

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Hernandez, Rodriguez of Bexar, Clardy,  
Murr

H.B. No. 2633

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the release of a motor vehicle accident report;  
3 amending a provision subject to a criminal penalty.

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

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

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

10 (1) the department; and

11 (2) an agency of the United States, this state, or a  
12 local government of this state that has use for the information for  
13 accident prevention purposes.

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

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

18 (2) the law enforcement agency that employs the peace  
19 officer who investigated the accident and sent the information to  
20 the department, including an agent of the law enforcement agency  
21 authorized by contract to obtain the information;

22 (3) the court in which a case involving a person  
23 involved in the accident is pending if the report is subpoenaed; or

24 (4) any [a] person directly concerned in the accident

1 or having a proper interest therein, including ~~[who provides the~~  
2 ~~department or governmental entity with two or more of the~~  
3 ~~following]:~~

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

6 (B) the authorized representative of any person  
7 ~~[the specific address or the highway or street where the accident~~  
8 ~~occurred; or~~

9 ~~[(C) the name of any person]~~ involved in the  
10 accident;

11 (C) a driver involved in the accident;

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

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

16 (F) a person who has established financial  
17 responsibility for a vehicle involved in the accident in a manner  
18 described by Section 601.051, including a policyholder of a motor  
19 vehicle liability insurance policy covering the vehicle;

20 (G) an insurance company that issued a motor  
21 vehicle liability insurance policy covering a vehicle involved in  
22 the accident;

23 (H) an insurance company that issued a policy  
24 covering either the driver or any passenger of a vehicle involved in  
25 the accident;

26 (I) a person under contract to provide claims or  
27 underwriting information to a person described by Paragraph (F),

1 (G), or (H);

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

4 (K) a newspaper that is:

5 (i) a free newspaper of general circulation  
6 or qualified under Section 2051.044, Government Code, to publish  
7 legal notices;

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

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

11 (L) any person who may sue because of death  
12 resulting from the accident.

13 (c-1) On receiving information to which this section  
14 applies, the department or the governmental entity that receives  
15 the information shall create a redacted accident report that may be  
16 requested by any person. The redacted accident report may not  
17 include the items of information described by Subsection (f)(2). A  
18 report released under this subsection is not considered personal  
19 information under Section 730.003.

20 (f) The department:

21 (1) may not release under Subsection (c-1) or (e)  
22 information that[+]

23 [~~(A)~~] is personal information, as defined by  
24 Section 730.003; [~~or~~

25 [~~(B) would allow a person to satisfy the~~  
26 ~~requirements of Subsection (c)(4) for the release of information~~  
27 ~~for a specific motor vehicle accident,~~] and

1           (2) shall withhold or redact the following items of  
2 information:

3           (A) the first, middle, and last name of any  
4 person listed in an accident report, including a vehicle driver,  
5 occupant, owner, or lessee, a bicyclist, a pedestrian, or a  
6 property owner;

7           (B) the number of any driver's license,  
8 commercial driver's license, or personal identification  
9 certificate issued to any person listed in an accident report;

10          (C) the date of birth, other than the year, of any  
11 person listed in an accident report;

12          (D) the address, other than zip code, and  
13 telephone number of any person listed in an accident report;

14          (E) the license plate number of any vehicle  
15 listed in an accident report;

16          (F) ~~[the date of any accident, other than the~~  
17 ~~year,~~

18          ~~[(G)]~~ the name of any insurance company listed as  
19 a provider of financial responsibility for a vehicle listed in an  
20 accident report;

21          (G) ~~[(H)]~~ the number of any insurance policy  
22 issued by an insurance company listed as a provider of financial  
23 responsibility;

24          (H) ~~[(I)]~~ the date the peace officer who  
25 investigated the accident was notified of the accident;

26          (I) ~~[(J)]~~ the date the investigating peace  
27 officer arrived at the accident site;

1                    (J) [~~(K)~~] ~~the date the investigating officer's~~  
2 ~~report was prepared;~~

3                    [~~(L)~~] the badge number or identification number  
4 of the investigating officer;

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

7                    (L) [~~(N)~~] the date of any commercial motor  
8 vehicle report; and

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

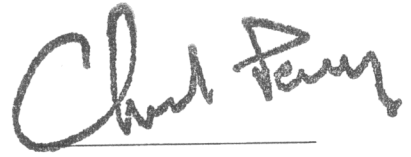
12            SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2015.

# ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2015

BY:



  
Secretary of the Senate

1 Amend H.B. No. 2633 (senate committee printing) as follows:

2 (1) In the recital to SECTION 1 of the bill (page 1, line  
3 23), strike "(b), (c)" and substitute "(a), (b), (c), (e)".

4 (2) In SECTION 1 of the bill, in amended Section 550.065,  
5 Transportation Code (page 1, between lines 24 and 25), insert  
6 the following:

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

9 (1) a written report of an accident required under  
10 Section 550.061, 550.062, or 601.004; or

11 (2) [~~and relates to a motor vehicle accident reported~~  
12 ~~under this chapter or Section 601.004, including~~] accident  
13 report information compiled under Section 201.806 [~~201.805, as~~  
14 ~~added by Chapter 1407 (S.B. 766), Acts of the 80th Legislature,~~  
15 ~~Regular Session, 2007~~].

16 (3) In SECTION 1 of the bill, in amended Section 550.065,  
17 Transportation Code (page 2, between lines 26 and 27), insert  
18 the following:

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

21 (1) accident report information compiled under  
22 Section 201.806 [~~information relating to motor vehicle accidents~~  
23 ~~that the department compiles under Section 201.805, as added by~~  
24 ~~Chapter 1407 (S.B. 766), Acts of the 80th Legislature, Regular~~  
25 ~~Session, 2007~~]; or

26 (2) a vehicle identification number and specific  
27 accident information relating to that vehicle.

28 (4) In SECTION 1 of the bill, in amended Section  
29 550.065(f), Transportation Code (page 2, line 27), between

1 "department" and the colon, insert "when releasing information  
2 under Subsection (c-1) or (e)".

3 (5) Strike amended Section 550.065(f)(1), Transportation  
4 Code (page 2, lines 28-34), and substitute the following:

5 (1) may not release [~~under Subsection (c) information~~  
6 ~~that:~~

7 [~~(A) is~~] personal information, as defined by  
8 Section 730.003; [~~or~~

9 [~~(B) would allow a person to satisfy the~~  
10 ~~requirements of Subsection (c)(4) for the release of information~~  
11 ~~for a specific motor vehicle accident;~~] and

12 (6) In SECTION 1 of the bill, in amended Section  
13 550.065(f)(2), Transportation Code (page 2, lines 35 and 36),  
14 strike "of information" and substitute "[~~of information~~"]".

# ADOPTED

MAY 24 2015

*Lately Spaw*  
Secretary of the Senate

BY:

*Chris Ferry*

FLOOR AMENDMENT NO. 2

1 Amend H.B. No. 2633 (senate committee printing) in SECTION 1  
2 of the bill as follows:

3 (1) In added Section 550.065(c)(4)(G), Transportation Code  
4 (page 1, line 61, through page 2, line 1), strike "a motor vehicle  
5 liability" and substitute "an".

6 (2) In added Section 550.065(c)(4)(H), Transportation Code  
7 (page 2, line 4), strike "either the driver or any passenger of a  
8 vehicle" and substitute "any person".



ADOPTED

RV 20-10

MAY 24 2015

*Leta Spaw*  
Secretary of the Senate

*Chris Ferry*

FLOOR AMENDMENT NO. 3

BY: Chris Ferry

1 Amend H.B. No. 2633 (senate committee printing) in SECTION 1  
2 of the bill as follows:

3 (1) Immediately following added Section 550.065(c)(4)(I),  
4 Transportation Code (page 2, line 8), insert "or".

5 (2) Strike added Sections 550.065(c)(4)(J) and (K),  
6 Transportation Code (page 2, lines 9-17).

7 (3) In added Section 550.065(c)(4)(L), Transportation Code  
8 (page 2, line 18), strike "(L)" and substitute "(J)".

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 26, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB2633** by Hernandez (Relating to the release of a motor vehicle accident report; amending a provision subject to a criminal penalty.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
-----------------------------------------------------------------------

The bill would amend the Transportation Code to specify who may receive certain motor vehicle accident reports and information from the Texas Department of Transportation (TxDOT) or a governmental entity. The bill would require TxDOT or a governmental entity, upon receiving certain accident report information, to create a redacted accident report that may be requested by any person.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG, FR, KVe

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 15, 2015

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2633** by Hernandez (Relating to the release of a motor vehicle accident report; amending a provision subject to a criminal penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to specify who may receive certain motor vehicle accident reports and information from the Texas Department of Transportation (TxDOT) or a governmental entity. The bill would require TxDOT or a governmental entity, upon receiving certain accident report information, to create a redacted accident report that may be requested by any person.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG, FR, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 22, 2015**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2633** by Hernandez (Relating to the release of a motor vehicle accident report; amending a provision subject to a criminal penalty.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code to specify who may receive certain motor vehicle accident reports and information from the Texas Department of Transportation (TxDOT) or a governmental entity. The bill would require TxDOT or a governmental entity, upon receiving certain accident report information, to create a redacted accident report that may be requested by any person for a fee of \$6.00.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** UP, FR, NV, TG, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 13, 2015**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2633** by Hernandez (Relating to the release of information regarding motor vehicle accidents.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to specify who may receive certain motor vehicle accident reports and information from the Texas Department of Transportation (TxDOT) or a governmental entity.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405  
Department of Public Safety, 601 Department of Transportation

**LBB Staff:** UP, FR, NV, TG, KVe