

By: Gattis

H.B. No. 3255

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of a motor vehicle if operated without financial responsibility or a driver's license.

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

SECTION 1. Subchapter C, Chapter 601, Transportation Code, is amended 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

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

7 SECTION 2. The change in law made by this Act applies only  
8 to an offense committed on or after September 1, 2009. An offense  
9 committed before September 1, 2009, is covered by the law in effect  
10 when the offense was committed, and the former law is continued in  
11 effect for that purpose. For purposes of this section, an offense  
12 was committed before September 1, 2009, if any element of the  
13 offense occurred before that date.

14 SECTION 3. This Act takes effect September 1, 2009.

COMMITTEE AMENDMENT NO. 1

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2 Amend H.B. 3255 as follows:  
3 (1) On page 1, lines 8-10, strike "in violation of Section  
4 601.051 and fails to display a driver's license to the peace officer  
5 under Section 521.025" and substitute "and fails to display a  
6 driver's license to the peace officer under Section 521.025 and  
7 does not establish financial responsibility as required under  
8 Section 601.051".

9 Smith of Harris