

By: Menendez

H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of a court to dismiss a charge of  
3 operating a motor vehicle for which financial responsibility was  
4 not established.

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

6 SECTION 1. Subchapter G, Chapter 601, Transportation Code,  
7 is amended by adding Section 601.1935 to read as follows:

8 Sec. 601.1935. FINANCIAL RESPONSIBILITY ESTABLISHED AFTER  
9 TIME OF OFFENSE. (a) It is not an exception to the application of  
10 Section 601.191 or 601.195, or a defense or an affirmative defense  
11 to prosecution under those sections, that the person charged  
12 produces one of the documents listed in Section 601.051 showing  
13 that financial responsibility for the vehicle involved in the  
14 offense was established after the time the offense is alleged to  
15 have occurred.

16 (b) A court may not dismiss a charge under Section 601.191  
17 or 601.195 on the ground that the person charged has shown that  
18 financial responsibility for the vehicle involved in the offense  
19 was established after the time the offense is alleged to have  
20 occurred.

21 SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.