

By: Schwertner, Phillips

H.B. No. 1047

Substitute the following for H.B. No. 1047:

By: Bonnen

C.S.H.B. No. 1047

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the impoundment of a motor vehicle if operated without  
3 financial responsibility.

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

5 SECTION 1. Subchapter C, Chapter 601, Transportation Code,  
6 is amended by adding Section 601.0535 to read as follows:

7 Sec. 601.0535. IMPOUNDMENT OF MOTOR VEHICLE BY PEACE  
8 OFFICER. (a) In this section, "owner of a vehicle" and "vehicle  
9 storage facility" have the meanings assigned by Section 2303.002,  
10 Occupations Code.

11 (b) A peace officer may impound the vehicle of a person who:

12 (1) is involved in a motor vehicle accident or is  
13 stopped for an alleged violation of a local traffic ordinance, a  
14 state traffic law, or any other law that applies to the operation of  
15 a vehicle on a roadway; and

16 (2) operates a motor vehicle in violation of Section  
17 601.051.

18 (c) A peace officer who impounds a motor vehicle under  
19 Subsection (b) shall instruct the operator of the vehicle as to how  
20 the owner of the vehicle may recover the motor vehicle from that law  
21 enforcement agency or a vehicle storage facility authorized to  
22 remove and store the vehicle by that law enforcement agency.

23 (d) The law enforcement agency or authorized vehicle  
24 storage facility that impounds a motor vehicle under this section

1 may release the vehicle to the owner of the vehicle only if the  
2 owner:

3 (1) provides to the law enforcement agency or  
4 authorized vehicle storage facility evidence consistent with:

5 (A) Section 601.053, showing that on the date the  
6 vehicle was impounded, the motor vehicle was in compliance with  
7 Section 601.051;

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

10 (C) Section 601.053, showing that financial  
11 responsibility for the vehicle has been obtained and is valid;

12 (2) provides to the law enforcement agency or  
13 authorized vehicle storage facility a driver's license issued to  
14 the owner of the vehicle; and

15 (3) pays all associated fees authorized under Chapters  
16 2303 and 2308, Occupations Code.

17 (e) The law enforcement agency or authorized vehicle  
18 storage facility that impounds a motor vehicle under this section  
19 may release the vehicle to a person who is shown as a lienholder on  
20 the vehicle's certificate of title only if the person:

21 (1) provides to the law enforcement agency or  
22 authorized vehicle storage facility a statement from an officer of  
23 the lienholder establishing that the obligation secured by the  
24 vehicle is in default; and

25 (2) pays all associated fees authorized under Chapters  
26 2303 and 2308, Occupations Code.

27 SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after September 1, 2011. An offense  
2 committed before September 1, 2011, is governed by the law in effect  
3 on the date the offense was committed, and the former law is  
4 continued in effect for that purpose. For purposes of this section,  
5 an offense was committed before September 1, 2011, if any element of  
6 the offense occurred before that date.

7 SECTION 3. This Act takes effect September 1, 2011.