

CHAPTER 993

H.B. No. 272

AN ACT

relating to accessibility of vehicle accident reports.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 47, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 47. ACCIDENT REPORTS. (a) *Except as provided by Subsection (b) of this section, all [All] accident reports made as required by this Act or Section 4, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), and its subsequent amendments, by persons involved in accidents, by garages, or by peace officers shall be without prejudice to the individual so reporting and shall be privileged and for the confidential use of the Department and [or other State] agencies of the United States, this state, or local governments of this state having use for the records for accident prevention purposes[, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, provided that accident reports submitted by peace officers after January 1, 1970, are public records open for inspection].*

(b)(1) For a period of 180 days after the date of an accident, the Department or a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request to:

(A) an agency described by Subsection (a) of this section;

(B) the law enforcement agency that employs the peace officer who investigated the accident and forwarded the report to the Department;

(C) a court in which a case involving one of the persons involved in the accident is pending pursuant to a lawful subpoena;

(D) a driver, passenger, or other person involved;

(E) the guardian or conservator of a person involved;

(F) a parent of a person involved who is a minor;

(G) an authorized representative of a driver, passenger, or other person involved;

(H) a representative of the insurance company of a driver, passenger, or other person involved;

(I) a representative of a person killed or injured in the accident;

(J) an owner of property damaged as a result of the accident or a representative of the insurance company of the owner;

(K) a person who may be subject to civil liability as a result of the accident;

(L) a member of a wire service or press association, a professional journalist, or an agent or employee of a news medium;

(M) an attorney who represents an individual described by this subsection;

(N) a person who employs or who is considering employing a driver involved; or

(O) a representative of an insurance company that provides or that is considering providing coverage for a driver involved.

(2) The Department or a law enforcement agency is authorized to request information on a written form to be determined by the Department or agency for the purpose of determining whether the person or entity requesting the information is eligible to receive such information as provided by Subdivision (1) of this subsection.

(3) The Department or a law enforcement agency is prohibited from releasing a copy of the accident report before the expiration of the period specified by Subdivision (1) of this subsection, except as provided by that subdivision.

(c) After the period provided by Subsection (b)(1) of this section, an accident report prepared by a peace officer and submitted to the Department after January 1, 1970, is a public record open for inspection.

(d) The ~~After January 1, 1970, the~~ Department or a law enforcement agency shall provide a copy or copies of any peace officer's report that may be released as provided by this section on ~~submitted after that date to any person upon~~ written request and payment of a Four Dollar (\$4) fee. Such copy may be certified by the Department or a law enforcement agency for an additional fee of Two Dollars (\$2). In the event no report is on file the Department may certify such fact for a fee of Four Dollars (\$4).

(e) All fees collected by the Department under this Section shall be placed in the Operators and Chauffeurs License Fund and are hereby appropriated to be used by the Department in the administration of this Act.

(f) In this section:

(1) "Magazine" means a publication containing news that:

(A) is published and distributed periodically and has been for at least one year;

(B) has a paid circulation; and

(C) has been entered at a United States post office as second class matter.

(2) "News" means written, oral, pictorial, electronic, or other information or communication, whether or not recorded, concerning local, national, or worldwide events or other matters of public concern.

(3) "News agency" means a commercial organization that collects and supplies news to subscribing newspapers, magazines, and news broadcasters.

(4) "News medium" means a newspaper, magazine, news agency, press association, wire service, radio station, television station, broadcasting network, or broadcast news service that has as one of its regular functions the processing and researching of news intended for dissemination to the public.

(5) "Newspaper" means a publication that:

(A) is printed and distributed ordinarily at least once a week and has been printed and distributed on that basis for at least one year;

(B) contains news, editorials, features, advertising, or other matter regarded as being of current interest;

(C) has a paid circulation; and

(D) has been entered at a United States post office as second class matter.

(6) "Press association" means an association of newspapers or magazines, or both, formed to gather and distribute news to its members.

(7) "Professional journalist" means an individual who is a regular employee or is otherwise affiliated with a news medium and who engages in gathering, preparing, collecting, writing, editing, filming, taping, or photographing news intended for the medium, and includes an individual engaged in analyzing, commenting on, or broadcasting news by radio or television transmission.

(8) "Wire service" means a news agency that sends out syndicated news copy by wire to subscribing newspapers, magazines, or news broadcasters.

SECTION 2. This Act takes effect September 1, 1993, and applies to all requests made on or after that date for copies of accident reports. A request that was made before the effective date of this Act for an accident report is governed by the law as it existed at the time the request was made, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 4, 1993, by a non-record vote; passed by the Senate on May 21, 1993, by a viva-voce vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.