

BILL ANALYSIS

C.S.H.B. 2908
By: Gattis
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas law requires operators of motor vehicles to have a requisite monetary amount of motor vehicle liability insurance coverage and a valid driver's license. The law further provides that evidence of these requirements is to be shown to a peace officer upon the officer's request. These requirements are in place as a matter of public policy to try to ensure that an operator of a motor vehicle understands how to safely operate a vehicle, has a basic knowledge of the state's traffic laws, and, in the event of an accident, has a minimum monetary amount of insurance to help cover some or all of the damages resulting from the accident. Unfortunately, there are many uninsured operators on Texas roads and highways, including a number who also do not possess a valid driver's license.

Section 521.025, Transportation Code, sets forth the penalties for failure to carry and exhibit a license to a peace officer, however, the ability to impound the vehicle is not one of the penalties provided for. Impoundment of a motor vehicle is provided for by Section 601.261, Transportation Code, upon a second or subsequent conviction for failure to have the required statutory amount of motor vehicle liability insurance. However, there is no law that authorizes a peace officer to impound a motor vehicle if an operator fails to exhibit both proof of insurance and proof of a valid driver's license.

C.S.H.B. 2908 provides that a peace officer may impound the motor vehicle when the operator has both failed to carry and exhibit proper proof of motor vehicle insurance and a valid driver's license.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION BY SECTION

SECTION 1. Amends Subchapter C, Chapter 601, Transportation Code, by adding Section 601.0535 to read as follows:

Sec. 601.0535. IMPOUNDMENT OF MOTOR VEHICLE BY PEACE OFFICER.

- (a) If a person operates a motor vehicle in violation of Section 601.051 and fails to display a driver's license to the peace officer under Section 521.025, the officer may impound the vehicle.
- (b) If an officer impounds a motor vehicle under Subsection (a), the officer shall issue the person a written explanation, on a form designed by the law enforcement agency that employs the peace officer, as to how the owner or operator of the vehicle may recover the motor vehicle from that law enforcement agency.
- (c) The law enforcement agency that impounds a motor vehicle under Subsection (a) may release the vehicle to the owner or operator of the vehicle only if the owner or operator:
 - (1) provides to the law enforcement agency evidence consistent with:
 - (A) Section 601.053, showing that on the date the vehicle was impounded, the motor vehicle was in compliance with Section 601.051;

- (B) Section 601.052, showing that on that date the vehicle was exempt from the requirements of Section 601.051; or
 - (C) Section 601.053, showing that financial responsibility for the vehicle has been obtained and is valid;
- (2) pays for the cost of the impoundment; and
 - (3) provides to the law enforcement agency a driver's license issued to that person.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after September 1, 2007. An offense committed before September 1, 2007, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2007, if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2908 modifies the original bill by deleting Subsection 601.0535(d), as well as deleting the reference to Subsection 601.0535(d) in Subsection 601.0535(c)(2).