

BILL ANALYSIS

Senate Research Center

S.B. 181
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Transportation
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 601.053 (Evidence of Financial Responsibility), Transportation Code, requires the operator of a motor vehicle, on request, to provide to a peace officer, as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility. Evidence of financial responsibility may be exhibited through a liability insurance policy or photocopy of one, a standard proof of motor vehicle liability insurance provided by the Texas Department of Insurance, an insurance binder that confirms the operator is in compliance, a surety bond certificate, a certificate of deposit with the comptroller of public accounts covering the vehicle, a copy of the certificate of deposit, a certificate of self-insurance covering the vehicle issued, or a photocopy.

S.B. 181 amends the statement to provide that a person may also provide an image displayed on a wireless communication device that includes the required information provided by a liability insurer. This display 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. Authorization of the use of the wireless device 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, nor does it prevent the commissioner of insurance (commissioner) 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.

S.B. 181 also prohibits a telecommunications provider from being held liable to the motor vehicle operator for the failure of the wireless device to display financial responsibility information.

S.B. 181 amends current law relating to verification of motor vehicle financial responsibility information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

- (a) Requires the operator of a vehicle on request, as a condition of operating in this state a motor vehicle to which Section 601.051 (Requirement of Financial Responsibility) applies, to provide to a peace officer, as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting certain information, including in added Subdivision (2-a), an image displayed on a wireless communication device that includes the information required by Section 601.081 (Standard Proof of Motor Vehicle Liability Insurance Form) as provided by a liability insurer.

(c) Prohibits a peace officer, if the officer has access to the verification program, from issuing a citation for a violation of Section 601.051 unless the officer attempts to verify through the verification program established under Subchapter N (Financial Responsibility Verification Program) that financial responsibility has been established for the vehicle and is unable to make that verification.

(d) Provides that 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.

(e) Provides that 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 (commissioner) 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) Prohibits a telecommunications provider, as defined by Section 51.002 (Definitions), Utilities Code, from being 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. Effective date: upon passage or September 1, 2013.