

BILL ANALYSIS

C.S.H.B. 2633
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that some attorneys are circumventing state barratry laws by making use of their access to motor vehicle accident reports to commit this prohibited conduct involving the solicitation of a potential client who has been in a motor vehicle accident. A motor vehicle accident report not only contains general information about the accident, but also private information about the individuals involved, including personal addresses and telephone numbers. The parties have expressed concern that this often leads to direct harassment of crash victims and their families. C.S.H.B. 2633 seeks to remedy this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2633 amends the Transportation Code to remove as a required recipient of written accident reports and certain other accident report information held by the Texas Department of Transportation (TxDOT) or another governmental entity a person who provides TxDOT or the entity with two or more items of certain specified information about the reported accident. The bill adds as a required recipient of such a report or information any person directly concerned in the accident or having a proper interest in the accident, including any person involved in the accident; the authorized representative of any person involved in the accident; a driver involved in the accident; an employer, parent, or legal guardian of a driver involved in the accident; the owner of a vehicle or property damaged in the accident; a person who has established financial responsibility for a vehicle involved in the accident, including a policyholder of a motor vehicle liability insurance policy covering the vehicle; an insurance company that issued a motor vehicle liability insurance policy covering a vehicle involved in the accident; or any person who may sue because of death resulting from the accident.

C.S.H.B. 2633 requires TxDOT or another applicable governmental entity, on receiving such reports or information, to create a redacted accident report that may be requested by any person. The bill restricts the report to including only the location, date, and time of the accident and the make and model of a vehicle involved in the accident. The bill specifies that the provision establishing a \$6 fee for a copy of a written accident report also applies to a redacted accident report.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2633 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 550.065(c), Transportation Code, is amended to read as follows:

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

(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 accident prevention purposes.

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

(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 accident and sent the information to the department;
- (3) the court in which a case involving a person involved in the accident is pending if the report is subpoenaed; or
- (4) ~~[a] any person directly concerned in the traffic accident or having a proper interest therein, including: [who provides the department or governmental entity with two or more of the following:~~
 - ~~(A) the date of the accident;~~
 - ~~(B) the specific address or the highway or street where the accident occurred; or~~
 - ~~(C) the name of any person involved in the accident.]~~

- (1) an entity described by Subsection (b);
- (2) the law enforcement agency that employs the peace officer who investigated the accident and sent the information to the department;
- (3) the court in which a case involving a person involved in the accident is pending if the report is subpoenaed; or
- (4) any [a] person directly concerned in the accident or having a proper interest therein, including [who provides the department or governmental entity with two or more of the following]:

(See Paragraph D below.)

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

(See Paragraph C below.)

(B) the authorized representative of any person [the specific address or the highway or street where the accident occurred; or [(C) the name of any person] involved in the accident;

(A) the driver or drivers involved in the traffic accident;

(B) the employer, parent, or legal guardian of the driver or drivers involved in the traffic accident;

(C) the authorized representative of any person involved in the traffic accident;

(D) any person involved in the traffic accident; and

(E) the owners of the vehicles or property damaged in the traffic accident.

(C) a driver involved in the accident;

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

(See Paragraph B above.)

(See Paragraph A above.)

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

(F) a person who has established financial responsibility for a vehicle involved in the 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 a motor vehicle liability insurance policy covering a vehicle involved in the accident; or

(H) any person who may sue because of death resulting from the accident.

(See SECTION 2 below)

(c-1) On receiving information to which this section applies, the department or the governmental entity that receives the information shall create a redacted accident report that may be requested by any person. The redacted accident report may include only:

(1) notwithstanding Subsection (f)(2)(F), the location, date, and time of the accident; and

(2) the make and model of a vehicle involved in the accident.

(d) The fee for a copy of the accident report, including a redacted 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.

SECTION 2. Section 550.065,

No equivalent provision. *(But see Sec.*

Transportation Code, is amended by adding a new subsection (h) to read as follows:

(h) For purposes of subsection (c)(4), any person who may sue because of death resulting from any such traffic accident shall be deemed a person directly concerned in the traffic accident.

550.065(c)(4)(H) in SECTION 1 above.)

SECTION 3. Subchapter A, Chapter 552, Government Code, is amended by adding a new Section 552.0040 to read as follows:

SECTION 552.0040. POLICE DISPATCH REPORTS RELATED TO MOTOR VEHICLE ACCIDENTS. (a) Except as provided by subsection (b), information contained in police dispatch reports concerning motor vehicle accidents is confidential and not considered public information.

(b) Information contained in a police dispatch report concerning a motor vehicle accident is public information for the following persons:

(1) the Department of Public Safety;

(2) an agency of the United States, this state, or a local government of this state that has use for the information for motor vehicle accident prevention purposes;

(3) the law enforcement agency that employs the peace officer who investigated the motor vehicle accident and sent the motor vehicle accident report required by Chapter 550, Transportation Code, to the Department of Public Safety;

(4) the court in which a case involving a person involved in the motor vehicle accident is pending if the report is subpoenaed; and

(5) any person directly concerned in the motor vehicle traffic accident or having a proper interest therein, including:

(A) the driver or drivers involved in the traffic accident;

(B) the employer, parent, or legal guardian of the driver or drivers involved in the traffic accident;

(C) the authorized representative of any person involved in the traffic accident;

(D) any person involved in the traffic accident;

(E) the owners of the vehicles or property damaged in the traffic accident; and

(F) any person who may sue because of death resulting from the motor vehicle

No equivalent provision.

traffic accident.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.