

## **BILL ANALYSIS**

Senate Research Center  
76R5114 JD-D

S.B. 1035  
By: Moncrief  
State Affairs  
3/24/1999  
As Filed

### **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. S.B.1035 authorizes the release of certain personal information provides a penalty for using that information to solicit business from accident victims without certain conditions being met.

### **PURPOSE**

As proposed, S.B. 1035 authorizes the release of personal information from motor vehicle records to the public, and provides a penalty 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 550.065, Transportation Code, to provide 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. Deletes a list of entities to whom certain information may be provided. Deletes a provision regarding an entity's entitlement to receive information. Makes a conforming change.

SECTION 2. Amends Section 550.067(b), Transportation Code, to make a conforming change.

SECTION 3. Amends Sections 730.003(4) and (6), Transportation Code, to redefine "motor vehicle record" and "personal information."

SECTION 4. 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 5. 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 6. Repealer: Chapter 731, Transportation Code (Disclosure of Personal Information from Motor Vehicle Records).

SECTION 7. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 8. Emergency clause.