



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 7, 1997

Mr. James W. Smith, Jr.
County Attorney
Frio County
500 E. San Antonio St., Box 1
Pearsall, Texas 78061-3100

OR97-2465

Dear Mr. Smith:

On behalf of Frio County (the "county"), you ask this office, under section 402.043 of the Government Code, to reconcile the different statutes regarding the charging of fees for Peace Officer Accident Reports ("accident reports"). Your request was assigned ID# 110726.

You inform us that, based on several different statutes, the Texas Department of Public Safety, the Pearsall Police Department, and the Frio County Sheriff's Office currently charge different fees for a copy of an accident report. The fees charged are \$4.00, \$2.00, and \$20.00, respectively. We have reviewed the applicable statutes.

In determining charges for production of public information, each governmental body shall follow the rules adopted by the General Services Commission. Gov't Code § 552.262(a). "A governmental body, other than an agency of state government, may determine its own charges for producing public information but shall not charge more than a 25 percent variance from the rules established by the General Services Commission unless the governmental body requests an exemption" *Id.*

Based on section 118.131 of the Local Government Code, the county commissioners court set a fee of \$20.00 for which the sheriff's office may charge for a copy of an accident report. Section 118.131 provides in relevant part as follows:

- (a) The commissioners court of a county may set reasonable fees to be charged for services by the offices of the sheriff and constables.
- (b) The commissioners court may not set fees higher than is necessary to pay the expenses of providing the services.

However, section 552.262(a) of the Government Code provides that the General Services Commission's rules shall not be applicable "to the extent that other law provides for charges for specific kinds of public information." The specific statute which addresses the charges for accident reports is section 550.065 of the Transportation Code.

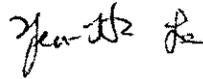
Section 550.065(c) states:

The fee for a copy of the peace officer's report is \$4. The copy may be certified by the department or a law enforcement agency for an additional fee of \$2. The department may issue a certification that no report is on file for a fee of \$4.

Accordingly, because the cost of producing an accident report is specifically provided for under section 550.065(c) of the Transportation Code, the proper fee that a governmental body may charge for an accident report is governed by section 550.065(c).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref: ID# 110726

cc: Sergeant Charles A. Haight
Texas Highway Patrol
Texas Department of Public Safety
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