

BILL ANALYSIS

C.S.H.B. 1826
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

People involved in motor vehicle accidents are often solicited by persons seeking to provide services to the accident victim for financial gain. This solicitation, which may be unwelcome to the person involved in the accident, is not precluded by existing law.

C.S.H.B. 1826 authorizes the Texas Department of Transportation (TxDOT) to release information that is gathered from accident reports held and compiled by TxDOT under state law and a vehicle identification number and specific accident information relating to that vehicle. This information may include the number, cause, and location of highway accidents and information regarding the number of accidents involving injury to, death of, or property damage to a bicyclist or pedestrian. The bill prohibits the release of personal information and information that would enable a person to provide specific details of a motor vehicle accident to TxDOT for the release of information pertaining to that accident. The bill keeps personal information, compiled as statistical information released in reports by TxDOT, safe from persons who would use that information for deceitful purposes.

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. 1826 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to release, in addition to certain motor vehicle accident information required to be released, information relating to motor vehicle accidents compiled by TxDOT from accident reports it receives or a vehicle identification number and specific accident information relating to that vehicle. The bill requires the amount charged for such information to be calculated in the manner specified by state law for public information provided by a governmental body. The bill prohibits TxDOT from releasing in such information personal information, as defined by the Motor Vehicle Records Disclosure Act, or information that would allow a person to satisfy the requirements under state law for the release of information by TxDOT for a specific motor vehicle accident.

C.S.H.B. 1826 clarifies that the information, to which provisions regarding the release of certain information are applicable, includes such accident report information.

C.S.H.B. 1826 requires TxDOT to withhold or redact the following information: 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; the number of any driver's license, commercial driver's license, or personal identification certificate issued to any person listed in an accident report; the date of birth, other than the year, of any person listed in an accident report; the address, other than zip code, and telephone number of any person listed in an accident report; the license plate number of any vehicle listed in an accident report; the date

of any accident, other than the year; the name of any insurance company listed as a provider of financial responsibility for a vehicle listed in an accident report; the number of any insurance policy issued by an insurance company listed as a provider of financial responsibility; the date the peace officer who investigated the accident was notified of the accident; the date the investigating peace officer arrived at the accident site; the date the investigating officer's report was prepared; the badge number or identification number of the investigating officer; the date on which any person who died as a result of the accident died; the date of any commercial motor vehicle report; and the place where any person injured or killed in an accident was taken and the person or entity that provided the transportation. The bill provides that the fee for a copy of an accident report is \$6, rather than the lesser of \$6 or the actual cost of the preparation of the copy.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1826 removes the specification in the original that information relating to motor vehicle accidents compiled by the Texas Department of Transportation (TxDOT), which TxDOT may release, is aggregate or statistical information. The substitute adds a provision not in the original including a vehicle identification number and specific accident information relating to a vehicle in the information that TxDOT may release. The substitute differs from the original by prohibiting TxDOT from releasing information that would allow a person to satisfy the requirements under state law for the release of information by TxDOT for a specific motor vehicle accident, rather than information that identifies a specific accident. The substitute adds provisions not in the original setting forth the items of information relating to an accident that TxDOT is required to withhold or redact. The substitute differs from the original by requiring the amount charged for information TxDOT is authorized to release to be calculated in the manner specified by state law for public information provided by a governmental body, whereas the original establishes that the fee for such information is the actual cost of preparing the information. The substitute differs from the original by making a technical correction.