

BILL ANALYSIS

Senate Research Center
76R182 AJA-D

S.B. 102
By: Carona
Criminal Justice
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As Filed

DIGEST

Currently, there are no provisions under Texas law for impounding a person's motor vehicle, if the person's license is suspended for driving while intoxicated (DWI). This bill would require the court to order the impoundment of a motor vehicle at the time of an offense, providing certain conditions, if at the time of the offense the defendant's driver's license was suspended under certain offenses involving DWI. This bill would also subject a vehicle to forfeiture, if the vehicle involved in the offense is owned, or constructively owned, and used in an offense by a person who has previously been finally convicted two or more times of certain offenses involving DWI.

PURPOSE

As proposed, S.B. 102 establishes provisions regarding impoundment or forfeiture of the motor vehicle of a person convicted of certain offenses involving the operation of a motor vehicle while intoxicated.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 521S, Transportation Code, by adding Section 521.4575, as follows:

Sec. 521.4575. IMPOUNDMENT OF A MOTOR VEHICLE. Provides that a motor vehicle is constructively owned by a person if it is owned by a member of the person's household and the person is the principal operator of the vehicle. Requires the court, in addition to any other punishment, to impound the vehicle being operated by the defendant under certain conditions. Provides that the duration of an impoundment is equal to the duration of the suspension. Sets forth requirements for the court. Requires an owner of an impounded vehicle, in order to transfer title to the vehicle, to apply to the court that ordered the impoundment. Requires the court to approve the transfer under certain conditions. Requires the court to order a release of the impounded vehicle if it is transferred by foreclosure, sale on execution, cancellation of a conditional sales contract, or by judicial order. Requires the sheriff to release the vehicle under certain conditions. Authorizes a secured creditor to obtain the vehicle providing certain conditions exist.

SECTION 2. Amends Section 704.001, Transportation Code, to establish that a motor vehicle is constructively owned under certain conditions. Makes conforming changes.

SECTION 3. Amends Section 704.002(a), Transportation Code, to make conforming changes.

SECTION 4. Amends Section 704.003, Transportation Code, to prohibit the court from forfeiting a vehicle constructively owned if the court determines the forfeiture would cause an undue hardship for another member of the person's household, who also operates the vehicle.

SECTION 5. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 6. Emergency clause.