



**THE ATTORNEY GENERAL  
OF TEXAS**

April 13, 1989

**JIM MATTOX  
ATTORNEY GENERAL**

Mr. Hugh W. Davis, Jr.  
Assistant City Attorney  
The City of Fort Worth  
1000 Throckmorton  
Fort Worth, Texas 76012

Dear Mr. Davis:

This office received the enclosed letter from Mr. Troy W. McCasland who complains that the Fort Worth Police Department (FWPD) is charging four dollars for copies of accident reports. Mr. McCasland enclosed with his letter to our office a copy your letter to him in which you contend that section 47 of V.T.C.S. article 6701d authorizes the FWPD to charge four dollars for accident reports. Mr. McCasland's letter to our office has been designated ID# 5910; this decision is OR89-122.

Section 47 provides that

accident reports submitted by peace officers after January 1, 1970, are public records open for inspection. After January 1, 1970, the Department shall provide a copy or copies of any peace officer's report submitted after that date to any person upon written request and payment of a Four Dollar (\$4) fee. (Emphasis added.)

Section 9(b) of article 6701d defines the "Department" as "[t]he Department of Public Safety of this state acting directly or through its duly authorized officers and agents."

The Open Records Act expressly acknowledges certain statutory exceptions to the State Purchasing and General Services (SPGS) guidelines for costs that governmental bodies may charge for the reproduction of documents. See V.T.C.S. art. 6252-17a, § 9(d), (f). Statutes that set specific costs for copies of documents (such as section 47 of article 6701d) control over the SPGS guidelines as well.

In this instance, however, it is not readily apparent to this office that the FWPD is acting as a "duly

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authorized" agent of the Texas Department of Public Safety (DPS) when it collects the four dollar fee for copies of accident reports. Please submit to this office, within five days of receipt of this letter ruling, your contentions regarding this matter. Absent a showing that the FWPD is acting as an agent of the DPS in collecting these fees, you should in the future charge members of the public only those costs that the FWPD actually incurs in the reproduction of the accident reports.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-122.

Yours very truly,

*Open Government Section*  
*of the Opinion Committee*

Open Government Section  
of the Opinion Committee  
Prepared by Jennifer S. Riggs  
Chief, Open Government Section

JSR/RWP/bc

cc: Troy W. McCasland  
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2101 San Pedro N.E.  
Albuquerque, New Mexico 87110

Ref.: ID# 5910