



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 7, 2013

Ms. Courtney Goodman-Morris  
Assistant City Attorney  
Legal Department  
City of Amarillo  
P.O. Box 1971  
Amarillo, Texas 79105-1971

OR2013-00272

Dear Ms. Goodman-Morris:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 475503.

The Amarillo Police Department (the "department") received a request for any records related to a specified motor vehicle accident. You claim the submitted information is exempted from disclosure under section 552.103 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Initially, we note the submitted information includes a CR-3 accident report form completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). Section 550.065(b) states that, except as provided by subsection (c) or subsection (e), accident reports are privileged and confidential. Section 550.065(c)(4) provides for the release of accident reports to a person who provides two of the following three pieces of information: (1) the date of the accident; (2) the name of any person involved in the accident; and (3) the specific location of the accident. *Id.* § 550.065(c)(4). Under this provision, the Texas Department of Transportation or another governmental entity is required to release a copy of an accident report to a person who provides the agency with two or more of the items of information specified by the statute. *Id.* In this instance, the requestor has

---

<sup>1</sup>Although you raise section 552.101 of the Government Code in conjunction with section 552.103 of the Government Code, this office has concluded section 552.101 does not encompass other exceptions found in the Act. *See* Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990).

provided the department with all three of the specified items of information. Accordingly, the department must release to the requestor the submitted CR-3 accident report pursuant to section 550.065(c)(4) of the Transportation Code.

Next, we note the remaining information consists of a completed investigation subject to section 552.022(a)(1) of the Government Code, which provides:

Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

- (1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

Gov't Code § 552.022(a)(1). Although you raise section 552.103 of the Government Code, this section is discretionary in nature and does not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, S.W.3d 69, 475-6 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Thus, the department may not withhold the remaining information under section 552.103. We note, however, some of this information is subject to section 552.130 of the Government Code.<sup>2</sup> Because section 552.130 makes information confidential under the Act, we will address its applicability to the remaining information.

Section 552.130(a)(2) of the Government Code excepts from disclosure information related to “a motor vehicle title or registration issued by an agency of this state or another state or country[.]” Gov't Code § 552.130(a)(2). Upon review, we conclude the department must withhold the motor vehicle record information we have marked and indicated in the remaining documents, as well as any discernible license plate numbers in the remaining video recordings, under section 552.130(a)(2) of the Government Code.<sup>3</sup>

In summary, the department must release to the requestor the submitted CR-3 accident report pursuant to section 550.065(c)(4) of the Transportation Code. The department must withhold the motor vehicle record information we have marked and indicated in the remaining

---

<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

<sup>3</sup>We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including a Texas license plate number under section 552.130(a)(2) of the Government Code, without the necessity of requesting an attorney general decision.

documents, as well as any discernible license plate numbers in the remaining video recordings, under section 552.130(a)(2) of the Government Code. The department must release the remaining information pursuant to section 552.022(a)(1) of the Government Code.<sup>4</sup>

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/bhf

Ref: ID# 475503

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>4</sup>We note the requestor has a special right of access to some of the information being released in this instance. Because such information is confidential with respect to the general public, if the department receives another request for this information from a different requestor, the department must again seek a ruling from this office