

By: Berman

H.B. No. 259

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of motor vehicle license plates and the suspension of the vehicle registration for failure to maintain financial responsibility.

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

SECTION 1. The heading to Subchapter I, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER I. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE OR LICENSE PLATES

SECTION 2. Subchapter I, Chapter 601, Transportation Code, is amended by adding Sections 601.268 and 601.269 to read as follows:

Sec. 601.268. IMPOUNDMENT OF LICENSE PLATES BY PEACE OFFICER. (a) If a person required by Section 601.053 to provide to a peace officer evidence of financial responsibility for a motor vehicle fails to provide that evidence, the officer shall:

(1) remove each license plate that is attached to the vehicle, require the operator of or a passenger in the vehicle to remove each license plate, or require the vehicle to be driven or towed, at the operator's expense, to a location where each license plate may be safely removed from the vehicle;

(2) issue the person:

(A) written notice, which shall be included on the form required by Paragraph (B), that registration of the

1 vehicle from which the license plate was removed will be suspended  
2 by the Texas Department of Transportation if the owner or operator  
3 of the vehicle does not:

4 (i) recover the removed license plate  
5 before the 11th calendar day after the date the license plate was  
6 removed; or

7 (ii) after the 11th calendar day after the  
8 date the license plate was removed but not later than the 60th day  
9 after the date of removal, apply for replacement license plates;

10 (B) a written explanation, on a form designed by  
11 the department, as to how:

12 (i) within 10 calendar days after the date  
13 of impoundment, the owner or operator of the vehicle may recover a  
14 removed license plate from the law enforcement agency that employs  
15 the peace officer; or

16 (ii) on or after the 11th calendar day after  
17 the date of impoundment but not later than the 60th day after the  
18 date of impoundment, the owner of the vehicle may apply for  
19 replacement license plates through the appropriate county  
20 assessor-collector; and

21 (C) a temporary license plate designed by the  
22 Texas Department of Transportation that:

23 (i) when attached to the rear of the  
24 vehicle, authorizes the operation of the vehicle for a period that  
25 expires on the 10th calendar day after its date of issuance; and

26 (ii) shows on its face the expiration date  
27 of the temporary license plate; and

1           (3) provide for the secure impoundment of each removed  
2 plate for the vehicle at the offices of the law enforcement agency  
3 that employs the peace officer.

4           (b) Before the 11th day after the date of impoundment, the  
5 law enforcement agency that impounds a license plate under  
6 Subsection (a) shall release the plate to the owner or operator of  
7 the vehicle from which the plate was removed if the owner or  
8 operator:

9           (1) provides to the law enforcement agency evidence  
10 consistent with:

11                   (A) Section 601.053, showing that on the date the  
12 plate was removed, the motor vehicle was in compliance with Section  
13 601.051;

14                   (B) Section 601.052, showing that on that date  
15 the vehicle was exempt from the requirements of Section 601.051; or

16                   (C) Section 601.053, showing that financial  
17 responsibility for the vehicle has been obtained and is valid, at a  
18 minimum, for the 180-day period that begins on the date that release  
19 of the impounded license plate is applied for; and

20           (2) pays the applicable administrative fee to the law  
21 enforcement agency in the amount established by department rule.

22           (c) If on or after the 11th calendar day after the date of  
23 impoundment but not later than the 60th day after the date of  
24 impoundment, the owner or operator of the vehicle provides proof  
25 described by Subsection (b) to the law enforcement agency that  
26 impounded the license plates under Subsection (a), that law  
27 enforcement agency, shall, in the manner specified by the Texas

1 Department of Transportation, authorize the owner of the vehicle  
2 from which the plates were removed to apply for replacement license  
3 plates through the appropriate county assessor-collector.

4 (d) If an impounded license plate is not recovered by the  
5 owner or operator of the vehicle under Subsection (b) before the  
6 11th calendar day after the date the plate was removed from the  
7 vehicle, the impounding law enforcement agency shall destroy the  
8 license plate and notify the department or the analogous authority  
9 in the jurisdiction that issued the plate, in the manner specified  
10 by the department, that the law enforcement agency impounded and  
11 subsequently destroyed the plate under this section.

12 (e) Not later than the 10th business day after receipt of  
13 notice under Subsection (d), the department shall notify the Texas  
14 Department of Transportation that the license plate described in  
15 the notice was impounded and subsequently destroyed by the law  
16 enforcement agency under this section. The Texas Department of  
17 Transportation shall note on the applicable vehicle registration  
18 record that a suspension of the vehicle registration under this  
19 section is pending.

20 (f) If before the 61st day after the date of impoundment of  
21 the license plates the Texas Department of Transportation has not  
22 received evidence described by Subsection (b)(1), the Texas  
23 Department of Transportation shall:

24 (1) suspend the registration of the vehicle for which  
25 the license plate was issued; and

26 (2) mail the owner of the vehicle, at the owner's last  
27 known address as shown by the vehicle registration records of that

1 department, notice of the suspension of the vehicle's registration.

2 (g) The department shall set separate fees to be imposed on  
3 the owner or operator of a license plate released under Subsection  
4 (b)(1)(A) or (B) or on the owner or operator of a license plate  
5 released under Subsection (b)(1)(C). The fees must be reasonable  
6 and may not exceed the amount that the department determines is  
7 sufficient for a law enforcement agency in this state to recover the  
8 actual cost of enforcing this section, provided that the amount of  
9 the fee to be imposed in connection with a license plate released  
10 under Subsection (b)(1)(A) or (B) may not exceed 50 percent of the  
11 fee to be imposed in connection with a license plate released under  
12 Subsection (b)(1)(C).

13 Sec. 601.269. REINSTATEMENT OF SUSPENDED REGISTRATION. (a)  
14 A vehicle registration suspended under Section 601.268(f) may not  
15 be reinstated and a new registration issued to the owner of the  
16 vehicle until the owner of the vehicle:

17 (1) provides to the Texas Department of Transportation  
18 through the county assessor-collector of the county in which the  
19 owner resides, evidence of compliance as described by Section  
20 601.268(b)(1); and

21 (2) pays to that county assessor-collector:

22 (A) a \$100 reinstatement fee; and

23 (B) the fee required by Section 502.184 for the  
24 issuance of a replacement vehicle registration.

25 (b) Of each \$100 reinstatement fee, the county  
26 assessor-collector may retain \$10 and shall send \$90 to the  
27 comptroller for deposit to the credit of the state highway fund.

1 SECTION 3. Section 601.374, Transportation Code, is amended  
2 by adding Subsection (d) to read as follows:

3 (d) This section does not apply to a vehicle registration  
4 suspended under Section 601.268.

5 SECTION 4. Section 601.376, Transportation Code, is amended  
6 by adding Subsection (d) to read as follows:

7 (d) This section does not apply to a vehicle registration  
8 suspended under Section 601.268.

9 SECTION 5. (a) The Texas Department of Transportation  
10 shall:

11 (1) not later than November 30, 2009, adopt rules  
12 necessary for that department to implement and administer Section  
13 601.268, Transportation Code, as added by this Act; and

14 (2) not later than December 31, 2009, provide to each  
15 law enforcement agency in this state that employs a peace officer  
16 who enforces Section 601.053, Transportation Code, a sufficient  
17 number of the temporary license plates described by Section  
18 601.268(a)(2)(C) of that code, as added by this Act.

19 (b) The Texas Department of Public Safety shall:

20 (1) not later than November 30, 2009, adopt rules  
21 necessary for that department to implement and administer Section  
22 601.268, Transportation Code, as added by this Act; and

23 (2) not later than December 31, 2009, provide to each  
24 law enforcement agency in this state that employs a peace officer  
25 who enforces Section 601.053, Transportation Code, a sufficient  
26 number of the written forms described by Section 601.268(a)(2) of  
27 that code, as added by this Act.

1           SECTION 6. (a) Sections 1-4 of this Act take effect January  
2 1, 2010.

3           (b) Section 5 and this section of this Act take effect  
4 September 1, 2009.