



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 15, 1996

Ms. D. Kay Woods
Abernathy, Roeder, Robertson & Joplin, P.C.
P.O. Box 1210
McKinney, Texas 75069-1210

OR96-1468

Dear Ms. Woods:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100318.

The City of Frisco (the "city"), which you represent, received a request for "all accident reports (whether automobile or other) arising from incidents that occurred at the intersection of FM 720 and the 9000 block of Dallas Parkway for the period beginning January 1, 1991 and running through the present." You have submitted the requested reports to this office for review. You contend that the reports are excepted from required public disclosure under sections 552.101 and 552.103 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. The Seventy-fourth Legislature, without reference to the repeal and codification of V.T.C.S. article 6701d,¹ amended section 47 of article 6701d, V.T.C.S., relating to the disclosure of accident reports. Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413, 4414. As amended, section 47(b)(1) places certain restrictions on the general public's access to

¹Effective September 1, 1995, article 6701d was repealed and codified as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71; see Trans. Code § 550.065 (release of accident reports). The legislature did not intend a substantive change of the law but merely a recodification of existing law. Act of May 1, 1995, 74th Leg., ch. 165, § 25, 1995 Tex. Sess. Law Serv. 1025, 1871. The repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code and the amendment is preserved and given effect as part of the code provision. Gov't Code § 311.031(c). Thus, the amendment of section 47 of article 6701d, V.T.C.S., in House Bill 391 remains in effect as current law and may be found following section 550.065 of the Transportation Code. See also Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413, 4414.

"all accident reports made as required by [V.T.C.S. art. 6701d] or [V.T.C.S. art. 6701h]."² Specifically, section 47(b)(1) provides that a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request *only* to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. Section 47(a) states that, except as provided by section 47(b), these accident reports are privileged and for the confidential use of the Department of Public Safety and agencies who use the reports for accident prevention purposes.

You state that the requestor, who is an attorney representing an individual who was involved in an automobile accident at the intersection noted in the request for information, has a copy of the accident report relating to his client's accident. Therefore, we only address the question of whether the city must release the other accident reports to the requestor. The requestor has not provided the city with the two pieces of information necessary to obtain the other reports. Thus, the other reports are confidential pursuant to section 47(a) of article 6701d, V.T.C.S., and excepted from disclosure under section 552.101.³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 100318

Enclosures: Submitted documents

²Effective September 1, 1995, these statutes were repealed and replaced as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71.

³Because we conclude that the other accident reports are excepted from disclosure under section 552.101, we need not address your claim that section 552.103 of the Government Code excepts the reports from required public disclosure.

cc: Mr. Edwin F. Wright, III
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(w/o enclosures)