

BILL ANALYSIS

C.S.H.B. 77
By: Guillen
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties indicate that a driver who has established financial responsibility for a vehicle may still receive a citation from a police officer for failure to establish financial responsibility if the driver is not carrying a verification document. C.S.H.B. 77 seeks to remedy this situation by providing alternate means to show evidence of financial responsibility for a vehicle.

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. 77 amends the Transportation Code to prohibit a peace officer, if the officer has access to the financial responsibility verification program, from issuing a citation for a violation of the requirement to establish financial responsibility for a motor vehicle unless the officer attempts to verify through the verification program that financial responsibility has been established for the vehicle and is unable to make that verification. The bill authorizes an operator required to provide evidence of financial responsibility to provide the evidence in electronic format displayed on a wireless communication device or other portable electronic device.

C.S.H.B. 77 establishes that the display of an image that includes financial responsibility information on a wireless communication device or other portable electronic device does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device or other portable electronic device except to view the financial responsibility information. The bill prohibits a telecommunications provider from being held liable to the operator of a motor vehicle for the failure of a wireless communication device to display the financial responsibility information.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 77 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 601.053(c), Transportation Code, is amended to read

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 601.053, Transportation Code, is amended by amending Subsection (c)

as follows:

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle.

A peace officer may not issue a citation for a violation of Section 601.051 unless the officer attempts to verify through the program that financial responsibility has been established for the vehicle and is unable to make that verification.

SECTION 2. This Act takes effect September 1, 2013.

and adding Subsections (d), (e), and (f) to read as follows:

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle. If a peace officer has access to the verification program, the officer may not issue a citation for a violation of Section 601.051 unless the officer attempts to verify through the program that financial responsibility has been established for the vehicle and is unable to make that verification.

(d) An operator required to provide evidence of financial responsibility under Subsection (a) may provide the evidence of financial responsibility in electronic format displayed on a wireless communication device or other portable electronic device.

(e) The display of an image that includes financial responsibility information on a wireless communication device or other portable electronic device under Subsection (d) does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device or other portable electronic device except to view the financial responsibility information.

(f) A telecommunications provider, as defined by Section 51.002, Utilities Code, may not be held liable to the operator of the motor vehicle for the failure of a wireless communication device to display financial responsibility information under Subsection (d).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.