

BILL ANALYSIS

C.S.H.B. 141
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, courts are authorized, but not required, to dismiss a charge of failure to show proof of motor vehicle financial responsibility after the proper documents are produced.

C.S.H.B. 141 requires a court to dismiss a charge of failure to show evidence of motor vehicle financial responsibility if the defendant provides evidence of financial responsibility to the court and authorizes the court to charge an administrative fee of up to \$10 when the charge is dismissed. The bill creates a Class C misdemeanor offense for failing or refusing to provide evidence of financial responsibility to a peace officer.

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

C.S.H.B. 141 amends the Transportation Code to make it a Class C misdemeanor offense to fail or refuse to provide to a peace officer the required evidence of motor vehicle financial responsibility when required to respond to the peace officer's request. The bill requires a court to dismiss a charge of this offense if the defendant presents to the court a document acceptable under state law as evidence of financial responsibility that was valid at the time the offense occurred. The bill authorizes the court to assess the defendant an administrative fee not to exceed \$10 when the charge is dismissed. The bill exempts this administrative fee from Government Code provisions that require the comptroller of public accounts to identify each new law that imposes or changes the amount of a court cost or fee and to publish a list of those new or amended court costs and fees in the Texas Register.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 141 removes a provision in the original relating to the release of a vehicle impounded due to lack of evidence of financial responsibility on proof of financial responsibility in certain municipalities.