

BILL ANALYSIS

Senate Research Center

H.B. 399
By: Goodman (Ratliff)
State Affairs
5-16-97
Engrossed

DIGEST

Currently, a motor vehicle accident report filed after January 1, 1970 by a peace officer is a public record open for inspection. As a result of this provision, private entities such as automotive body shops and chiropractors began to use the information contained in accident reports to solicit persons who may have suffered injuries or vehicle damage. This bill limits access to information regarding motor vehicle accidents to prevent businesses from soliciting patronage from persons involved in an accident.

PURPOSE

As proposed, H.B. 399 limits access to information regarding motor vehicle accidents to prevent businesses from soliciting patronage from persons involved in an accident.

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 Chapter 550D, Transportation Code, by adding Section 550.0651, as follows:

Sec. 550.0651. RELEASE OF OTHER INFORMATION RELATING TO ACCIDENTS. Provides that this section applies to information that is held by the Department of Public Safety (department) or another governmental entity and that relates to a motor vehicle accident, including certain other information. Provides that the information is privileged and for the confidential use of the department and 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. Requires the department or other governmental entity to release the information to certain entities or persons, on written request and payment of any required fee. Requires the department or other governmental entity to request information on a written form adopted by the department or governmental entity to determine whether the person or entity requesting the information is entitled to receive the information under Subsection (c). Provides that Chapter 552F, Government Code, relating to costs of copies apply if the requesting person or entity is entitled to the information under Subsection (c).

SECTION 2. Emergency clause.
Effective date: upon passage.