating privilege, and shall reinstate a license, registration, or privilege that has

SENATE VERSION (CS)

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

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

SECTION 91. Section 601.333, Transportation Code, is amended to read as follows:

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

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

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

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

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

(b) The department may not suspend the driver's license, vehicle registrations, or nonresident's operating privilege, and shall reinstate a license, registration, or privilege that has

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

been suspended, if it is satisfied from the documents filed under Subsection (a) that:

- (1) there was a motor vehicle liability insurance policy in effect for the vehicle at the time of the ~~crash~~ ~~[accident]~~;
- (2) the insurance company that issued the policy was authorized to issue the policy in this state at the time the policy was issued; and
- (3) the insurance company is liable to pay the judgment to the extent and for the amounts required by this chapter.

SECTION 97. Section 622.954(a), Transportation Code, is amended to read as follows:

- (a) A permit is not required to exceed the weight limitations of Section 621.101 by a combination of a tow truck and another vehicle or vehicle combination if:
- (1) the nature of the service provided by the tow truck is needed to remove disabled, abandoned, or ~~crash-damaged~~ ~~[accident-damaged]~~ vehicles; and
 - (2) the tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair, terminal, or vehicle storage facility.

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

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

SENATE VERSION (CS)

been suspended, if it is satisfied from the documents filed under Subsection (a) that:

- (1) there was a motor vehicle liability insurance policy in effect for the vehicle at the time of the ~~collision~~ ~~[accident]~~;
- (2) the insurance company that issued the policy was authorized to issue the policy in this state at the time the policy was issued; and
- (3) the insurance company is liable to pay the judgment to the extent and for the amounts required by this chapter.

SECTION 92. Section 622.954(a), Transportation Code, is amended to read as follows:

- (a) A permit is not required to exceed the weight limitations of Section 621.101 by a combination of a tow truck and another vehicle or vehicle combination if:
- (1) the nature of the service provided by the tow truck is needed to remove disabled, abandoned, or ~~collision-damaged~~ ~~[accident-damaged]~~ vehicles; and
 - (2) the tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair, terminal, or vehicle storage facility.

SECTION 93. Section 623.0172(1), Transportation Code, is amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) the weight and configuration of vehicles operating under a permit under this section that are involved in a motor vehicle ~~crash~~ [accident];
- (2) the types of vehicles operating under a permit issued under this section;
- (3) traffic volumes and variations of vehicles operating under a permit issued under this section;
- (4) weigh-in-motion data for highways located in and around the area described by Subsection (c);
- (5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Subsection (c); and
- (6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this section.

SECTION 99. Section 623.410, Transportation Code, is amended to read as follows:

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

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

SENATE VERSION (CS)

- (1) the weight and configuration of vehicles operating under a permit under this section that are involved in a motor vehicle ~~collision~~ [accident];
- (2) the types of vehicles operating under a permit issued under this section;
- (3) traffic volumes and variations of vehicles operating under a permit issued under this section;
- (4) weigh-in-motion data for highways located in and around the area described by Subsection (c);
- (5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Subsection (c); and
- (6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this section.

SECTION 94. Section 623.410, Transportation Code, is amended to read as follows:

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (2) the types of vehicles operating under a permit issued under this subchapter;
- (3) traffic volumes and variations of vehicles operating under a permit issued under this subchapter;
- (4) weigh-in-motion data for highways and roads located in and around the area described by Section 623.405(b);
- (5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Section 623.405(b); and
- (6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this subchapter.

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

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

- (1) evidence of insurance as required by Section 643.103; and
- (2) an affidavit that:
 - (A) indicates that a **crash** [~~an accident~~] from which the carrier may incur liability did not occur while the coverage was not in effect; or

SENATE VERSION (CS)

- (2) the types of vehicles operating under a permit issued under this subchapter;
- (3) traffic volumes and variations of vehicles operating under a permit issued under this subchapter;
- (4) weigh-in-motion data for highways and roads located in and around the area described by Section 623.405(b);
- (5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Section 623.405(b); and
- (6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this subchapter.

SECTION 95. Section 643.105, Transportation Code, is amended to read as follows:

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

- (1) evidence of insurance as required by Section 643.103; and
- (2) an affidavit that:
 - (A) indicates that a **collision** [~~an accident~~] from which the carrier may incur liability did not occur while the coverage was not in effect; or

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

SENATE VERSION (CS)

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

SECTION 96. Section 644.151(b-1), Transportation Code, is amended to read as follows:

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

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

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

SECTION 97. Sections 661.003(c) and (i), Transportation Code, are amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

to wear protective headgear has successfully completed a motorcycle operator training and safety course or is covered by a health insurance plan as described by this subsection.

(i) In this section, "health insurance plan" means an individual, group, blanket, or franchise insurance policy, insurance agreement, evidence of coverage, group hospital services contract, health maintenance organization membership, or employee benefit plan that provides benefits for health care services or for medical or surgical expenses incurred as a result of a crash [~~an accident~~].

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

to wear protective headgear has successfully completed a motorcycle operator training and safety course or is covered by a health insurance plan as described by this subsection.

(i) In this section, "health insurance plan" means an individual, group, blanket, or franchise insurance policy, insurance agreement, evidence of coverage, group hospital services contract, health maintenance organization membership, or employee benefit plan that provides benefits for health care services or for medical or surgical expenses incurred as a result of a collision [~~an accident~~].

SECTION 98. Section 686.001(1), Transportation Code, is amended to read as follows:

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

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

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

SECTION 99. Section 686.004(a), Transportation Code, is amended to read as follows:

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

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(3) \$50,000 for damage to or destruction of property of others in one crash [~~accident~~].

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

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

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

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

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

- (1) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and
- (2) 20 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of crashes [~~accidents~~] resulting from traffic offenses.

SENATE VERSION (CS)

(3) \$50,000 for damage to or destruction of property of others in one collision [~~accident~~].

SECTION 100. Section 686.005, Transportation Code, is amended to read as follows:

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

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

SECTION 101. Section 709.002(e), Transportation Code, is amended to read as follows:

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

- (1) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and
- (2) 20 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of collisions [~~accidents~~] resulting from traffic offenses.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(a) The governor shall:

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

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

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

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

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

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

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

(2) plans for improving:

(A) driver licensing;

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

(C) vehicle inspection, registration, and titling;

(D) traffic engineering;

(E) personnel;

(F) police traffic supervision;

(G) traffic courts;

(H) highway design; and

SENATE VERSION (CS)

SECTION 102. Section 723.011(a), Transportation Code, is amended to read as follows:

(a) The governor shall:

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

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

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

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

SECTION 103. Section 723.012, Transportation Code, is amended to read as follows:

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

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

(2) plans for improving:

(A) driver licensing;

(B) collision [~~accident~~] records;

(C) vehicle inspection, registration, and titling;

(D) traffic engineering;

(E) personnel;

(F) police traffic supervision;

(G) traffic courts;

(H) highway design; and

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (I) uniform traffic laws; and
- (3) plans for local traffic safety programs by legal and political subdivisions of this state that may be implemented if the programs:
 - (A) are approved by the governor; and
 - (B) conform with uniform standards adopted under the Highway Safety Act of 1966 (23 U.S.C. Sec. 401 et seq.).

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

- (a) The statewide driver education and training program required by Section 723.012 shall provide for:
 - (1) rules that permit controlled innovation and experimentation and that set minimum standards for:
 - (A) classroom instruction;
 - (B) driving skills training;
 - (C) instructor qualifications;
 - (D) program content; and
 - (E) supplementary materials and equipment;
 - (2) a method for continuing evaluation of approved driver education and training programs to identify the practices most effective in preventing traffic crashes [~~accidents~~]; and
 - (3) contracts between the governing bodies of centrally located independent school districts or other appropriate public or private agencies and the state to provide approved driver education and training programs.

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

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

SENATE VERSION (CS)

- (I) uniform traffic laws; and
- (3) plans for local traffic safety programs by legal and political subdivisions of this state that may be implemented if the programs:
 - (A) are approved by the governor; and
 - (B) conform with uniform standards adopted under the Highway Safety Act of 1966 (23 U.S.C. Sec. 401 et seq.).

SECTION 104. Section 723.013(a), Transportation Code, is amended to read as follows:

- (a) The statewide driver education and training program required by Section 723.012 shall provide for:
 - (1) rules that permit controlled innovation and experimentation and that set minimum standards for:
 - (A) classroom instruction;
 - (B) driving skills training;
 - (C) instructor qualifications;
 - (D) program content; and
 - (E) supplementary materials and equipment;
 - (2) a method for continuing evaluation of approved driver education and training programs to identify the practices most effective in preventing traffic collisions [~~accidents~~]; and
 - (3) contracts between the governing bodies of centrally located independent school districts or other appropriate public or private agencies and the state to provide approved driver education and training programs.

SECTION 105. Sections 724.012(a-1) and (b), Transportation Code, are amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) the officer arrests the person for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle or a watercraft;
 - (2) the person refuses the officer's request to submit to the taking of a specimen voluntarily;
 - (3) the person was the operator of a motor vehicle or a watercraft involved in a crash [~~an accident~~] that the officer reasonably believes occurred as a result of the offense; and
- (4) at the time of the arrest, the officer reasonably believes that as a direct result of the crash [~~accident~~] any individual has died, will die, or has suffered serious bodily injury.
- (b) Subject to Subsection (a-1), a peace officer shall require the taking of a specimen of the person's breath or blood under any of the following circumstances if the officer arrests the person for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle or a watercraft and the person refuses the officer's request to submit to the taking of a specimen voluntarily:
- (1) the person was the operator of a motor vehicle or a watercraft involved in a crash [~~an accident~~] that the officer reasonably believes occurred as a result of the offense and, at the time of the arrest, the officer reasonably believes that as a direct result of the crash [~~accident~~] an individual other than the person has suffered bodily injury and been transported to a hospital or other medical facility for medical treatment;
 - (2) the offense for which the officer arrests the person is an offense under Section 49.045, Penal Code; or
 - (3) at the time of the arrest, the officer possesses or receives reliable information from a credible source that the person:

SENATE VERSION (CS)

- (1) the officer arrests the person for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle or a watercraft;
 - (2) the person refuses the officer's request to submit to the taking of a specimen voluntarily;
 - (3) the person was the operator of a motor vehicle or a watercraft involved in a collision [~~an accident~~] that the officer reasonably believes occurred as a result of the offense; and
- (4) at the time of the arrest, the officer reasonably believes that as a direct result of the collision [~~accident~~] any individual has died, will die, or has suffered serious bodily injury.
- (b) Subject to Subsection (a-1), a peace officer shall require the taking of a specimen of the person's breath or blood under any of the following circumstances if the officer arrests the person for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle or a watercraft and the person refuses the officer's request to submit to the taking of a specimen voluntarily:
- (1) the person was the operator of a motor vehicle or a watercraft involved in a collision [~~an accident~~] that the officer reasonably believes occurred as a result of the offense and, at the time of the arrest, the officer reasonably believes that as a direct result of the collision [~~accident~~] an individual other than the person has suffered bodily injury and been transported to a hospital or other medical facility for medical treatment;
 - (2) the offense for which the officer arrests the person is an offense under Section 49.045, Penal Code; or
 - (3) at the time of the arrest, the officer possesses or receives reliable information from a credible source that the person:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(A) has been previously convicted of or placed on community supervision for an offense under Section 49.045, 49.07, or 49.08, Penal Code, or an offense under the laws of another state containing elements substantially similar to the elements of an offense under those sections; or
(B) on two or more occasions, has been previously convicted of or placed on community supervision for an offense under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an offense under the laws of another state containing elements substantially similar to the elements of an offense under those sections.

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

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

- (1) requiring each resident of the municipality, including a corporation having its principal office or place of business in the municipality, who owns a motor vehicle used for the transportation of persons or property and each person operating a motor vehicle on the public thoroughfares of the municipality to have each motor vehicle owned or operated, as appropriate, tested and inspected not more than four times in each calendar year;
- (2) requiring each motor vehicle involved in a **crash** [~~an accident~~] to be tested and inspected before it may be operated on the public thoroughfares of the municipality; or
- (3) requiring that a motor vehicle operated on the public thoroughfares of the municipality be tested, inspected, and approved by the testing and inspecting authority.

SENATE VERSION (CS)

(A) has been previously convicted of or placed on community supervision for an offense under Section 49.045, 49.07, or 49.08, Penal Code, or an offense under the laws of another state containing elements substantially similar to the elements of an offense under those sections; or
(B) on two or more occasions, has been previously convicted of or placed on community supervision for an offense under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an offense under the laws of another state containing elements substantially similar to the elements of an offense under those sections.

SECTION 106. Section 726.002, Transportation Code, is amended to read as follows:

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

- (1) requiring each resident of the municipality, including a corporation having its principal office or place of business in the municipality, who owns a motor vehicle used for the transportation of persons or property and each person operating a motor vehicle on the public thoroughfares of the municipality to have each motor vehicle owned or operated, as appropriate, tested and inspected not more than four times in each calendar year;
- (2) requiring each motor vehicle involved in a **collision** [~~an accident~~] to be tested and inspected before it may be operated on the public thoroughfares of the municipality; or
- (3) requiring that a motor vehicle operated on the public thoroughfares of the municipality be tested, inspected, and approved by the testing and inspecting authority.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

- (A) a record that pertains to a motor carrier; or
- (B) a **crash** [~~an accident~~] report prepared under:
 - (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, date of birth, driver identification number, name, address, but not the zip code, e-mail address, telephone number, and medical or disability information. The term does not include:

- (A) information on vehicle **crashes** [~~accidents~~], driving or equipment-related violations, or driver's license or registration status; or
- (B) information contained in a **crash** [~~an accident~~] report prepared under:
 - (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017.

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

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

SENATE VERSION (CS)

SECTION 107. Sections 730.003(4) and (6), Transportation Code, are amended to read as follows:

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

- (A) a record that pertains to a motor carrier; or
- (B) a **collision** [~~an accident~~] report prepared under:
 - (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, date of birth, driver identification number, name, address, but not the zip code, e-mail address, telephone number, and medical or disability information. The term does not include:

- (A) information on vehicle **collisions** [~~accidents~~], driving or equipment-related violations, or driver's license or registration status; or
- (B) information contained in a **collision** [~~an accident~~] report prepared under:
 - (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017.

SECTION 108. Section 1006.153(e), Transportation Code, is amended to read as follows:

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) 20 percent shall be appropriated to the authority for the purposes of this chapter;
- (2) 20 percent shall be deposited to the credit of the general revenue fund, to be used only for criminal justice purposes; and
- (3) 60 percent shall be deposited to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of crashes [~~accidents~~] resulting from traffic offenses.

SECTION 114. The heading to Chapter 504, Business & Commerce Code, is amended to read as follows:
CHAPTER 504. PROHIBITED USE OF CRIME VICTIM OR MOTOR VEHICLE CRASH [~~ACCIDENT~~] INFORMATION

SECTION 115. Section 504.001(2), Business & Commerce Code, is amended to read as follows:
(2) "Motor vehicle crash [~~accident~~] information" means information that:
(A) is collected or prepared by a law enforcement agency; and
(B) identifies or serves to identify a person who, according to a record of the agency, may have been involved in a motor vehicle crash [~~accident~~].

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

SENATE VERSION (CS)

- (1) 20 percent shall be appropriated to the authority for the purposes of this chapter;
- (2) 20 percent shall be deposited to the credit of the general revenue fund, to be used only for criminal justice purposes; and
- (3) 60 percent shall be deposited to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of collisions [~~accidents~~] resulting from traffic offenses.

SECTION 109. The heading to Chapter 504, Business & Commerce Code, is amended to read as follows:
CHAPTER 504. PROHIBITED USE OF CRIME VICTIM OR MOTOR VEHICLE COLLISION [~~ACCIDENT~~] INFORMATION

SECTION 110. Section 504.001(2), Business & Commerce Code, is amended to read as follows:
(2) "Motor vehicle collision [~~accident~~] information" means information that:
(A) is collected or prepared by a law enforcement agency; and
(B) identifies or serves to identify a person who, according to a record of the agency, may have been involved in a motor vehicle collision [~~accident~~].

SECTION 111. Section 504.002(a), Business & Commerce Code, is amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(A) a crime victim;

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

(C) a member of the family of a person described by Paragraph (A) or (B); or

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

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

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

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

(e) This section does not apply to:

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

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

SENATE VERSION (CS)

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

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

(A) a crime victim;

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

(C) a member of the family of a person described by Paragraph (A) or (B); or

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

SECTION 112. Section 17.062(a), Civil Practice and Remedies Code, is amended to read as follows:

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

SECTION 113. Section 30.006(e), Civil Practice and Remedies Code, is amended to read as follows:

(e) This section does not apply to:

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 72.001. LIMITED LIABILITY. A person who is related to the owner or operator of a motor vehicle within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, and who is being transported in the motor vehicle over a public highway of this state as a guest without payment for the transportation has a cause of action against the owner or operator of the motor vehicle for injury, death, or loss in a crash [~~an accident~~] only if the crash [~~accident~~] was intentional on the part of the owner or operator or was caused by the owner's or operator's [~~his~~] heedlessness or reckless disregard of the rights of others.

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

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

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

(B) a defendant:

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

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

(4) "Commercial motor vehicle" means a motor vehicle being used for commercial purposes in interstate or intrastate

SENATE VERSION (CS)

SECTION 114. Section 72.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 72.001. LIMITED LIABILITY. A person who is related to the owner or operator of a motor vehicle within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, and who is being transported in the motor vehicle over a public highway of this state as a guest without payment for the transportation has a cause of action against the owner or operator of the motor vehicle for injury, death, or loss in a collision [~~an accident~~] only if the collision [~~accident~~] was intentional on the part of the owner or operator or was caused by the owner's or operator's [~~his~~] heedlessness or reckless disregard of the rights of others.

SECTION 115. Section 72.051, Civil Practice and Remedies Code, is amended by amending Subdivisions (2) and (4) and adding Subdivision (3-a) to read as follows:

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

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

(B) a defendant:

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

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

(3-a) "Collision" means an event in which operating a commercial motor vehicle causes bodily injury or death.

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

commerce to transport property or passengers, deliver or transport goods, or provide services. The term does not include a motor vehicle being used at the time of the crash [~~accident~~] for personal, family, or household purposes.

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

SECTION 121. The heading to Section 72.052, Civil Practice and Remedies Code, is amended to read as follows: Sec. 72.052. BIFURCATED TRIAL IN CERTAIN COMMERCIAL MOTOR VEHICLE CRASH [~~ACCIDENT~~] ACTIONS.

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

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

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

(c) In a civil action under this subchapter in which an employer defendant is regulated by the Motor Carrier Safety Improvement Act of 1999 (Pub. L. No. 106-159) or Chapter 644, Transportation Code, a party may present any of the following evidence in the first phase of a trial that is

SENATE VERSION (CS)

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

SECTION 116. The heading to Section 72.052, Civil Practice and Remedies Code, is amended to read as follows: Sec. 72.052. BIFURCATED TRIAL IN CERTAIN COMMERCIAL MOTOR VEHICLE COLLISION [~~ACCIDENT~~] ACTIONS.

SECTION 117. Sections 72.054(a), (c), (d), and (f), Civil Practice and Remedies Code, are amended to read as follows:

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

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

(c) In a civil action under this subchapter in which an employer defendant is regulated by the Motor Carrier Safety Improvement Act of 1999 (Pub. L. No. 106-159) or Chapter 644, Transportation Code, a party may present any of the following evidence in the first phase of a trial that is

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

bifurcated under Section 72.052 if applicable to a defendant in the action:

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

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

(B) was disqualified from driving the vehicle under 49 C.F.R. Section 383.51, 383.52, or 391.15 at the time of the crash [accident];

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

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

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

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

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

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

(I) provided the employer defendant with an application for employment as required by 49 C.F.R. Section 391.21(a) if the crash [accident] occurred on or before the first

SENATE VERSION (CS)

bifurcated under Section 72.052 if applicable to a defendant in the action:

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

(A) was licensed to drive the vehicle at the time of the collision [accident];

(B) was disqualified from driving the vehicle under 49 C.F.R. Section 383.51, 383.52, or 391.15 at the time of the collision [accident];

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

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

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

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

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

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

(I) provided the employer defendant with an application for employment as required by 49 C.F.R. Section 391.21(a) if the collision [accident] occurred on or before the first

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

anniversary of the date the employee began employment with the employer defendant; and

(J) refused to submit to a controlled substance test as required by 49 C.F.R. Section 382.303, 382.305, 382.307, 382.309, or 382.311 during the two years preceding the date of the crash [accident]; and

(2) whether the employer defendant:

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

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

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

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

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

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

(d) If a civil action is bifurcated under Section 72.052, evidence admissible under Subsection (c) is:

(1) admissible in the first phase of the trial only to prove ordinary negligent entrustment by the employer defendant to the employee who was driving the employer defendant's

SENATE VERSION (CS)

anniversary of the date the employee began employment with the employer defendant; and

(J) refused to submit to a controlled substance test as required by 49 C.F.R. Section 382.303, 382.305, 382.307, 382.309, or 382.311 during the two years preceding the date of the collision [accident]; and

(2) whether the employer defendant:

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

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

(i) the employee driver was impaired because of the use of a controlled substance at the time of the collision [accident]; and

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

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

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

(d) If a civil action is bifurcated under Section 72.052, evidence admissible under Subsection (c) is:

(1) admissible in the first phase of the trial only to prove ordinary negligent entrustment by the employer defendant to the employee who was driving the employer defendant's

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

commercial motor vehicle at the time of the crash [~~accident~~] that is the subject of the action; and

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

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

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

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

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

Sec. 72.055. ADMISSIBILITY OF VISUAL DEPICTIONS OF CRASH [~~ACCIDENT~~]. (a) In a civil action under this subchapter, a court may not require expert testimony for admission into evidence of a photograph or video of a vehicle or object involved in a crash [~~an accident~~] that is the subject of the action except as necessary to authenticate the photograph or video.

(b) If properly authenticated under the Texas Rules of Evidence, a photograph or video of a vehicle or object involved in a crash [~~an accident~~] that is the subject of a civil action under this subchapter is presumed admissible, even if

SENATE VERSION (CS)

commercial motor vehicle at the time of the collision [~~accident~~] that is the subject of the action; and

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

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

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

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

SECTION 118. Section 72.055, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 72.055. ADMISSIBILITY OF VISUAL DEPICTIONS OF COLLISION [~~ACCIDENT~~]. (a) In a civil action under this subchapter, a court may not require expert testimony for admission into evidence of a photograph or video of a vehicle or object involved in a collision [~~an accident~~] that is the subject of the action except as necessary to authenticate the photograph or video.

(b) If properly authenticated under the Texas Rules of Evidence, a photograph or video of a vehicle or object involved in a collision [~~an accident~~] that is the subject of a civil action under this subchapter is presumed admissible,

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

the photograph or video tends to support or refute an assertion regarding the severity of damages or injury to an object or person involved in the crash [~~accident~~].

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

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

(1) no limitation:

(A) murder and manslaughter;

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

(C) sexual assault, if:

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

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

(b) has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

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

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

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

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

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

SENATE VERSION (CS)

even if the photograph or video tends to support or refute an assertion regarding the severity of damages or injury to an object or person involved in the collision [~~accident~~].

SECTION 119. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

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

(1) no limitation:

(A) murder and manslaughter;

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

(C) sexual assault, if:

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

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

(b) has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

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

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

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

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

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(H) continuous trafficking of persons under Section 20A.03, Penal Code; or
(I) compelling prostitution under Section 43.05(a)(2), Penal Code;
(2) ten years from the date of the commission of the offense:
(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
(B) theft by a public servant of government property over which the public servant exercises control in the public servant's official capacity;
(C) forgery or the uttering, using, or passing of forged instruments;
(D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
(E) sexual assault, except as provided by Subdivision (1) or (7);
(F) arson;
(G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or
(H) compelling prostitution under Section 43.05(a)(1), Penal Code;
(3) seven years from the date of the commission of the offense:
(A) misapplication of fiduciary property or property of a financial institution;
(B) fraudulent securing of document execution;
(C) a felony violation under Chapter 162, Tax Code;
(D) false statement to obtain property or credit under Section 32.32, Penal Code;
(E) money laundering;

SENATE VERSION (CS)

(H) continuous trafficking of persons under Section 20A.03, Penal Code; or
(I) compelling prostitution under Section 43.05(a)(2), Penal Code;
(2) ten years from the date of the commission of the offense:
(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
(B) theft by a public servant of government property over which the public servant exercises control in the public servant's official capacity;
(C) forgery or the uttering, using, or passing of forged instruments;
(D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
(E) sexual assault, except as provided by Subdivision (1) or (7);
(F) arson;
(G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or
(H) compelling prostitution under Section 43.05(a)(1), Penal Code;
(3) seven years from the date of the commission of the offense:
(A) misapplication of fiduciary property or property of a financial institution;
(B) fraudulent securing of document execution;
(C) a felony violation under Chapter 162, Tax Code;
(D) false statement to obtain property or credit under Section 32.32, Penal Code;
(E) money laundering;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (F) credit card or debit card abuse under Section 32.31, Penal Code;
- (G) fraudulent use or possession of identifying information under Section 32.51, Penal Code;
- (H) exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;
- (I) health care fraud under Section 35A.02, Penal Code; or
- (J) bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6);
- (4) five years from the date of the commission of the offense:
 - (A) theft or robbery;
 - (B) except as provided by Subdivision (5), kidnapping or burglary;
 - (C) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
 - (D) abandoning or endangering a child; or
 - (E) insurance fraud;
- (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
 - (A) sexual performance by a child under Section 43.25, Penal Code;
 - (B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or
 - (C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit

SENATE VERSION (CS)

- (F) credit card or debit card abuse under Section 32.31, Penal Code;
- (G) fraudulent use or possession of identifying information under Section 32.51, Penal Code;
- (H) exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;
- (I) health care fraud under Section 35A.02, Penal Code; or
- (J) bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6);
- (4) five years from the date of the commission of the offense:
 - (A) theft or robbery;
 - (B) except as provided by Subdivision (5), kidnapping or burglary;
 - (C) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
 - (D) abandoning or endangering a child; or
 - (E) insurance fraud;
- (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
 - (A) sexual performance by a child under Section 43.25, Penal Code;
 - (B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or
 - (C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

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

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

(j) A justice of the peace may order a physician, qualified technician, paramedic, chemist, registered professional nurse, or licensed vocational nurse to take a specimen of blood from the body of a person who died as the result of a motor vehicle crash [~~accident~~] if the justice determines that

SENATE VERSION (CS)

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

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

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

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

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

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

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

SECTION 120. The heading to Article 42A.516, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 121. Article 49.10(j), Code of Criminal Procedure, is amended to read as follows:

(j) A justice of the peace may order a physician, qualified technician, paramedic, chemist, registered professional nurse, or licensed vocational nurse to take a specimen of blood from the body of a person who died as the result of a motor vehicle collision [~~accident~~] if the justice determines

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

circumstances indicate that the person may have been driving while intoxicated.

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

(3) "Crime of violence" means:

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

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

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

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

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

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

(1) the type of bus involved in the crash [~~accident~~];

(2) whether the bus was equipped with seat belts;

(3) the number of students and adults involved in the crash [~~accident~~];

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

SENATE VERSION (CS)

that circumstances indicate that the person may have been driving while intoxicated.

SECTION 122. Article 59.01(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Crime of violence" means:

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

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

SECTION 123. The heading to Section 34.015, Education Code, is amended to read as follows:

Sec. 34.015. REPORTING OF BUS COLLISIONS [~~ACCIDENTS~~].

SECTION 124. Section 34.015(b), Education Code, is amended to read as follows:

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

(1) the type of bus involved in the collision [~~accident~~];

(2) whether the bus was equipped with seat belts;

(3) the number of students and adults involved in the collision [~~accident~~];

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

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

- (1) traffic enforcement or traffic control duties, including enforcement of traffic laws, investigation of vehicle ~~crashes~~ ~~[accidents]~~, or directing traffic;
- (2) pursuit, arrest, or search of a person reasonably believed to have violated a law;
- (3) investigation, including undercover investigation, of a criminal act;
- (4) patrol duties, including automobile, bicycle, foot, air, or horse patrol;
- (5) duties related to the transfer of prisoners; or
- (6) training duties, including participation in any training required by the officer's employer or supervisor or by the Texas Commission on Law Enforcement.

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

- (b) A driver education course under Subsection (a) must:
- (1) provide at least the minimum number of hours of classroom instruction required by commission rule; and
 - (2) include instruction in:
 - (A) alcohol and drug awareness;
 - (B) the traffic laws of this state;

SENATE VERSION (CS)

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

SECTION 125. Section 54.352(g), Education Code, is amended to read as follows:

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

- (1) traffic enforcement or traffic control duties, including enforcement of traffic laws, investigation of vehicle ~~collisions~~ ~~[accidents]~~, or directing traffic;
- (2) pursuit, arrest, or search of a person reasonably believed to have violated a law;
- (3) investigation, including undercover investigation, of a criminal act;
- (4) patrol duties, including automobile, bicycle, foot, air, or horse patrol;
- (5) duties related to the transfer of prisoners; or
- (6) training duties, including participation in any training required by the officer's employer or supervisor or by the Texas Commission on Law Enforcement.

SECTION 126. Section 1001.1015(b), Education Code, is amended to read as follows:

- (b) A driver education course under Subsection (a) must:
- (1) provide at least the minimum number of hours of classroom instruction required by commission rule; and
 - (2) include instruction in:
 - (A) alcohol and drug awareness;
 - (B) the traffic laws of this state;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SECTION 132. Section 1001.112(b), Education Code, is amended to read as follows:

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

(1) is either:

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

(B) an individual who:

(i) has been designated on a form prescribed by the department for purposes of this section by a parent or legal guardian of the other person or by a judge of a court with jurisdiction over the other person;

(ii) is at least 25 years of age;

(iii) does not charge a fee for conducting the course; and

(iv) has at least seven years of driving experience;

(2) has possessed a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(3) has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated in the past seven years; and

SENATE VERSION (CS)

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

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

SECTION 127. Section 1001.112(b), Education Code, is amended to read as follows:

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

(1) is either:

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

(B) an individual who:

(i) has been designated on a form prescribed by the department for purposes of this section by a parent or legal guardian of the other person or by a judge of a court with jurisdiction over the other person;

(ii) is at least 25 years of age;

(iii) does not charge a fee for conducting the course; and

(iv) has at least seven years of driving experience;

(2) has possessed a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(3) has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated in the past seven years; and

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(4) has not been convicted during the preceding three years of:

(A) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in a crash [~~an accident~~]; or

(B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in a crash [~~an accident~~].

SECTION 133. Section 203.007(b), Family Code, is amended to read as follows:

(b) A domestic relations office is entitled to obtain from the Department of Public Safety records that relate to:

- (1) a person's date of birth;
- (2) a person's most recent address;
- (3) a person's current driver's license status;
- (4) motor vehicle crashes [~~accidents~~] involving a person;
- (5) reported traffic-law violations of which a person has been convicted; and
- (6) a person's criminal history record information.

SECTION 134. Section 264.513(c), Family Code, is amended to read as follows:

(c) A person is not required to report a death under this section that is the result of a motor vehicle crash [~~accident~~]. This subsection does not affect a duty imposed by another law to report a death that is the result of a motor vehicle crash [~~accident~~].

SECTION 135. Section 411.019(a), Government Code, is amended to read as follows:

SENATE VERSION (CS)

(4) has not been convicted during the preceding three years of:

(A) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in a collision [~~an accident~~]; or

(B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in a collision [~~an accident~~].

SECTION 128. Section 203.007(b), Family Code, is amended to read as follows:

(b) A domestic relations office is entitled to obtain from the Department of Public Safety records that relate to:

- (1) a person's date of birth;
- (2) a person's most recent address;
- (3) a person's current driver's license status;
- (4) motor vehicle collisions [~~accidents~~] involving a person;
- (5) reported traffic-law violations of which a person has been convicted; and
- (6) a person's criminal history record information.

SECTION 129. Section 264.513(c), Family Code, is amended to read as follows:

(c) A person is not required to report a death under this section that is the result of a motor vehicle collision [~~accident~~]. This subsection does not affect a duty imposed by another law to report a death that is the result of a motor vehicle collision [~~accident~~].

SECTION 130. Section 411.019(a), Government Code, is amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(a) The department shall provide a 24-hour toll-free telephone number for use by the public in reporting traffic offenses, including driving while intoxicated, suspected criminal activity, and traffic crashes [~~accidents~~] and other emergencies.

SECTION 136. Section 411.0726(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle crash [~~accident~~] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 137. Section 411.0731(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle crash [~~accident~~] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 138. Section 411.0736(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the

SENATE VERSION (CS)

(a) The department shall provide a 24-hour toll-free telephone number for use by the public in reporting traffic offenses, including driving while intoxicated, suspected criminal activity, and traffic collisions [~~accidents~~] and other emergencies.

SECTION 131. Section 411.0726(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision [~~accident~~] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 132. Section 411.0731(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision [~~accident~~] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 133. Section 411.0736(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle ~~crash~~ [accident] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 139. Section 423.002(a), Government Code, is amended to read as follows:

(a) It is lawful to capture an image using an unmanned aircraft in this state:

(1) for the purpose of professional or scholarly research and development or for another academic purpose by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, including a person who:

(A) is a professor, employee, or student of the institution; or
(B) is under contract with or otherwise acting under the direction or on behalf of the institution;

(2) in airspace designated as a test site or range authorized by the Federal Aviation Administration for the purpose of integrating unmanned aircraft systems into the national airspace;

(3) as part of an operation, exercise, or mission of any branch of the United States military;

(4) if the image is captured by a satellite for the purposes of mapping;

(5) if the image is captured by or for an electric or natural gas utility or a telecommunications provider:

(A) for operations and maintenance of utility or telecommunications facilities for the purpose of maintaining

SENATE VERSION (CS)

attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle ~~collision~~ [accident] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 134. Section 423.002(a), Government Code, is amended to read as follows:

(a) It is lawful to capture an image using an unmanned aircraft in this state:

(1) for the purpose of professional or scholarly research and development or for another academic purpose by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, including a person who:

(A) is a professor, employee, or student of the institution; or
(B) is under contract with or otherwise acting under the direction or on behalf of the institution;

(2) in airspace designated as a test site or range authorized by the Federal Aviation Administration for the purpose of integrating unmanned aircraft systems into the national airspace;

(3) as part of an operation, exercise, or mission of any branch of the United States military;

(4) if the image is captured by a satellite for the purposes of mapping;

(5) if the image is captured by or for an electric or natural gas utility or a telecommunications provider:

(A) for operations and maintenance of utility or telecommunications facilities for the purpose of maintaining

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

utility or telecommunications system reliability and integrity;

(B) for inspecting utility or telecommunications facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;

(C) for assessing vegetation growth for the purpose of maintaining clearances on utility or telecommunications easements; and

(D) for utility or telecommunications facility routing and siting for the purpose of providing utility or telecommunications service;

(6) with the consent of the individual who owns or lawfully occupies the real property captured in the image;

(7) pursuant to a valid search or arrest warrant;

(8) if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

(A) in immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense, not including misdemeanors or offenses punishable by a fine only;

(B) for the purpose of documenting a crime scene where an offense, not including misdemeanors or offenses punishable by a fine only, has been committed;

(C) for the purpose of investigating the scene of:

(i) a human fatality;

(ii) a motor vehicle **crash** [~~accident~~] causing death or serious bodily injury to a person; or

(iii) any motor vehicle **crash** [~~accident~~] on a state highway or federal interstate or highway;

(D) in connection with the search for a missing person;

SENATE VERSION (CS)

utility or telecommunications system reliability and integrity;

(B) for inspecting utility or telecommunications facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;

(C) for assessing vegetation growth for the purpose of maintaining clearances on utility or telecommunications easements; and

(D) for utility or telecommunications facility routing and siting for the purpose of providing utility or telecommunications service;

(6) with the consent of the individual who owns or lawfully occupies the real property captured in the image;

(7) pursuant to a valid search or arrest warrant;

(8) if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

(A) in immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense, not including misdemeanors or offenses punishable by a fine only;

(B) for the purpose of documenting a crime scene where an offense, not including misdemeanors or offenses punishable by a fine only, has been committed;

(C) for the purpose of investigating the scene of:

(i) a human fatality;

(ii) a motor vehicle **collision** [~~accident~~] causing death or serious bodily injury to a person; or

(iii) any motor vehicle **collision** [~~accident~~] on a state highway or federal interstate or highway;

(D) in connection with the search for a missing person;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (E) for the purpose of conducting a high-risk tactical operation that poses a threat to human life;
- (F) of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities; or
- (G) of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security;
- (9) if the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:
 - (A) surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;
 - (B) preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or
 - (C) conducting routine air quality sampling and monitoring, as provided by state or local law;
- (10) at the scene of a spill, or a suspected spill, of hazardous materials;
- (11) for the purpose of fire suppression;
- (12) for the purpose of rescuing a person whose life or well-being is in imminent danger;
- (13) if the image is captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;
- (14) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;

SENATE VERSION (CS)

- (E) for the purpose of conducting a high-risk tactical operation that poses a threat to human life;
- (F) of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities; or
- (G) of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security;
- (9) if the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:
 - (A) surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;
 - (B) preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or
 - (C) conducting routine air quality sampling and monitoring, as provided by state or local law;
- (10) at the scene of a spill, or a suspected spill, of hazardous materials;
- (11) for the purpose of fire suppression;
- (12) for the purpose of rescuing a person whose life or well-being is in imminent danger;
- (13) if the image is captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;
- (14) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (15) of public real property or a person on that property;
- (16) if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;
- (17) in connection with oil pipeline safety and rig protection;
- (18) in connection with port authority surveillance and security;
- (19) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002, Occupations Code, provided that no individual is identifiable in the image;
- (20) if the image is captured by a professional engineer licensed under Subchapter G, Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003, Occupations Code, provided that no individual is identifiable in the image; or
- (21) if:
 - (A) the image is captured by an employee of an insurance company or of an affiliate of the company in connection with the underwriting of an insurance policy, or the rating or adjusting of an insurance claim, regarding real property or a structure on real property; and
 - (B) the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured.

SECTION 140. Section 1952.155, Insurance Code, is amended to read as follows:

SENATE VERSION (CS)

- (15) of public real property or a person on that property;
- (16) if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;
- (17) in connection with oil pipeline safety and rig protection;
- (18) in connection with port authority surveillance and security;
- (19) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002, Occupations Code, provided that no individual is identifiable in the image;
- (20) if the image is captured by a professional engineer licensed under Subchapter G, Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003, Occupations Code, provided that no individual is identifiable in the image; or
- (21) if:
 - (A) the image is captured by an employee of an insurance company or of an affiliate of the company in connection with the underwriting of an insurance policy, or the rating or adjusting of an insurance claim, regarding real property or a structure on real property; and
 - (B) the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured.

SECTION 135. Section 1952.155, Insurance Code, is amended to read as follows:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Sec. 1952.155. BENEFITS PAYABLE WITHOUT REGARD TO FAULT OR COLLATERAL SOURCE; EFFECT ON SUBROGATION. (a) The benefits under coverage required by this subchapter are payable without regard to:

- (1) the fault or nonfault of the named insured or recipient in causing or contributing to the crash [~~accident~~]; and
- (2) any collateral source of medical, hospital, or wage continuation benefits.

(b) Except as provided by Subsection (c), an insurer paying benefits under coverage required by this subchapter does not have a right of subrogation or claim against any other person or insurer to recover any benefits by reason of the alleged fault of the other person in causing or contributing to the crash [~~accident~~].

(c) An insurer paying benefits pursuant to this subchapter, including a county mutual insurance company, shall have a right of subrogation and a claim against a person causing or contributing to the crash [~~accident~~] if, on the date of loss, financial responsibility as required by Chapter 601, Transportation Code, has not been established for a motor vehicle involved in the crash [~~accident~~] and operated by that person.

SECTION 141. Section 1954.056(b), Insurance Code, is amended to read as follows:

(b) A transportation network company driver shall carry proof of insurance that satisfies Sections 1954.052 and 1954.053 with the driver when the driver uses a vehicle in connection with a transportation network company's digital network. In the event of a crash [~~an accident~~], a driver shall provide the proof of insurance to a directly interested person,

SENATE VERSION (CS)

Sec. 1952.155. BENEFITS PAYABLE WITHOUT REGARD TO FAULT OR COLLATERAL SOURCE; EFFECT ON SUBROGATION. (a) The benefits under coverage required by this subchapter are payable without regard to:

- (1) the fault or nonfault of the named insured or recipient in causing or contributing to the collision [~~accident~~]; and
- (2) any collateral source of medical, hospital, or wage continuation benefits.

(b) Except as provided by Subsection (c), an insurer paying benefits under coverage required by this subchapter does not have a right of subrogation or claim against any other person or insurer to recover any benefits by reason of the alleged fault of the other person in causing or contributing to the collision [~~accident~~].

(c) An insurer paying benefits pursuant to this subchapter, including a county mutual insurance company, shall have a right of subrogation and a claim against a person causing or contributing to the collision [~~accident~~] if, on the date of loss, financial responsibility as required by Chapter 601, Transportation Code, has not been established for a motor vehicle involved in the collision [~~accident~~] and operated by that person.

SECTION 136. Section 1954.056(b), Insurance Code, is amended to read as follows:

(b) A transportation network company driver shall carry proof of insurance that satisfies Sections 1954.052 and 1954.053 with the driver when the driver uses a vehicle in connection with a transportation network company's digital network. In the event of a collision [~~an accident~~], a driver shall provide the proof of insurance to a directly interested

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

automobile insurer, and investigating peace officer on request under Section 601.053, Transportation Code. On request, a driver shall also disclose to a directly interested person, automobile insurer, and investigating peace officer whether, at the time of the crash [~~accident~~], the driver was:

- (1) logged on to the company's digital network; or
- (2) engaged in a prearranged ride.

SECTION 142. Section 2308.002(5-a), Occupations Code, is amended to read as follows:

(5-a) "Incident management tow" means any tow of a vehicle in which the tow truck is summoned to the scene of a traffic crash [~~accident~~] or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from a crash [~~an accident~~] or incident scene.

SECTION 143. Sections 2308.209(c), (d), and (h), Occupations Code, are amended to read as follows:

(c) The sheriff's office may maintain a list of towing companies to perform nonconsent tows of motor vehicles initiated by a peace officer investigating a traffic crash [~~accident~~] or a traffic incident. The towing companies must operate in a county to which this section applies.

(d) A peace officer initiating a nonconsent tow of a motor vehicle involved in a traffic crash [~~accident~~] or traffic incident that the officer is investigating shall notify the sheriff's office that the tow is being initiated. The sheriff's office shall contact successive towing companies on the tow rotation list until a company agrees to carry out the tow.

(h) In a county in which a list is maintained under Subsection (c), a person commits an offense if:

SENATE VERSION (CS)

person, automobile insurer, and investigating peace officer on request under Section 601.053, Transportation Code. On request, a driver shall also disclose to a directly interested person, automobile insurer, and investigating peace officer whether, at the time of the collision [~~accident~~], the driver was:

- (1) logged on to the company's digital network; or
- (2) engaged in a prearranged ride.

SECTION 137. Section 2308.002(5-a), Occupations Code, is amended to read as follows:

(5-a) "Incident management tow" means any tow of a vehicle in which the tow truck is summoned to the scene of a traffic collision [~~accident~~] or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from a collision [~~an accident~~] or incident scene.

SECTION 138. Sections 2308.209(c), (d), and (h), Occupations Code, are amended to read as follows:

(c) The sheriff's office may maintain a list of towing companies to perform nonconsent tows of motor vehicles initiated by a peace officer investigating a traffic collision [~~accident~~] or a traffic incident. The towing companies must operate in a county to which this section applies.

(d) A peace officer initiating a nonconsent tow of a motor vehicle involved in a traffic collision [~~accident~~] or traffic incident that the officer is investigating shall notify the sheriff's office that the tow is being initiated. The sheriff's office shall contact successive towing companies on the tow rotation list until a company agrees to carry out the tow.

(h) In a county in which a list is maintained under Subsection (c), a person commits an offense if:

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(1) the person arrives at the scene of a traffic crash [~~accident~~] or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the sheriff's office;

(2) the person directly or indirectly solicits, on streets located in the county, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in a crash [~~an accident~~] to the extent that it cannot be normally and safely driven; or

(3) the person enters the scene of a traffic crash [~~accident~~], traffic incident, or other area under the control of a peace officer without the permission of the peace officer.

SECTION 144. The heading to Section 38.18, Penal Code, is amended to read as follows:

Sec. 38.18. USE OF CRASH [~~ACCIDENT~~] REPORT INFORMATION AND OTHER INFORMATION FOR PECUNIARY GAIN.

SECTION 145. Section 2(4-a), Article 6243g-4, Vernon's Texas Civil Statutes, is amended to read as follows:

(4-a) "Catastrophic injury" means a sudden, violent, life-threatening, duty-related injury sustained by an active member that is due to an externally caused motor vehicle crash [~~accident~~], gunshot wound, aggravated assault, or other external event or events and results, as supported by evidence, in one of the following conditions:

(A) total, complete, and permanent loss of sight in one or both eyes;

(B) total, complete, and permanent loss of the use of one or both feet at or above the ankle;

SENATE VERSION (CS)

(1) the person arrives at the scene of a traffic collision [~~accident~~] or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the sheriff's office;

(2) the person directly or indirectly solicits, on streets located in the county, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in a collision [~~an accident~~] to the extent that it cannot be normally and safely driven; or

(3) the person enters the scene of a traffic collision [~~accident~~], traffic incident, or other area under the control of a peace officer without the permission of the peace officer.

SECTION 139. The heading to Section 38.18, Penal Code, is amended to read as follows:

Sec. 38.18. USE OF COLLISION [~~ACCIDENT~~] REPORT INFORMATION AND OTHER INFORMATION FOR PECUNIARY GAIN.

SECTION 140. Section 2(4-a), Article 6243g-4, Revised Statutes, is amended to read as follows:

(4-a) "Catastrophic injury" means a sudden, violent, life-threatening, duty-related injury sustained by an active member that is due to an externally caused motor vehicle collision [~~accident~~], gunshot wound, aggravated assault, or other external event or events and results, as supported by evidence, in one of the following conditions:

(A) total, complete, and permanent loss of sight in one or both eyes;

(B) total, complete, and permanent loss of the use of one or both feet at or above the ankle;

CONFERENCE

House Bill 2190
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (C) total, complete, and permanent loss of the use of one or both hands at or above the wrist;
- (D) injury to the spine that results in a total, permanent, and complete paralysis of both arms, both legs, or one arm and one leg; or
- (E) an externally caused physical traumatic injury to the brain rendering the member physically or mentally unable to perform the member's duties as a police officer.

SECTION 146. Section 72.051(1), Civil Practice and Remedies Code, is repealed.

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

SECTION 148. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 149. This Act takes effect September 1, 2023.

SENATE VERSION (CS)

- (C) total, complete, and permanent loss of the use of one or both hands at or above the wrist;
- (D) injury to the spine that results in a total, permanent, and complete paralysis of both arms, both legs, or one arm and one leg; or
- (E) an externally caused physical traumatic injury to the brain rendering the member physically or mentally unable to perform the member's duties as a police officer.

SECTION 141. Same as House version.

SECTION 142. Same as House version.

SECTION 143. Same as House version.

SECTION 144. Same as House version.

CONFERENCE