

BILL ANALYSIS

C.S.H.B. 1047
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The operator of a motor vehicle is currently required to maintain a certain amount of liability insurance for his or her motor vehicle to ensure that, in the event of an accident, the operator has the ability to take responsibility for some or all of the financial damages that may result. Despite this requirement, there are an estimated 4.1 million vehicles on Texas roads and highways that are driven by operators who do not have the required amount of financial responsibility. C.S.H.B. 1047 seeks to authorize a peace officer to impound a motor vehicle that is involved in a traffic accident or stopped for an alleged traffic violation if the motor vehicle's operator cannot demonstrate financial responsibility.

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. 1047 amends the Transportation Code to authorize a peace officer to impound the vehicle of a person who is involved in a motor vehicle accident or is stopped for an alleged violation of a local traffic ordinance, a state traffic law, or any other law that applies to the operation of a vehicle on a roadway and who operates a motor vehicle without establishing financial responsibility for that vehicle in violation of the Texas Motor Vehicle Safety Responsibility Act. The bill requires the peace officer to instruct the operator of the vehicle as to how the owner of the vehicle may recover the motor vehicle from that law enforcement agency or a vehicle storage facility authorized to remove and store the vehicle by that law enforcement agency. The bill authorizes the law enforcement agency or authorized vehicle storage facility to release the vehicle to the owner of the vehicle only if the owner completes the following actions: provides to the agency or facility evidence showing that on the date the vehicle was impounded it was in compliance with or exempt from financial responsibility requirements or showing that financial responsibility for the vehicle has been obtained and is valid; provides to the agency or facility a driver's license issued to the owner of the vehicle; and pays all associated fees authorized under the Vehicle Storage Facility Act and the Texas Towing and Booting Act. The bill authorizes the law enforcement agency or the authorized vehicle storage facility, as applicable, to release the vehicle to a person who is shown as a lienholder on the vehicle's certificate of title only if the person provides to the agency or facility a statement from an officer of the lienholder establishing that the obligation secured by the vehicle is in default and pays all associated fees authorized under the Vehicle Storage Facility Act and the Texas Towing and Booting Act.

C.S.H.B. 1047 provides for the meanings of "owner of a vehicle" and "vehicle storage facility" by reference to the Occupations Code.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1047 contains a provision not included in the original providing for the meanings of "owner of a vehicle" and "vehicle storage facility."

C.S.H.B. 1047 differs from the original by authorizing a peace officer to impound the vehicle of a person who is involved in a motor vehicle accident or is stopped for an alleged violation of any law that applies to the operation of a vehicle on a roadway, whereas the original authorizes a peace officer to impound the vehicle of a person who fails to display a driver's license to the officer in violation of the law requiring a license to be carried and exhibited on demand.

C.S.H.B. 1047 differs from the original by requiring a peace officer to instruct the operator of the vehicle as to how the owner may recover the vehicle from the law enforcement agency employing the officer or an authorized vehicle storage facility, whereas the original requires the officer to issue to a person whose vehicle is impounded a written explanation as to how the owner or operator of the vehicle may recover the vehicle from that law enforcement agency.

C.S.H.B. 1047 differs from the original by authorizing the law enforcement agency or the authorized vehicle storage facility, as applicable, to release an impounded vehicle if the owner meets certain conditions, whereas the original authorizes the applicable law enforcement agency to release the vehicle if the owner or operator of the vehicle meets certain conditions. The substitute differs from the original by requiring the owner of an impounded vehicle, for the vehicle to be released, to pay all associated fees authorized under the Vehicle Storage Facility Act and the Texas Towing and Booting Act, rather than the cost of the impoundment, as in the original.

C.S.H.B. 1047 contains a provision not included in the original authorizing the law enforcement agency or the authorized vehicle storage facility to release an impounded vehicle to a person who is shown as a lienholder on the vehicle's certificate of title if the person meets certain conditions. The substitute differs from the original in nonsubstantive ways.