

By: Hegar, et al.
(Guillen, Elkins, Sheets, Fallon)

S.B. No. 181

Substitute the following for S.B. No. 181:

By: Elkins

C.S.S.B. No. 181

A BILL TO BE ENTITLED

AN ACT

relating to verification of motor vehicle financial responsibility information.

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

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

1 in compliance with this chapter;

2 (4) a surety bond certificate issued under Section
3 601.121;

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

6 (6) a copy of a certificate of a deposit with the
7 appropriate county judge covering the vehicle issued under Section
8 601.123; or

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

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

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

27 (e) The authorization of the use of a wireless communication

1 device to display financial responsibility information under
2 Subsection (a)(2-a) does not prevent:

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

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

11 (f) A telecommunications provider, as defined by Section
12 51.002, Utilities Code, may not be held liable to the operator of
13 the motor vehicle for the failure of a wireless communication
14 device to display financial responsibility information under
15 Subsection (a)(2-a).

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