

By: Castro

H.B. No. 3473

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the impoundment of a motor vehicle involved in an
3 offense relating to the operating of a motor vehicle while
4 intoxicated.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 1, Code of Criminal Procedure, is amended
7 by adding Chapter 66 to read as follows:

8 CHAPTER 66. IMPOUNDMENT OF MOTOR VEHICLE INVOLVED IN OFFENSE

9 RELATING TO OPERATING MOTOR VEHICLE WHILE INTOXICATED

10 Art. 66.01. DEFINITION. In this chapter, "offense relating
11 to the operating of a motor vehicle while intoxicated" has the
12 meaning assigned by Section 49.09, Penal Code.

13 Art. 66.02. IMPOUNDMENT BY ARRESTING OFFICER. A peace
14 officer who arrests a person for an offense relating to the
15 operating of a motor vehicle while intoxicated shall order:

16 (1) the removal of the motor vehicle involved in the
17 offense, in the manner provided by Section 545.305, Transportation
18 Code; and

19 (2) the subsequent impoundment of that motor vehicle
20 for a period of 24 consecutive hours.

21 Art. 66.03. RELEASE OF VEHICLE. (a) A motor vehicle
22 removed and impounded under Article 66.02 may be released only to
23 the registered owner of the vehicle as shown in the registration
24 records of the Texas Department of Transportation or the analogous

1 department of the state in which the vehicle is registered, or to an
2 authorized agent of that owner.

3 (b) The motor vehicle may not be released to the owner of the
4 vehicle, or to the owner's agent, before the expiration of the
5 24-hour period following the arrest of the operator of the vehicle.

6 Art. 66.04. TOWING AND STORAGE FEES. A vehicle impounded
7 under Article 66.02 may not be released until the owner of the
8 vehicle or the owner's agent pays all accrued towing and storage
9 fees related to the impoundment of the vehicle.

10 SECTION 2. (a) This Act takes effect September 1, 2003.

11 (b) The changes in law made by this Act apply only to an
12 offense committed on or after September 1, 2003.

13 (c) An offense committed before September 1, 2003, is
14 covered by the law in effect when the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before September 1, 2003, if
17 any element of the offense was committed before that date.