BILL ANALYSIS

Senate Research Center   S.B. 1700
                                                                                                          By: Williams
                                                                                    Transportation & Homeland Security
                                                                                                               3/26/2011
                                                                                                                As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are tens of thousands of individuals who drive without a license or with a suspended license in Texas and there are hundreds of thousands who drive on Texas roadways without liability insurance. Driver's license and insurance checkpoints are an efficient and effective way of increasing compliance with state driver's license, vehicle insurance, and vehicle inspection laws. Within the strict parameters set forth by the United States Supreme Court, such checkpoints also afford officers an opportunity detect and act upon felony crimes when sufficient probable cause exists.

This bill would authorize Department of Public Safety troopers to conduct driver's license and insurance check points in accordance with the U.S. Supreme Court parameters.

As proposed, S.B. 1700 amends current law relating to checkpoints to ensure the validity of licenses and financial responsibility of vehicle operators.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 600, Transportation Code, by adding Section 600.005, as follows:

> Sec. 600.005. DRIVER'S LICENSE AND EVIDENCE OF FINANCIAL RESPONSIBILITY CHECKPOINTS. (a) Authorizes the Department of Public Safety of the State of Texas (DPS) to establish a program for the purpose of establishing checkpoints to ensure that operators of motor vehicles in this state are not in violation of Section 521.021 (License Required), 522.011 (License or Permit Required; Offense), or 601.051 (Requirement of Financial Responsibility).
>
> > (b) Authorizes DPS to establish the checkpoint program in conjunction with local law enforcement authorities. Authorizes DPS and local law enforcement authorities to share the cost of staffing the checkpoints conducted under the program established by this section.
> >
> > (c) Requires DPS to establish procedures to be used in the operation of a checkpoint conducted under the program established by this section.
> >
> > (d) Requires the procedures for the operation of a checkpoint conducted under the program established by this section to:
> >
> > > (1) limit the discretion of the peace officers conducting the checkpoint;
> > >
> > > (2) ensure that the selection of motor vehicles to be stopped is reasonably predictable and nonarbitrary;

(3) ensure that intrusion on the operator is minimized; and

(4) ensure that an inquiry is reasonably related to the purpose of the checkpoint.

(e) Requires DPS to keep a record of the operation of a checkpoint conducted under the program established by this section that contains:

(1) the date, time, location, and duration of the checkpoint;

(2) the number of motor vehicles stopped at the checkpoint and the number and nature of arrests made and citations issued at the checkpoint; and

(3) the identities of the peace officers operating the checkpoint.

SECTION 2. Effective date: September 1, 2011.