

By: Hope

H.B. No. 280

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of motor vehicle license plates for failure to maintain financial responsibility.

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

SECTION 1. The heading to Subchapter I, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER I. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE OR LICENSE PLATES

SECTION 2. Subchapter I, Chapter 601, Transportation Code, is amended by adding Section 601.268 to read as follows:

Sec. 601.268. IMPOUNDMENT OF LICENSE PLATES BY PEACE OFFICER. (a) If a person required by Section 601.053 to provide to a peace officer evidence of financial responsibility for a motor vehicle fails to provide that evidence, the officer shall:

(1) remove each license plate that is attached to the vehicle or require the operator of or a passenger in the vehicle to remove each license plate;

(2) issue the person:

(A) written notice, which shall be included on the form required by Paragraph (B), that registration of the vehicle from which the license plate was removed will be suspended by the Texas Department of Transportation if the owner or operator of the vehicle does not recover the removed license plate before the 31st day after the date the license plate was removed;

1 (B) a written explanation, on a form designed by
2 the Department of Public Safety, as to how the owner or operator of
3 the vehicle may recover a removed license plate from the law
4 enforcement agency that employs the peace officer; and

5 (C) a temporary license plate designed by the
6 Texas Department of Transportation that:

7 (i) when attached to the rear of the
8 vehicle, authorizes the operation of the vehicle for a period that
9 expires on the sixth day after its date of issuance; and

10 (ii) shows on its face the expiration date
11 of the temporary license plate;

12 (3) provide for the secure impoundment of each removed
13 plate for the vehicle at the offices of the law enforcement agency
14 that employs the peace officer; and

15 (4) notify the Texas Department of Transportation, or
16 the analogous authority in the jurisdiction that issued the license
17 plate, on a form designed by the Texas Department of
18 Transportation, that the license plate issued to the vehicle has
19 been impounded under this section.

20 (b) The law enforcement agency that impounds a license plate
21 under Subsection (a) shall release the plate to the owner or
22 operator of the vehicle from which the plate was removed if the
23 owner or operator:

24 (1) provides to the law enforcement agency evidence
25 consistent with:

26 (A) Section 601.053, showing that on the date the
27 plate was removed, the motor vehicle was in compliance with Section

1 601.051;

2 (B) Section 601.052, showing that on that date
3 the vehicle was exempt from the requirements of Section 601.051; or

4 (C) Section 601.053, showing that financial
5 responsibility for the vehicle has been obtained and is valid, at a
6 minimum, for the 180-day period that begins on the date that release
7 of the impounded license plate is applied for; and

8 (2) pays an administrative fee to the law enforcement
9 agency in the amount established by department rule.

10 (c) If an impounded license plate is not recovered by the
11 owner or operator of the vehicle under Subsection (b) before the
12 31st day after the date the plate was removed from the vehicle, the
13 impounding law enforcement agency shall return the license plate to
14 the Texas Department of Transportation or the analogous authority
15 in the jurisdiction that issued the plate. The license plate shall
16 be accompanied by a completed form, designed by the Texas
17 Department of Transportation, explaining why the law enforcement
18 agency is returning the plate to that department or issuing
19 authority.

20 (d) Not later than the 10th day after receipt of an
21 impounded license plate from a law enforcement agency under
22 Subsection (c), the Texas Department of Transportation shall:

23 (1) suspend the registration of the vehicle for which
24 the license plate was issued; and

25 (2) mail the owner of the vehicle, at the owner's last
26 known address as shown by department records, notice of the
27 suspension of the vehicle's registration.

1 (e) The amount of the administrative fee adopted by the
2 department under Subsection (b)(2) may not exceed the amount that
3 the department determines is sufficient for a law enforcement
4 agency in this state to recover the actual cost of enforcing this
5 section.

6 SECTION 3. (a) The Texas Department of Transportation
7 shall:

8 (1) not later than November 30, 2005, adopt rules
9 necessary for that department to implement and administer Section
10 601.268, Transportation Code, as added by this Act; and

11 (2) not later than December 31, 2005, provide to each
12 law enforcement agency in this state that employs a peace officer
13 who enforces Section 601.053, Transportation Code, a sufficient
14 number of the temporary license plates described by Section
15 601.268(a)(2)(C) and of the forms described by Sections
16 601.268(a)(4) and (c) of that code, as added by this Act.

17 (b) The Texas Department of Public Safety shall:

18 (1) not later than November 30, 2005, adopt rules
19 necessary for that department to implement and administer Section
20 601.268, Transportation Code, as added by this Act; and

21 (2) not later than December 31, 2005, provide to each
22 law enforcement agency in this state that employs a peace officer
23 who enforces Section 601.053, Transportation Code, a sufficient
24 number of the written forms described by Section 601.268(a)(2) of
25 that code, as added by this Act.

26 SECTION 4. (a) Sections 1 and 2 of this Act take effect
27 January 1, 2006.

1 (b) Section 3 of this Act takes effect September 1, 2005.