

By: Lucio III

H.B. No. 2107

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of a motor vehicle operated without financial responsibility and involved in an accident; authorizing a fee.

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

SECTION 1. The heading to Subchapter I, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER I. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE FOR MULTIPLE OFFENSES

SECTION 2. Chapter 601, Transportation Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE AFTER ACCIDENT

Sec. 601.271. IMPOUNDMENT OF MOTOR VEHICLE. (a) A peace officer shall impound the motor vehicle of a person who:

(1) operates the vehicle in violation of Section 601.051; and

(2) is involved in an accident in the vehicle.

(b) A peace officer who impounds a motor vehicle under Subsection (a) shall issue the person a written explanation, on a form designed by the law enforcement agency that employs the officer, as to how the owner of the vehicle may recover the vehicle from that law enforcement agency.

(c) In addition to the notice required under Subsection (b),

the law enforcement agency shall send notice of impoundment to:

(1) the last known registered owner of the motor vehicle if the person operating the vehicle does not own the vehicle; and

(2) the lienholder recorded under Chapter 501 for the motor vehicle if there is a lienholder for the vehicle.

Sec. 601.272. DURATION OF IMPOUNDMENT; RELEASE. (a) The law enforcement agency that impounds a motor vehicle under this subchapter may release the vehicle to the owner of the vehicle only if the owner:

(1) provides to the law enforcement agency evidence consistent with:

(A) Section 601.052, showing that on the date the vehicle was impounded, the vehicle was exempt from the requirements of Section 601.051;

(B) Section 601.053, showing that on that date the vehicle was in compliance with Section 601.051; or

(C) Section 601.053, showing that financial responsibility for the vehicle has been obtained and is valid;

(2) claims the vehicle not later than the 60th day after the date the vehicle is impounded; and

(3) pays for the cost of the impoundment.

(b) If the owner of the motor vehicle does not comply with the requirements under Subsection (a) before the 61st day after the date the vehicle is impounded and there is a lienholder recorded under Chapter 501 for the vehicle, the law enforcement agency that impounds the vehicle may release the vehicle to a person who:

1 (1) is shown as a lienholder on the vehicle's
2 certificate of title or is that lienholder's agent; and

3 (2) presents an affidavit from an officer of the
4 lienholder establishing that the debt secured by the vehicle is in
5 default or has matured.

6 (c) Notwithstanding any other law, if a lienholder does not
7 take possession of the motor vehicle under Subsection (b), the
8 lienholder forfeits the lienholder's interest in the vehicle and
9 the law enforcement agency that impounds the vehicle may auction
10 the vehicle.

11 (d) If the owner of the motor vehicle does not comply with
12 the requirements under Subsection (a) before the 61st day after the
13 date the vehicle is impounded and there is no lienholder recorded
14 under Chapter 501 for the vehicle, the law enforcement agency that
15 impounds the vehicle may auction the vehicle.

16 SECTION 3. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 4. This Act takes effect September 1, 2015.