

- SUBJECT:** Requiring reports to DPS on traffic accident deaths
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 9 ayes — Krusee, Phillips, Harper-Brown, Deshotel, Haggerty, Harless, Hill, Macias, Murphy
- 0 nays
- WITNESSES:** (*on original version:*)
- For — None
- Against — G.K. Sprinkle, Texas Ambulance Association
- On — Becky Davies, Texas Transportation Institute
- BACKGROUND:** Transportation Code, sec. 550.081 requires a coroner's report to be submitted by a coroner or other officer performing that function not later than the 10th day of each month. The report must be in writing and contain traffic-related deaths within the officer's jurisdiction during the preceding calendar month and include the time, place, and circumstances of the accident.
- DIGEST:** CSHB 423 would amend Transportation Code, sec. 550.081 to require a medical examiner – or a justice of the peace acting as a coroner in counties without a medical examiner's office or that were not part of a medical examiner's district – to submit in writing a quarterly report on the death of a person that resulted from a traffic accident, which would include:
- the name of the deceased;
  - whether the deceased was the operator of or a passenger in the vehicle, or whether the deceased was a pedestrian;
  - the date of the accident ;
  - name of the county where the accident occurred;
  - name of any laboratory, medical examiner's office, or other facility that conducted toxicological testing relative to the deceased; and
  - results of that toxicological testing.

The report would have to be sent to the crash records bureau of DPS in Austin or another office DPS designated. If toxicology results were not available on the required date of submission, the medical examiner or justice would indicate that with a statement in the report and would submit a supplement to the report with toxicological results and details as soon as practicable after the results became available.

DPS would prepare on request the forms necessary to make these reports.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSHB 423 would allow data collection for DPS statistics to be a coordinated effort, so that Texas could increase its reporting participation on all accident deaths. In Texas, about 1,500 to 1,600 drivers and about 400 pedestrians are killed each year in traffic-related accidents. DPS collects data from counties on the details of these accidents so that public policy can respond to the large number of alcohol- and toxin-related accidents on the state's roads. However, Texas has a low rate of reporting of alcohol- and toxin-related traffic accident deaths.

Counties without medical examiners are not now submitting reports on traffic-related deaths. Because the bill would make those counties responsible for reporting toxicology reports if those tests were conducted, it would increase reporting of toxin-related deaths.

In response to the concerns of paramedics and justices of the peace, the committee substitute removed a requirement that a justice of the peace order the drawing of blood from the body of any person killed in a traffic accident. Because a toxicology test is not mandatory, a justice of the peace would continue to have discretion in deciding whether it is needed, saving the counties money. This change would address concerns about contempt of court issues with respect to medical personnel who would have been ordered to take the blood sample.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The original bill would have amended the Code of Criminal Procedure to require a justice of the peace to order a blood specimen be taken from a deceased accident victim in all cases. The substitute removed that requirement and would retain the current law that allows the justice of the

peace discretion to order a blood specimen in cases when circumstances indicate the deceased may have been driving while intoxicated. The original bill would have required monthly reports; the substitute would require quarterly reports.