

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1035
By: Moncrief
State Affairs
3/26/1999
Committee Report (Substituted)

DIGEST

Currently, under Section 550.065(b), Transportation Code, information held by certain governmental entities regarding a motor vehicle accident is privileged and for the confidential use of certain authorities. Chapter 731 prohibits the dissemination of personal information electronically, resulting in a prohibition against the publication of accident reports by the press in their electronic editions. C.S.S.B.1035 authorizes the release of certain personal information and provides a penalty for using that information to solicit business from accident victims without certain conditions being met.

PURPOSE

As proposed, C.S.S.B. 1035 authorizes the release of personal information from motor vehicle records to the public, and provides penalties for using such information for direct solicitation of business or employment for pecuniary gain.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.130(b), Government Code, to provide that Subsection (a) does not apply to an agency as defined by Section 730.003, Transportation Code, rather than authorizing the release of information described by Subsection (a).

SECTION 2. Amends Section 550.065, Transportation Code, as follows:

Sec. 440.065. New heading: RELEASE OF CERTAIN INFORMATION RELATING TO ACCIDENTS. Clarifies that this section applies to information reported under Chapter 772, Health and Safety Code. Provides that certain information is provided to the public, rather than for the confidential use of certain privileged entities. Prohibits the disclosure of certain information prior to a person's affirmation that the information will not be used for pecuniary gain by certain entities. Requires the furnishing of a copy of the information to a person who pays a required fee and submits a written request. Requires a request under Subsection (d) to be made on a certain written form. Sets forth fee specifications for a copy of the accident information, rather than the peace officer's report. Deletes a list of entities to whom certain information may be provided. Deletes a provision regarding an entity's entitlement to receive information. Makes conforming changes.

SECTION 3. Amends Section 550.067(b), Transportation Code, to make a conforming change.

SECTION 4. Amends Sections 730.003(4) and (6), Transportation Code, to redefine "agency," "motor vehicle record," and "personal information."

SECTION 5. Amends Section 730.008(a), Transportation Code, to authorize the disclosure of certain information to the agency, rather than the Department of Public Safety (DPS), and the collection of certain information by the agency, rather than DPS.

SECTION 6. Amends Section 730.013, Transportation Code, by amending Subsection (d), and adding Subsection (e), to require an agency which provides information to make those records available at a location within Texas. Creates a Class A misdemeanor for violation of Subsection (a) or (c).

SECTION 7. Amends Chapter 38, Penal Code, by adding Section 38.17, as follows:

Sec. 38.17. USE OF ACCIDENT REPORT INFORMATION FOR PECUNIARY GAIN. Limits this section's application to information described by Section 550.065(a), Transportation Code. Creates an offense for a person who obtains information, or engages another to obtain information from DPS or another governmental agency for direct solicitation for pecuniary gain. Provides that the offense is a Class B misdemeanor

SECTION 8. Repealer: Chapter 731, Transportation Code (Disclosure of Personal Information from Motor Vehicle Records).

SECTION 9. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 10. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to provide that this bill provides penalties, rather than a penalty.

SECTION 1.

Amends Section 552.130(b), Government Code, to provide that Subsection (a) does not apply to an agency as defined by Section 730.003, Transportation Code, rather than allowing the release of certain information.

SECTION 2.

Redesignates SECTION 1 as SECTION 2. Amends Section 550.065, Transportation Code, to create a new heading, delete added text, and add new text regarding information reported under the Health and Safety Code. Requires a request under Subsection (d) to be made on a specific written form. Sets forth fee provisions regarding a copy of the accident information, rather than the peace officer's report. Makes conforming changes.

SECTION 3.

Amends Section 730.003(1), Transportation Code, to redefine "agency."

SECTIONS 4-5.

Redesignated from SECTIONS 3-4.

SECTION 6.

Amends Section 730.013, Transportation Code, by amending Subsection (d), and adding Subsection (e), to require an agency that provides personal information to make those records available at a location within Texas. Creates a Class A misdemeanor for a violation of Subsection (a) or (c).

SECTIONS 7-10.

Redesignated from SECTIONS 5-8.