

By: Lucio III

H.B. No. 2686

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the impoundment of a motor vehicle involved in an
3 accident if operated without financial responsibility.

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

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

7 SUBCHAPTER O. IMPOUNDMENT OF MOTOR VEHICLE INVOLVED IN ACCIDENT

8 Sec. 601.501. IMPOUNDMENT OF MOTOR VEHICLE. (a) A peace
9 officer shall impound the motor vehicle of a person who:

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

12 (2) is involved in an accident in the vehicle.

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

18 (c) In addition to the notice required under Subsection (b),
19 the law enforcement agency shall send notice of impoundment to:

20 (1) the last known registered owner of the vehicle if
21 the person operating the vehicle does not own the vehicle; and

22 (2) the lienholder recorded under Chapter 501 for the
23 vehicle if there is a lienholder for the vehicle.

24 (d) The law enforcement agency that impounds a motor vehicle

1 under Subsection (a) may release the vehicle to the owner of the
2 vehicle only if the owner:

3 (1) provides to the law enforcement agency evidence
4 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) claims the vehicle not later than the 60th day
13 after the date the vehicle is impounded; and

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

15 (e) If the owner of the motor vehicle does not comply with
16 the requirements under Subsection (d) before the 61st day after the
17 date the vehicle is impounded and there is a lienholder recorded
18 under Chapter 501 for the vehicle, the law enforcement agency that
19 impounds the vehicle may release the vehicle to a person who:

20 (1) is shown as a lienholder on the vehicle's
21 certificate of title or is that lienholder's agent;

22 (2) presents an affidavit from an officer of the
23 lienholder establishing that the debt secured by the vehicle is in
24 default or has matured;

25 (3) provides evidence of financial responsibility;
26 and

27 (4) pays for the cost of the impoundment.

1 (f) Notwithstanding any other law, if a lienholder does not
2 take possession of the motor vehicle under Subsection (e), the
3 lienholder forfeits the lienholder's interest in the vehicle and
4 the law enforcement agency that impounds the vehicle may auction
5 the vehicle.

6 (g) If the owner of the motor vehicle does not comply with
7 the requirements under Subsection (d) before the 61st day after the
8 date the vehicle is impounded and there is no lienholder recorded
9 under Chapter 501 for the vehicle, the law enforcement agency that
10 impounds the vehicle may auction the vehicle.

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

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