

BILL ANALYSIS

C.S.H.B. 239
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Technology
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a driver of a motor vehicle to produce proof of liability insurance when requested by a peace officer or another driver involved in an accident with that driver. Interested parties note that such proof could be established through the display of standard liability insurance information on a wireless communication device. C.S.H.B. 239 seeks to provide drivers an alternative means of providing evidence of financial responsibility for their motor vehicles by allowing a driver to show proof of insurance on a wireless communication device in place of a paper copy of the driver's proof of insurance.

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. 239 amends the Transportation Code to add to the options given to a motor vehicle operator who is required to provide evidence of financial responsibility for the motor vehicle on the request of a peace officer or to a person involved in an accident with the operator the option of providing such evidence by means of an image displayed on a wireless communication device that includes the standard proof of motor vehicle liability insurance information provided by a liability insurer. The bill prohibits a peace officer with access to the financial responsibility verification program from issuing a citation for a violation of the requirement to provide proof of financial responsibility 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.

C.S.H.B. 239 establishes that the display of an image that includes financial responsibility information on a wireless communication device does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the financial responsibility information. The bill clarifies that the authorization to use the wireless communication device to display financial responsibility does not prevent a court of competent jurisdiction from requiring a person to provide a paper copy of the person's evidence of financial responsibility in a hearing or trial or in connection with discovery proceedings, nor does it prevent the commissioner of insurance from requiring a person to provide a paper copy of the person's evidence of financial responsibility in connection with any inquiry or transaction conducted by or on behalf of the commissioner. The bill prohibits a telecommunications provider from being held liable to the operator of the motor vehicle for the failure of a wireless communication device to display 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. 239 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, Transportation Code, is amended by adding Subsection (d) to read as follows:

(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.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 601.053, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:

(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;

(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;

(2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;

(3) an insurance binder that confirms the operator is in compliance with this chapter;

(4) a surety bond certificate issued under Section 601.121;

(5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;

(6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or

(7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

(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,

No equivalent provision.

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.

No equivalent provision.

(d) The display of an image that includes financial responsibility information on a wireless communication device under Subsection (a)(2-a) does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the financial responsibility information.

No equivalent provision.

(e) The authorization of the use of a wireless communication device to display financial responsibility information under Subsection (a)(2-a) does not prevent:

(1) a court of competent jurisdiction from requiring a person to provide a paper copy of the person's evidence of financial responsibility in a hearing or trial or in connection with discovery proceedings; or

(2) the commissioner of insurance from requiring a person to provide a paper copy of the person's evidence of financial responsibility in connection with any inquiry or transaction conducted by or on behalf of the commissioner.

(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 (a)(2-a).

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

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.