



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 16, 1996

Mr. Claud H. Drinnen
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR96-2410

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102836.

The Amarillo Police Department (the "department") received a request for "a complete copy of the report #96-92218." You assert that the requested report is excepted from required public disclosure based on Government Code section 552.101, which excepts from disclosure information that is made confidential by law.

The requested report is a "Driver's Confidential Accident Report," Form ST-2, a form evidently devised by the Department of Public Safety and completed by a driver of a motor vehicle involved in an accident not investigated by a law enforcement officer in apparent compliance with section 550.061 of the Transportation Code. Section 47(a) of V.T.C.S. article 6701d¹ reads in as follows:

- (a) Except as provided by Subsection (b) of this section, all accident reports made as required by this Act or Section 4, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil

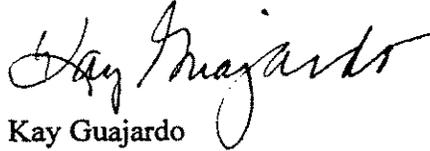
¹Effective September 1, 1995, article 6701d was repealed and codified as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71. See Trans Code § 550.065 (release of accident report). The repeal of a statute by a code does not affect 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 V.T.C.S. article 6701d remains in effect as current law and may be found following section 550.065 of the Transportation Code. See Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413, 4414.

Statutes), by persons involved in accidents, by garages, or by peace officers shall be without prejudice to the individual so reporting and shall be privileged and for the confidential use of the Department and agencies of the United States, this state, or local governments of this state having use for the record for accident prevention purposes.

We believe section 47(a) makes confidential the requested report. Although subsection (b) of V.T.C.S. article 6701d provides for the release of peace officer accident reports in certain circumstances, we do not believe subsection (b) is applicable to the report at issue here. Accordingly, we conclude that the department must withhold the requested report from required public disclosure based on Government Code section 552.101 as information deemed confidential by statutory law.²

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 102836

Enclosure: Submitted document

cc: Ms. Carla Cox
WOMCO, Inc.
P.O. Box 304
Ben Wheeler, Texas 75754
(w/o enclosure)

²We note that section 550.067 of the Transportation Code provides that a municipality by ordinance may require the operator of a vehicle involved in an accident to file certain accident reports with a designated municipal department and provides for the confidentiality of a report so files. See Transp. Code §§ 550.067(a), (b). As you do not raise this provision, we do not consider its applicability to the requested information.