

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §25.973, Medical Examiner's Report, relating to crash records information system to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §25.973 are adopted and are authorized for filing with the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Candice Kewen, P.E.  
Interim Director, Traffic Operations Division

Recommended by:

Amadeo Lopez  
Executive Director

**112150 FEB 25 10**

Minute Number      Date Passed

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts  
3 amendments to §25.973, Medical Examiner's Report, concerning  
4 reporting of a bridge collapse. The amendments to §25.973 are  
5 adopted without changes to the proposed text as published in the  
6 December 4, 2009 edition of the *Texas Register* (34 TexReg 8661)  
7 and will not be republished.

8

9 EXPLANATION OF ADOPTED AMENDMENTS

10 Senate Bill 1218, 81st Legislature, Regular Session, 2009,  
11 amended Transportation Code, §550.081 relating to the reporting  
12 of traffic fatalities by medical examiners. Senate Bill 1218  
13 requires these reports to also contain information on fatalities  
14 that occurred as the result of a bridge collapse.

15

16 To comply with Senate Bill 1218, amendments to §25.973 add new  
17 language requiring a medical examiner, which by the definition  
18 in 43 TAC §25.972 includes the justice of the peace if the  
19 county does not have a medical examiner, to note in the report  
20 if a fatality that occurred in their jurisdiction was the result  
21 of a bridge collapse, and if so, the location of the bridge.

22

23 Amendments to §25.973 also correct the listed address of the  
24 department web site where the reporting form is located.

25

1 COMMENTS

2 No comments on the proposed amendments were received.

3

4 STATUTORY AUTHORITY

5 The amendments are adopted under Transportation Code, §201.101,  
6 which provides the Texas Transportation Commission with the  
7 authority to establish rules for the conduct of the work of the  
8 department, and more specifically, Transportation Code,  
9 §550.081, which requires the department to prepare the form for  
10 toxicology reporting.

11

12 CROSS REFERENCE TO STATUTE

13 Transportation Code, §550.081

1 SUBCHAPTER O. CRASH RECORDS INFORMATION SYSTEM

2 §25.973. Medical Examiner's Report.

3 (a) A medical examiner shall submit to the department on a  
4 form prescribed by the department a report detailing the death  
5 of a person resulting from a traffic accident within the medical  
6 examiner's jurisdiction.

7 (b) The medical examiner's report must include:

8 (1) the name of the deceased;

9 (2) the date of the accident;

10 (3) the county in which the accident occurred;

11 (4) whether the deceased was a:

12 (A) vehicle operator;

13 (B) vehicle passenger; or

14 (C) pedestrian or other person who was not an occupant  
15 in a vehicle; ~~and~~

16 (5) if the fatality was the result of a bridge collapse  
17 as defined in Transportation Code, §550.081(2);

18 (6) the location of the bridge if the fatality was the  
19 result of a bridge collapse; and

20 (7) [~~5~~] except as provided by subsection (c) of this  
21 section, the results of any toxicological testing conducted on  
22 the deceased and the name of the laboratory, medical examiner's  
23 office, or other facility that conducted the testing.

1 (c) If a toxicological test is conducted and the results  
2 are not available at the time the report to the department is  
3 due, the medical examiner shall:

4 (1) note on the report: "toxicological test results  
5 unavailable;" and

6 (2) as soon as practicable after the toxicological test  
7 results become available, submit a supplemental report that  
8 contains the results of the toxicological testing and the name  
9 of the testing facility.

10 (d) The department will make the reporting form available  
11 on the department's web site at [www.txdot.gov](http://www.txdot.gov) (keyword  
12 "toxicology reporting")  
13 [<http://www.txdot.gov/forms/traffic.htm>].

14 (e) Not later than the 11th day of each month, the medical  
15 examiner shall submit the reports covering the deaths resulting  
16 from traffic accidents that occurred during the preceding three  
17 months, including those occurring as a result of a bridge  
18 collapse, except that the medical examiner is not required to  
19 submit information that was previously submitted to the  
20 department.

21 (f) The department will accept monthly and supplemental  
22 medical examiner's reports via:

23 (1) United States Mail at the address located on the

1 report form;

2 (2) facsimile at the number contained on the report form;

3 or

4 (3) the department's Internet website, when such a

5 capability is available.