

## **BILL ANALYSIS**

C.S.S.B. 181  
By: Hegar  
Technology  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires the operator of a motor vehicle, on request, to provide evidence of financial responsibility to a peace officer or to a person involved in an accident with the operator. Evidence of financial responsibility may be exhibited through a liability insurance policy or a photocopy of such a policy, 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, or a certificate of self-insurance covering the vehicle issued. C.S.S.B. 181 seeks to increase options for displaying evidence of financial responsibility by allowing a driver to show proof of insurance on a wireless communication device.

### **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.S.B. 181 amends the Transportation Code to include an image displayed on a wireless communication device that includes the information required for a standard proof of motor vehicle liability insurance form as provided by a liability insurer as acceptable evidence of financial responsibility under circumstances in which a motor vehicle operator is required to provide such evidence on request to a peace officer or a person involved in an accident with the operator. The bill prohibits a peace officer who has access to a financial responsibility verification program from issuing a citation for a violation relating to establishing financial responsibility for a motor vehicle 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. The bill specifies that the display of an image that includes such 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 device except to view the information. The bill specifies that the authorization of the use of a wireless communication device to display such financial responsibility information 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 or 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 exempts a telecommunications provider from liability to the operator of the motor vehicle for the failure of a wireless communication device to display such 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.S.B. 181 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

### SENATE ENGROSSED

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

**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, 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) 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) 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 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

(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.

(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. Same as engrossed version.

Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.