

House Bill 2633
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

No equivalent provision.

(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:

- (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, 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 accident is pending if the report is subpoenaed; or
- (4) any [a] person directly concerned in the accident or

SENATE VERSION (IE)

SECTION 1. Section 550.065, Transportation Code, is amended by amending Subsections (a), (b), (c), (e), and (f) and adding Subsection (c-1) to read as follows: [FA1(1)]

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

- (1) a written report of an accident required under Section 550.061, 550.062, or 601.004; or
- (2) ~~[and relates to a motor vehicle accident reported under this chapter or Section 601.004, including]~~ accident report information compiled under Section 201.806 ~~[201.805, as added by Chapter 1407 (S.B. 766), Acts of the 80th Legislature, Regular Session, 2007].~~ [FA1(2)]

(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:

- (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, 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 accident is pending if the report is subpoenaed; or
- (4) any [a] person directly concerned in the accident or

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

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

(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;

(C) a driver involved in the accident;

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

(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;

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

(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

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

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

(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;

(C) a driver involved in the accident;

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

(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 an insurance policy covering a vehicle involved in the accident; [FA2(1)]

(H) an insurance company that issued a policy covering any person involved in the accident; [FA2(2)]

(I) a person under contract to provide claims or underwriting information to a person described by Paragraph (F), (G), or (H); or [FA3(1)]

(J) [Deleted by FA3(2)]

(K) [Deleted by FA3(2)]

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(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 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 accident report that may be requested by any person. The redacted 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.

No equivalent provision.

(f) The department:

(1) may not release under Subsection (c-1) or (e) information that:

[(A)] is personal information, as defined by Section 730.003;

[or

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

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(J) any person who may sue because of death resulting from the accident. [FA3(3)]

(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 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.

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

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

(2) a vehicle identification number and specific accident information relating to that vehicle. [FA1(3)]

(f) The department when releasing information under Subsection (c-1) or (e): [FA1(4)]

(1) may not release [under Subsection (e) information that:

[(A) is] personal information, as defined by Section 730.003;

[or

[(B) would allow a person to satisfy the requirements of Subsection (c)(4) for the release of information for a specific motor vehicle accident;] and [FA1(5)]

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

(A) the first, middle, and last name of any person listed in 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 an accident report;

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

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

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

(F) ~~the date of any accident, other than the year;~~

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

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

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

~~(I)~~ ~~(J)~~ the date the investigating peace officer arrived at the accident site;

~~(J)~~ ~~(K)~~ ~~the date the investigating officer's report was prepared;~~

~~(L)~~ the badge number or identification number of the investigating officer;

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

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

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(2) shall withhold or redact the following items ~~of information~~: [FA1(6)]

(A) the first, middle, and last name of any person listed in 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 an accident report;

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

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

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

(F) ~~the date of any accident, other than the year;~~

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

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

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

~~(I)~~ ~~(J)~~ the date the investigating peace officer arrived at the accident site;

~~(J)~~ ~~(K)~~ ~~the date the investigating officer's report was prepared;~~

~~(L)~~ the badge number or identification number of the investigating officer;

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

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

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

SECTION 2. 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.

SENATE VERSION (IE)

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

SECTION 2. Same as House version.

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