

By: Lucio III

H.B. No. 178

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the impoundment of a motor vehicle operated without  
3 financial responsibility and involved in an accident; authorizing a  
4 fee.

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

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

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

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

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

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

16 (1) operates the vehicle in violation of Section  
17 601.051; and

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

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

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

1 the law enforcement agency shall send notice of impoundment to:

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

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

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

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

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

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

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

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

22 (3) pays for the cost of the impoundment.

23 (b) If the owner of the motor vehicle does not comply with  
24 the requirements under Subsection (a) before the 61st day after the  
25 date the vehicle is impounded and there is a lienholder recorded  
26 under Chapter 501 for the vehicle, the law enforcement agency that  
27 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, 2017.