

BILL ANALYSIS

Senate Research Center

H.B. 2633
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State Affairs
5/15/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that some attorneys are circumventing state barratry laws by making use of their access to motor vehicle accident reports to commit this prohibited conduct involving the solicitation of a potential client who has been in a motor vehicle accident. A motor vehicle accident report not only contains general information about the accident, but also private information about the individuals involved, including personal addresses and telephone numbers. The parties have expressed concern that this often leads to direct harassment of crash victims and their families.

H.B. 2633 amends the Transportation Code to remove as a required recipient of written accident reports and certain other accident report information held by the Texas Department of Transportation (TxDOT) or another governmental entity a person who provides TxDOT or the entity with two or more items of certain specified information about the reported accident. The bill adds as a required recipient of such a report or information any person directly concerned in the accident or having a proper interest in the accident, including any person involved in the accident; the authorized representative of any person involved in the accident; a driver involved in the accident; an employer, parent, or legal guardian of a driver involved in the accident; the owner of a vehicle or property damaged in the accident; a person who has established financial responsibility for a vehicle involved in the accident, including a policyholder of a motor vehicle liability insurance policy covering the vehicle; an insurance company that issued a motor vehicle liability insurance policy covering a vehicle involved in the accident; or any person who may sue because of death resulting from the accident.

H.B. 2633 requires TxDOT or another applicable governmental entity, on receiving such reports or information, to create a redacted accident report that may be requested by any person. The bill restricts the report to including only the location, date, and time of the accident and the make and model of a vehicle involved in the accident. The bill specifies that the provision establishing a \$6 fee for a copy of a written accident report also applies to a redacted accident report.

H.B. 2633 amends current law relating to the release of a motor vehicle accident report and amends a provision subject to a criminal penalty.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

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

(b) Adds a reference to an exception provided by Subsection (c-1).

(c) Requires the Texas Department of Transportation (TxDOT) or governmental entity, on written request and payment of any required fee, to release information to:

(1) Makes no change to this subdivision;

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

(3) Makes no change to this subdivision; or

(4) any person directly concerned in the accident or having a proper interest therein, including:

(A) any person involved in the accident;

(B) the authorized representative of any person involved in the accident;

(C) a driver involved in the accident, rather than the name of any person 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 (Requirement of Financial Responsibility), 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 (Type of Newspaper Required), Government Code, to publish legal notices;

(ii) published at least once a week; and

(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.

Deletes existing text requiring TxDOT or the governmental entity to release the information to as person who provides TxDOT or the governmental entity with two or more of the following: the date of the accident; the specific address or the highway or street where the incident occurred; or the name of any person involved in the accident.

(c-1) Requires TxDOT or the governmental entity that receives the information, on receiving information to which this section applies, to create a redacted accident report that may be requested by any person. Prohibits the redacted accident report from

including the items of information described by Subsection (f)(2). Provides that a report released under this subsection is not considered personal information under Section 730.003 (Definitions).

(f) Provides that TxDOT:

(1) may not release under Subsection (c-1) or (e) information that is personal information as defined by Section 730.003; and

(2) shall withhold or redact the following items of information as set forth.

Deletes existing text prohibiting TxDOT from releasing under Subsection (e) information that would allow a person to satisfy the requirements of Subsection (c)(4) for the release of information for a specific motor vehicle accident. Deletes existing text from Paragraph (F) and (K) requiring TxDOT to withhold information or redact the following items of information the date of any accident, other than the year and the date the investigating officer's report was prepared.

SECTION 2. Effective date: upon passage or September 1, 2015.