

SUBJECT: Confidentiality of information about motor vehicle accidents

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 7 ayes — Oakley, Driver, Carter, Madden, McClendon, Olivo, E. Reyna
0 nays
2 absent — Keel, Keffer

WITNESSES: For — Richard Hile, Texas Trial Lawyers Association
Against — None

DIGEST: CSHB 399 would make confidential any information about auto accidents included in Department of Public Safety (DPS) records, police dispatch logs, towing and 911 records, or the part of any other record that included information about the date of the accident, the name of any person involved, or the specific location.

Information about auto accidents could be released to DPS or another state, federal or local government agency for accident prevention purposes; the law enforcement agency employing the peace officer who investigated the accident; or a court where a case involving a person in the accident was pending, if the information was subpoenaed.

Information also could be released to individuals providing the name of anyone involved in the accident and either the date or the place the accident occurred. A request for this information would have to be submitted in writing, and the requestor would have to pay any required fees. If the person making the request was entitled to the information, open records laws would apply to procedures for providing and making copies of the information.

CSHB 399 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS SAY: CSHB 399 would prohibit unscrupulous attorneys, chiropractors and other practitioners from using police logs as a source of information for soliciting clients. Last session, the Legislature limited access to this information, but did not make police logs confidential. As a result, some practitioners are using police logs to get information that is supposed to be confidential. CSHB 399 would close this loophole and protect individuals who are involved in auto accidents from unwanted solicitations.

If persons involved in an accident need professional assistance, they can easily find it.

Those with legitimate reasons for needing this information would still be able to get it, provided they knew at least the name and the date or place of the accident. This is a minimal requirement that could readily be met by anyone who had a legitimate use for the information.

OPPONENTS SAY: CSHB 399 would limit the ability of certain professionals to provide a needed service to people involved in an accident. Without this information, these professionals might not be able to reach people who legitimately need their services.

NOTES: The committee substitute added police dispatch logs, towing records, and 911 records to the list of confidential information and required that people requesting the information know the name of a person involved in the accident as well as where or when the accident occurred.