

SUBJECT: Changing procedures to issue certain motor vehicle insurance citations

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Morrison, Martinez, Burkett, Goldman, Israel, Phillips, Pickett,
E. Thompson, Wray

0 nays

4 absent — Y. Davis, Minjarez, Simmons, S. Thompson

SENATE VOTE: On final passage, April 24 — 28-2 (Huffines, Nelson)

WITNESSES: None

BACKGROUND: **Financial responsibility requirement.** Transportation Code, sec. 601.051 conditions the operation of a motor vehicle in Texas on the operator having established financial responsibility for that vehicle by means of an insurance policy, surety bond, deposit to comptroller or county judge, or qualified self-insurance. Under sec. 601.191, a violation of this requirement is a misdemeanor punishable by a fine of an amount not less than \$175 or more than \$350 for a first-time offender. Previous offenders may be fined in an amount not less than \$350 or more than \$1,000.

Liability insurance requirement. Transportation Code, sec. 601.053 requires a motor vehicle operator to provide a peace officer with evidence of financial responsibility upon request. An operator who does not provide this evidence is presumed to be in violation of the requirement for financial responsibility.

Sec. 708.103 requires the Department of Public Safety to assess a surcharge on the license of a person who had been convicted of operating a motor vehicle in violation of the liability insurance requirement within the preceding 36 months.

Sec. 601.193 creates a defense to prosecution for a violation of the

liability insurance requirement under sec. 601.191 if the defendant produces proof of motor vehicle insurance that was valid at the time of the alleged offense.

Financial responsibility verification program. Transportation Code, sec. 601.452 establishes the financial responsibility verification program maintained by the Texas Department of Insurance and implementing agencies. An officer with access to the verification program may not issue a citation for violation of the financial responsibility requirement unless the officer had attempted to verify through the program that financial responsibility had been established.

DIGEST: SB 1187 would require an officer issuing a citation for operation of a motor vehicle in violation of the liability insurance requirement under Transportation Code, sec. 601.191 to include an affirmative indication that the officer was unable at the time of the alleged offense to verify financial responsibility through the verification program.

The bill would prohibit the Department of Public Safety from assessing a surcharge on the license of a person based on a violation of the liability insurance requirement who had filed satisfactory evidence with the department showing that the person was in compliance with the financial responsibility requirement at the time of the alleged offense.

The bill also would remove language prohibiting an officer with access to the verification program from issuing a citation for violation of the financial responsibility requirement unless the officer had attempted to verify through the program that financial responsibility had been established. Instead, the bill would prohibit an officer from issuing a citation for violation of the liability insurance requirement unless the officer had attempted to verify through the program that financial responsibility had been established.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply to all pending surcharges,

regardless of when they were assessed.