

By: Farabee

H.B. No. 534

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain civil consequences of operating a motor vehicle
3 without financial responsibility.

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

5 SECTION 1. Section 601.231(a), Transportation Code, is
6 amended to read as follows:

7 (a) If a person is convicted of an offense under Section
8 601.191 [~~and a prior conviction of that person under that section~~
9 ~~has been reported to the department by a magistrate or the judge or~~
10 ~~clerk of a court~~], the department shall suspend the driver's
11 license and vehicle registrations of the person unless the person
12 files and maintains evidence of financial responsibility with the
13 department until the second anniversary of the date of the
14 [~~subsequent~~] conviction.

15 SECTION 2. Section 601.233(a), Transportation Code, is
16 amended to read as follows:

17 (a) A citation for an offense under Section 601.191 issued
18 as a result of Section 601.053 must include, in type larger than
19 other type on the citation, the following statement:

20 "A [~~second or subsequent~~] conviction of an offense under the
21 Texas Motor Vehicle Safety Responsibility Act will result in the
22 suspension of your driver's license and motor vehicle registration
23 unless you file and maintain evidence of financial responsibility
24 with the Department of Public Safety for two years from the date of

1 conviction. The department may waive the requirement to file
2 evidence of financial responsibility if you file satisfactory
3 evidence with the department showing that at the time this citation
4 was issued, the vehicle was covered by a motor vehicle liability
5 insurance policy or that you were otherwise exempt from the
6 requirements to provide evidence of financial responsibility."

7 SECTION 3. The heading to Section 708.103, Transportation
8 Code, is amended to read as follows:

9 Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE
10 LICENSE INVALID [~~OR WITHOUT FINANCIAL RESPONSIBILITY~~].

11 SECTION 4. Section 708.103(a), Transportation Code, is
12 amended to read as follows:

13 (a) Each year the department shall assess a surcharge on the
14 license of each person who during the preceding 36-month period has
15 been convicted of an offense under Section 521.457[~~, 601.191,~~] or
16 601.371.

17 SECTION 5. Subchapter C, Chapter 708, Transportation Code,
18 is amended by adding Section 708.105 to read as follows:

19 Sec. 708.105. SURCHARGE FOR SUBSEQUENT CONVICTION OF
20 DRIVING WHILE WITHOUT FINANCIAL RESPONSIBILITY. (a) Each year the
21 department shall assess a surcharge on the license of each person
22 who during the preceding 12-month period has been convicted of a
23 second or subsequent offense under Section 601.191.

24 (b) The amount of a surcharge under this section is \$250.

25 SECTION 6. (a) Section 601.231, Transportation Code, as
26 amended by this Act, applies only to an offense committed on or
27 after the effective date of this Act. An offense committed under

1 that section before the effective date of this Act is covered by the
2 law in effect on the date the offense was committed, and the former
3 law is continued in effect for that purpose.

4 (b) Section 708.105, Transportation Code, as added by this
5 Act, applies only to a second or subsequent offense committed under
6 Section 601.191, Transportation Code, on or after the effective
7 date of this Act. A second or subsequent offense committed under
8 Section 601.191 of that code before the effective date of this Act
9 is covered by the law in effect on the date the offense was
10 committed, and the former law is continued in effect for that
11 purpose.

12 (c) For purposes of this section, an offense was committed
13 before the effective date of this Act, if any element of the offense
14 was committed before that date.

15 SECTION 7. This Act takes effect September 1, 2005.