

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/29/15
Date

Honorable Dan Patrick
President of the Senate

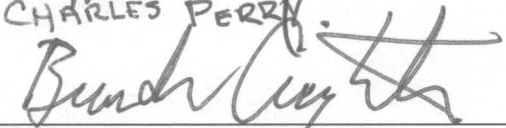
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2633 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



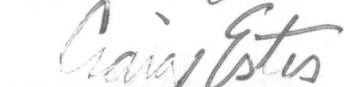
CHARLES PERRY



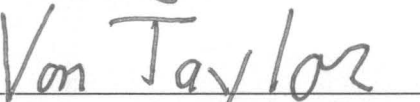
BRANDON CREIGHTON



RODNEY ELLIS




CRAIG ESTES



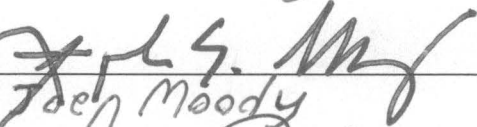
On the part of the Senate
VAN TAYLOR



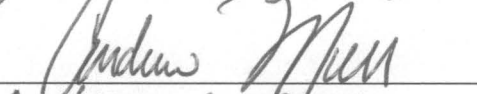
Ana Hernandez



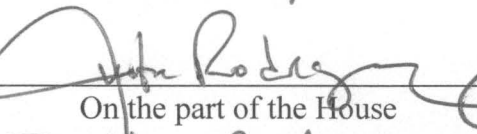
Travis Clardy



Joel Moody



Andrew S. Merr



On the part of the House
Justin Rodriguez

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2633

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the release of a motor vehicle accident report.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

9 (1) a written report of an accident required under
10 Section 550.061, 550.062, or 601.004; or

11 (2) [~~and relates to a motor vehicle accident reported~~
12 ~~under this chapter or Section 601.004, including~~] accident report
13 information compiled under Section 201.806 [~~201.805, as added by~~
14 ~~Chapter 1407 (S.B. 766), Acts of the 80th Legislature, Regular~~
15 ~~Session, 2007~~].

16 (b) Except as provided by Subsection (c), (c-1), or (e), the
17 information is privileged and for the confidential use of:

18 (1) the department; and

19 (2) an agency of the United States, this state, or a
20 local government of this state that has use for the information for
21 accident prevention purposes.

22 (c) On written request and payment of any required fee, the
23 department or the governmental entity shall release the information
24 to:

- 1 (1) an entity described by Subsection (b);
- 2 (2) the law enforcement agency that employs the peace
3 officer who investigated the accident and sent the information to
4 the department, including an agent of the law enforcement agency
5 authorized by contract to obtain the information;
- 6 (3) the court in which a case involving a person
7 involved in the accident is pending if the report is subpoenaed; or
- 8 (4) any [a] person directly concerned in the accident
9 or having a proper interest therein, including [who provides the
10 ~~department or governmental entity with two or more of the~~
11 ~~following]:~~
- 12 (A) any person involved in [the date of] the
13 accident;
- 14 (B) the authorized representative of any person
15 ~~[the specific address or the highway or street where the accident~~
16 ~~occurred; or~~
- 17 ~~[(C) the name of any person]~~ involved in the
18 accident;
- 19 (C) a driver involved in the accident;
- 20 (D) an employer, parent, or legal guardian of a
21 driver involved in the accident;
- 22 (E) the owner of a vehicle or property damaged in
23 the accident;
- 24 (F) a person who has established financial
25 responsibility for a vehicle involved in the accident in a manner
26 described by Section 601.051, including a policyholder of a motor
27 vehicle liability insurance policy covering the vehicle;

1 (G) an insurance company that issued an insurance
2 policy covering a vehicle involved in the accident;

3 (H) an insurance company that issued a policy
4 covering any person involved in the accident;

5 (I) a person under contract to provide claims or
6 underwriting information to a person described by Paragraph (F),
7 (G), or (H);

8 (J) a radio or television station that holds a
9 license issued by the Federal Communications Commission;

10 (K) a newspaper that is:

11 (i) a free newspaper of general circulation
12 or qualified under Section 2051.044, Government Code, to publish
13 legal notices;

14 (ii) published at least once a week; and

15 (iii) available and of interest to the
16 general public in connection with the dissemination of news; or

17 (L) any person who may sue because of death
18 resulting from the accident.

19 (c-1) On receiving information to which this section
20 applies, the department or the governmental entity that receives
21 the information shall create a redacted accident report that may be
22 requested by any person. The redacted accident report may not
23 include the items of information described by Subsection (f)(2). A
24 report released under this subsection is not considered personal
25 information under Section 730.003.

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

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

6 (2) a vehicle identification number and specific
7 accident information relating to that vehicle.

8 (f) The department when releasing information under
9 Subsection (c-1) or (e):

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

12 [~~(A) is~~] personal information, as defined by
13 Section 730.003; [~~or~~

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

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

19 (A) the first, middle, and last name of any
20 person listed in an accident report, including a vehicle driver,
21 occupant, owner, or lessee, a bicyclist, a pedestrian, or a
22 property owner;

23 (B) the number of any driver's license,
24 commercial driver's license, or personal identification
25 certificate issued to any person listed in an accident report;

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

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

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

5 (F) ~~[the date of any accident, other than the~~
6 ~~year,~~

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

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

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

15 (I) ~~[(J)]~~ the date the investigating peace
16 officer arrived at the accident site;

17 (J) ~~[(K) the date the investigating officer's~~
18 ~~report was prepared,~~

19 ~~[(L)]~~ the badge number or identification number
20 of the investigating officer;

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

23 (L) ~~[(N)]~~ the date of any commercial motor
24 vehicle report; and

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

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2015.

House Bill 2633
Conference Committee Report
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

CONFERENCE

SECTION 1. Substantially the same as Senate version except Subsection (c) retains paragraphs (c)(4)(J) and (c)(4)(K) of the House version.

House Bill 2633
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

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;*

SENATE VERSION (IE)

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
~~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)]

CONFERENCE

House Bill 2633
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(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.

(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

(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

House Bill 2633
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

~~motor vehicle accident;~~ and

(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;

SENATE VERSION (IE)

~~motor vehicle accident;~~ and [FA1(5)]

(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;

CONFERENCE

House Bill 2633
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

(L) [~~(N)~~] the date of any commercial motor vehicle report;
and
(M) [~~(O)~~] the place where any person injured or killed in an
accident was taken and the person or entity that provided the
transportation.

SECTION 2. Effective date.

SENATE VERSION (IE)

(L) [~~(N)~~] the date of any commercial motor vehicle report;
and
(M) [~~(O)~~] 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.

CONFERENCE

SECTION 2. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2633 by Hernandez (Relating to the release of a motor vehicle accident report.),
Conference Committee Report

| |
|--|
| <p>No significant fiscal implication to the State is anticipated.</p> |
|--|

The bill would amend the Transportation Code to specify who may receive certain motor vehicle accident reports and information from the Texas Department of Transportation (TxDOT) or a governmental entity. The bill would require TxDOT or a governmental entity, upon receiving certain accident report information, to create a redacted accident report that may be requested by any person.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, NV, TG, FR, KVe

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on HB 2633 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(name)

5-29-15

(date)