



**THE ATTORNEY GENERAL  
OF TEXAS**

**CRAWFORD C. MARTIN**  
ATTORNEY GENERAL

**AUSTIN, TEXAS 78711**

August 21 , 1969

Honorable Wilson E. Speir  
Director  
Texas Department of Public Safety  
Box 4087  
Austin, Texas 78751

Opinion No. M-452

RE: Questions relating  
to accident reports  
under recent Amend-  
ment to Section 47  
of Article 670ld  
V.C.S. making such  
reports public rec-  
ords after January  
1, 1970.

Dear Colonel Speir:

You have requested the opinion of this office on  
the following questions:

"1. After January 1, 1970, must the De-  
partment provide a copy of all reports  
and information by peace officers on  
accidents they investigate to persons  
requesting it and paying the Two Dollar  
fee?

"2. Would a two-part form be legal?  
One part of the form would be furnish-  
ed the public as the official 'accident  
report,' and the second part would be  
statistical and survey information for  
State and Departmental use only. This  
second part would be detached from the  
'accident report' and filed separately.

"3. In the event your answer to Question  
No. 2 is negative, would it be possible  
to have officers collect additional in-  
formation on accidents for study and  
survey purposes for limited periods of  
time or in limited geographical areas,  
submitting such information to the De-  
partment when they file their accident  
reports? The purposes being to make  
only the actual accident report avail-  
able to the public and to use the in-  
formation in the study or survey re-

port for Department purposes only."

Your inquiry stems from the passage of House Bill 749, Acts 61st Leg., R.S. 1969, ch. 383, p. 1189, which amends Section 47 of Article 670ld, Vernon's Civil Statutes, to read as follows (underlined portions constitute the added provisions):

"Section 47. Accident reports. All accident reports made by persons involved in accidents, by garages, or peace officers shall be without prejudice to the individual so reporting and shall be privileged and for the confidential use of the Department or other State agencies 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. 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 Two Dollar (\$2) fee. Such copy may be certified by the Department 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 Two Dollars (\$2). All fees collected 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."

It is noted that Section 47 still commences "All accident reports. . ." (Emphasis ours.) In the amended portion there

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appears, inter alia, ". . .a copy or copies of any peace officer's report. . ." It is therefore the opinion of this office in answer to your first question that, after January 1, 1970, your Department must provide a copy of all reports and information relating to a particular accident submitted to you by peace officers to any person requesting same and paying the \$2 fee.

In view of the language quoted in the preceding paragraph it is the opinion of this office that a two-part form as described in your second question would not be proper. Since both parts would be submitted in connection with a specific accident, and would constitute a single report, any person requesting same and tendering \$2 would be entitled to the entire report.

In answer to your third question it is our opinion that there would be no legal bar to the collection of statistical information on accidents for study and survey purposes provided that this statistical information was gathered and submitted without specific reference to any particular accident. In this connection we would point out that, although a two-part form does not meet our approval, the use of a separate form for statistical purposes with no identification as to driver, injured parties, etc. by name, or vehicle by license number, or other identification, would be permissible.

SUMMARY

Accident reports submitted by peace officers to the Department of Public Safety after January 1, 1970 are public records and a copy of such accident report en toto must be furnished to any person requesting same and paying a \$2 fee. The Department may not detach a portion of such report for statistical purposes but the Department may prepare a separate statistical report.

Very truly yours,



CRAWFORD C. MARTIN  
Attorney General of Texas

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Prepared by Howard M. Fender  
Assistant Attorney General

APPROVED:  
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