

By: Schwertner

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 and a driver's license.

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) A peace officer may impound the vehicle of a person
9 who:

10 (1) operates a motor vehicle in violation of Section
11 601.051; and

12 (2) fails to display a driver's license to the officer
13 under Section 521.025.

14 (b) A peace officer who impounds a motor vehicle under
15 Subsection (a) shall issue the person a written explanation, on a
16 form designed by the law enforcement agency that employs the
17 officer, as to how the owner or operator of the vehicle may recover
18 the motor vehicle from that law enforcement agency.

19 (c) The law enforcement agency that impounds a motor vehicle
20 under Subsection (a) may release the vehicle to the owner or
21 operator of the vehicle only if the owner or operator:

22 (1) provides to the law enforcement agency evidence
23 consistent with:

24 (A) Section 601.053, showing that on the date the

1 vehicle was impounded, the motor vehicle was in compliance with
2 Section 601.051;

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

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

7 (2) provides to the law enforcement agency a driver's
8 license issued to that person; and

9 (3) pays for the cost of the impoundment.

10 SECTION 2. The change in law made by this Act applies only
11 to an offense committed on or after September 1, 2011. An offense
12 committed before September 1, 2011, is governed by the law in effect
13 on the date the offense was committed, and the former law is
14 continued in effect for that purpose. For purposes of this section,
15 an offense was committed before September 1, 2011, if any element of
16 the offense occurred before that date.

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