

## **BILL ANALYSIS**

Senate Research Center

S.B. 1187  
By: West  
Transportation  
6/5/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In Texas, most patrol cars used by state troopers, police and sheriffs have the ability to determine whether or not an automobile has the required level of liability insurance. Officers routinely during a traffic stop are able to run the automobile's registration (license plates) to confirm this information through the TexasSure - Vehicle Insurance Verification Program.

Texas law requires all drivers to maintain automobile insurance and to show proof of financial responsibility when requested by an officer during a traffic stop. However, there are instances—for various reasons—when a driver may not have available at the time the required approved forms of documentation needed to show proof of financial responsibility. In some instances, even though a driver has insurance and the officer has knowledge that the driver or automobile is in fact insured, a citation will be issued to the driver. Section 601.053(c), Transportation Code, says a citation should not be issued for failure to show proof of insurance unless the officer attempts to verify that the driver has insurance.

In addition, a driver who receives a conviction for failure to show proof of insurance is also placed in the Driver Responsibility Program (DRP) and is automatically required to pay a surcharge for three years.

Texas law allows a driver who receives a citation for driving without automobile insurance to have the charge dismissed by the courts if, in fact, the driver has automobile insurance at the time the citation is issued. However, the driver is still required to pay the surcharge.

S.B. 1187 would:

- Prohibit an officer from issuing a citation to a driver for failure to show proof of insurance if the driver has insurance, unless the officer attempts to verify automobile insurance coverage through the TexasSure - Vehicle Insurance Verification Program.
- Require that a citation issued for failure to provide proof of insurance must indicate that the attempt to verify proof of insurance was made by the officer through the verification program.
- Prohibit the Texas Department of Public Safety from entering a driver into the DRP after a citation has been dismissed by the courts because the driver had the required coverage at the time the citation was issued.

S.B. 1187 amends current law relating to the offense of operating a motor vehicle without financial responsibility.

### **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(c), Transportation Code, as follows:

(c) Prohibits a peace officer from issuing a citation for an offense under Section 601.191 (Operation of Motor Vehicle in Violation of Motor Vehicle Liability Insurance Requirement; Offense) unless the officer attempts to verify through the verification program that financial responsibility has been established for the vehicle and is unable to make that verification, rather than prohibiting the officer from, if a peace officer has access to the verification program, issuing a citation for a violation of Section 601.051 (Requirement 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.

SECTION 2. Amends Section 601.191, Transportation Code, by adding Subsection (e), as follows:

(e) Requires that a citation issued for an offense under this section include an affirmative indication that the peace officer was unable at the time of the alleged offense to verify financial responsibility for the vehicle through the verification program established under Subchapter N (Financial Responsibility Verification Program).

SECTION 3. Amends Section 708.103, Transportation Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Creates an exception under Subsection (a-1).

(a-1) Prohibits the Texas Department of Public Safety (DPS) from assessing a surcharge on the license of a person based on an offense under Section 601.191, if the person proves to DPS under Section 601.231(b) (relating to authorizing DPS to waive the evidence of financial responsibility requirement under certain circumstances) that the person had financial responsibility at the time the offense was alleged to have occurred.

SECTION 4. Provides that the change in law made by this Act to Section 708.103, Transportation Code, applies to a surcharge pending on the effective date of this Act, regardless of when the surcharge was assessed.

SECTION 5. Effective date: upon passage or September 1, 2017.