

BILL ANALYSIS

Senate Research Center

H.B. 1054
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill clarifies that a document listed under state law as acceptable evidence of motor vehicle financial responsibility is sufficient evidence that financial responsibility is established for a vehicle if the document identifies the operator of the vehicle as insured or identifies the vehicle by make or model and as a covered vehicle.

H.B. 1054 amends current law relating to the enforcement of certain traffic laws, and provides a penalty.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 601.053, Transportation Code, by adding Subsections (c), (d), and (e), as follows:

(c) Provides that a document listed in Subsection (a) (relating to certain requirements as conditions of operating in this state a motor vehicle under certain circumstances) is sufficient evidence that financial responsibility is established for a vehicle if the document identifies the operator of the vehicle as an insured or as covered by the surety bond, deposit, or certificate of self-insurance, regardless of whether the document identifies the vehicle by make or model; or identifies the vehicle by make and model and as a covered vehicle, regardless of whether the document identifies the operator of a vehicle by name, provided that the document does not specifically exclude the operator by name or age.

(d) Provides that a person commits an offense if the person fails or refuses to provide to a peace officer the evidence of financial responsibility as required by Subsection (a). Provides that an offense under this subsection is a Class C misdemeanor.

(e) Requires a court to dismiss a charge of an offense under Subsection (d) if the defendant presents to the court one of the documents listed in Subsection (a) that was valid at the time that the offense occurred. Authorizes the court to assess the defendant an administrative fee not to exceed \$10 when the charge is dismissed. Provides that Section 51.607 (Implementation of New or Amended Court Costs and Fees), Government Code, does not apply to the administrative fee.

SECTION 2. Amends Section 601.195, Transportation Code, by adding Subsections (c) and (d), as follows:

(c) Provides that a motor vehicle that is operated in violation of Subsection (a) (relating to an offense if the person operates a motor vehicle in violation of requirement to establish financial responsibility) may be impounded by, or at the order of, a peace officer solely because of that violation.

(d) Provides that a motor vehicle may be impounded by or at the order of a peace officer only if written policies are adopted through a public hearing process authorizing the

impoundment and the adopted policies provide for the issuance of a citation to the operator for the applicable offense defined by Subsection (a) or for charging the operator with the applicable offense defined by Subsection (a) as an alternative to impoundment.

SECTION 3. Amends Section 708.103(a), Transportation Code, to create an exception under Section 708.202.

SECTION 4. Amends Chapter 708, Transportation Code, by adding Subchapter E, as follows:

SUBCHAPTER E. DEDUCTION OF POINTS OR ELIMINATION OF SURCHARGE

Sec. 708.201. ELIGIBILITY. Provides that a person who is paying a surcharge under this chapter is eligible for a deduction of points or elimination of a surcharge as provided by this subchapter if the person has paid a surcharge for at least the preceding 12-month period because of an accumulation of points under Subchapter B (Driver's License Points Surcharge) or a conviction of an offense under Section 601.191 (Operator of Motor Vehicle in Violation of Motor Vehicle Liability Insurance Requirement; Offense) or 601.371 (Operation of Motor Vehicle in Violation of Suspension; Offense); and that person has not received a deduction of points or the elimination of a surcharge under this subchapter in the previous 24 months and successfully completed a driving safety course approved by the Texas Education Agency (TEA) or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662 (Motorcycle Operator Training and Safety) in the previous 12 months.

Sec. 708.202. DRIVING SAFETY COURSE REQUIRED. (a) Provides that a person who successfully completes a driving safety course approved by TEA or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662 is entitled to a deduction of two points on the person's driver's license under Subchapter B or elimination of a surcharge based on a conviction of an offense under Section 601.191 or 601.371.

(b) Provides that if the deduction of points under this section causes a person to have fewer than six points accumulated on the person's driver's license, the person is no longer required to pay a surcharge.

SECTION 5. Effective date: September 1, 2009.