

**SUBJECT:** Excluding public safety personnel traffic accidents from driving records

**COMMITTEE:** Public Safety — committee substitute recommended

**VOTE:** 7 ayes — Merritt, Frost, Driver, P. King, Mallory Caraway, Rodriguez,  
Vo

0 nays

2 absent — Burnam, Lewis

**WITNESSES:** For — Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); (*Registered, but did not testify*: Laura Andersen, San Antonio Police Department; Mark Clark, Houston Police Officers' Union, Dallas Police Association; Bill Elkin, Houston Police Retired Officers Association; Keith Elkins, Freedom of Information Foundation of Texas; Tom Gaylor, Texas Municipal Police Association; James Jones, Houston Police Department; Michael Schneider, Texas Association of Broadcasters)

Against — None

On — Matt Simpson, ACLU of Texas

**BACKGROUND:** Transportation Code, sec. 521.042(c) prohibits the Department of Public Safety from including accident report information in the personal driver's license records of peace officers, fire fighters, or publicly employed emergency medical services personnel if the accident occurs while the person driving an official vehicle while responding to an emergency.

Transportation Code, sec. 550.064 (b) requires that the DPS accident reporting forms provided for use by law enforcement agencies and others include a way to designate that a peace officer, firefighter or emergency medical services person was driving an official vehicle and responding to an emergency when the accident occurred.

**DIGEST:** CSHB 2998 would require that information about a traffic accident involving a peace officer, firefighter, or emergency medical services employee while that person was driving an official vehicle in the course of

official duties not be recorded on the peace officer's, firefighter's or EMS employee's driver record if:

- the accident resulted in property damages of less \$1,000; or
- an investigation by another peace officer determined that the peace officer, firefighter or emergency medical services employee was not at fault for the accident.

It also would amend Transportation Code, sec. 521.042 (c) to delete the requirement that the accident have occurred during an emergency.

The bill would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

CSHB 2998 would help end a disparity in the way accidents are recorded for the general public and for public safety personnel while on duty. State law does not require drivers to call law enforcement officers to the scene of minor accidents nor to report all fender-benders. The same standard should apply to public safety personnel. Departmental policies require that public safety personnel report all accidents and all property damage, regardless of the costs. They already face stiff sanctions for not reporting accidents and should not be penalized on their personal driver's record.

CSHB 2998 would provide a fair and workable standard to cover situations in which the property damage was minor or public safety personnel were determined by another peace officer not to be at fault. That would eliminate the blanket exemptions that apply to accidents that occurred during an emergency. Also, the bill would provide a means for reporting all accidents involving vehicles driven by public safety personnel.

**OPPONENTS  
SAY:**

No apparent opposition

**NOTES:**

The committee substitute differs from the bill as filed by adding provisions that would exempt from inclusion on public safety personnel's personal driver's records accidents that caused less than \$1,000 in property damage or that were determined not to be the public safety personnel's fault.

The companion bill, SB 2194 by Whitmire, has been referred to the Senate Transportation and Homeland Security Committee.