

By: Oliverson

H.B. No. 1757

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of a motor vehicle operated without financial responsibility by a driver who does not have a driver's license; 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 OPERATED BY DRIVER WITHOUT LICENSE

Sec. 601.271. IMPOUNDMENT OF MOTOR VEHICLE. (a) A peace officer shall impound a motor vehicle detained by the officer during a traffic stop if:

(1) the operator of the vehicle is in violation of Section 601.051;

(2) the operator of the vehicle does not have in the person's possession a driver's license valid at the time of the stop that is the class of driver's license appropriate for the type of vehicle operated;

(3) the officer is unable to determine whether the

1 operator has been issued a driver's license valid at the time of the
2 stop that is the class of driver's license appropriate for the type
3 of vehicle operated; and

4 (4) the officer determines that impounding the vehicle
5 will not place the operator or another person in immediate danger.

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

11 (c) In addition to the notice required under Subsection (b),
12 the law enforcement agency shall send notice of impoundment to:

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

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

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

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

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

27 (B) Section 601.053, showing that on that date

1 the vehicle was in compliance with Section 601.051; or

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

4 (2) provides to the law enforcement agency evidence
5 that the owner possesses a driver's license appropriate for the
6 motor vehicle that is valid at the time the owner requests the
7 release;

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

10 (4) pays for the cost of the impoundment.

11 (b) 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 a lienholder recorded
14 under Chapter 501 for the vehicle, the law enforcement agency that
15 impounds the vehicle may release the vehicle to a person who:

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

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

21 (c) Notwithstanding any other law, if a lienholder does not
22 take possession of the motor vehicle under Subsection (b), the
23 lienholder forfeits the lienholder's interest in the vehicle and
24 the law enforcement agency that impounds the vehicle may auction
25 the vehicle.

26 (d) If the owner of the motor vehicle does not comply with
27 the requirements under Subsection (a) before the 61st day after the

1 date the vehicle is impounded and there is no lienholder recorded
2 under Chapter 501 for the vehicle, the law enforcement agency that
3 impounds the vehicle may auction the vehicle.

4 SECTION 3. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

12 SECTION 4. This Act takes effect September 1, 2017.