

## **BILL ANALYSIS**

H.B. 3255  
By: Gattis  
Transportation  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Texas law requires an operator of a motor vehicle to have a requisite amount, set in statute, of financial responsibility for motor vehicle liability and to have a valid driver's license. The law further provides that evidence of compliance with these requirements is to be shown to a peace officer on the officer's request. These requirements are in place as a matter of public policy 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 proof of a minimum monetary amount of proof of financial responsibility to cover some or all of the damages that may result from the accident. Unfortunately, there are many uninsured operators on Texas roads and highways, including some who also do not possess a valid driver's license.

Current law sets forth the penalties for failure to carry and exhibit a license to a peace officer; however, the ability of law enforcement to impound the vehicle is not provided. Impoundment of a vehicle is provided for by law upon a second or subsequent conviction of failure to establish financial responsibility for the vehicle, but there is no state law authorizing a peace officer to impound a motor vehicle if an operator fails to display both proof of insurance and a valid driver's license.

H.B. 3255 authorizes a peace officer to impound a motor vehicle when the operator does not establish financial responsibility for the vehicle and fails to display a valid driver's license on the demand of 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**

H.B. 3255 amends the Transportation Code to authorize a peace officer to impound a motor vehicle if a person operates the vehicle in violation of the requirement to establish and maintain financial responsibility for the vehicle and fails to display a driver's license to the peace officer as required by law. The bill requires an officer who impounds a vehicle under the bill's provisions to 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 vehicle from that agency. The bill authorizes the law enforcement agency that impounds a motor vehicle to release the vehicle to the owner or operator of the vehicle only if the owner or operator: provides to the agency evidence, consistent with applicable law, showing that on the date the vehicle was impounded, the vehicle was in compliance with the financial responsibility requirement, showing that on that date the vehicle was exempt from the financial responsibility requirement, or showing that financial responsibility for the vehicle has been obtained and is valid; pays for the cost of the impoundment; and provides to the agency a driver's license issued to that person.

**EFFECTIVE DATE**

September 1, 2009.

**EXPLANATION OF AMENDMENTS**

Committee Amendment No. 1

H.B. 3255 is amended to strike language authorizing a peace officer to impound a motor vehicle if a person operates a vehicle in violation of the requirement to establish and maintain financial responsibility for the vehicle and fails to display a driver's license to the peace officer as required by law, and substitute language authorizing a peace officer to impound the vehicle if a person operates a vehicle and fails to display a driver's license to the peace officer as required by law and does not establish financial responsibility as required by law.