

By: Mallory Caraway, et al.

H.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of certain traffic laws; providing a penalty.

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

SECTION 1. Section 601.053, Transportation Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A document listed in Subsection (a) is sufficient evidence that financial responsibility is established for a vehicle if the document:

(1) identifies the operator of the vehicle as an insured or as covered by the surety bond, deposit, or certificate of self-insurance, regardless of whether the document identifies the vehicle by make or model; or

(2) identifies the vehicle by make and model and as a covered vehicle, regardless of whether the document identifies the operator of the vehicle by name, provided that the document does not specifically exclude the operator by name or age.

(d) A person commits an offense if the person fails or refuses to provide to a peace officer the evidence of financial responsibility as required by Subsection (a). An offense under this subsection is a Class C misdemeanor.

(e) A court shall dismiss a charge of an offense under Subsection (d) if the defendant presents to the court one of the documents listed in Subsection (a) that was valid at the time that

1 the offense occurred. The court may assess the defendant an
2 administrative fee not to exceed \$10 when the charge is dismissed.
3 Section 51.607, Government Code, does not apply to the
4 administrative fee.

5 SECTION 2. Section 601.195, Transportation Code, is amended
6 by adding Subsections (c) and (d) to read as follows:

7 (c) A motor vehicle that is operated in violation of
8 Subsection (a) may be impounded by, or at the order of, a peace
9 officer solely because of that violation.

10 (d) A motor vehicle may be impounded by or at the order of a
11 peace officer only if:

12 (1) written policies are adopted through a public
13 hearing process authorizing the impoundment; and

14 (2) the adopted policies provide for the issuance of a
15 citation to the operator for the applicable offense defined by
16 Subsection (a) or for charging the operator with the applicable
17 offense defined by Subsection (a) as an alternative to impoundment.

18 SECTION 3. Section 708.103(a), Transportation Code, is
19 amended to read as follows:

20 (a) Except as provided by Section 708.202, each ~~Each~~ year
21 the department shall assess a surcharge on the license of each
22 person who during the preceding 36-month period has been convicted
23 of an offense under Section 521.457, 601.191, or 601.371.

24 SECTION 4. Chapter 708, Transportation Code, is amended by
25 adding Subchapter E to read as follows:

26 SUBCHAPTER E. DEDUCTION OF POINTS OR ELIMINATION OF SURCHARGE

27 Sec. 708.201. ELIGIBILITY. A person who is paying a

1 surcharge under this chapter is eligible for a deduction of points
2 or elimination of a surcharge as provided by this subchapter if:

3 (1) the person has paid a surcharge for at least the
4 preceding 12-month period because of:

5 (A) an accumulation of points under Subchapter B;
6 or

7 (B) a conviction of an offense under Section
8 601.191 or 601.371; and

9 (2) the person has not:

10 (A) received a deduction of points or the
11 elimination of a surcharge under this subchapter in the previous 24
12 months; and

13 (B) successfully completed a driving safety
14 course approved by the Texas Education Agency or a course under the
15 motorcycle operator training and safety program approved by the
16 designated state agency under Chapter 662 in the previous 12
17 months.

18 Sec. 708.202. DRIVING SAFETY COURSE REQUIRED. (a) A person
19 who successfully completes a driving safety course approved by the
20 Texas Education Agency or a course under the motorcycle operator
21 training and safety program approved by the designated state agency
22 under Chapter 662 is entitled to:

23 (1) a deduction of two points on the person's driver's
24 license under Subchapter B; or

25 (2) elimination of a surcharge based on a conviction
26 of an offense under Section 601.191 or 601.371.

27 (b) If the deduction of points under this section causes a

1 person to have fewer than six points accumulated on the person's
2 driver's license, the person is no longer required to pay a
3 surcharge.

4 SECTION 5. This Act takes effect September 1, 2009.