

By: West, Hinojosa

S.B. No. 1187

A BILL TO BE ENTITLED

AN ACT

relating to the offense of operating a motor vehicle without financial responsibility.

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

SECTION 1. Section 601.053(c), Transportation Code, is amended to read as follows:

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle. A ~~[If a]~~ peace ~~[officer has access to the verification program, the]~~ officer may not issue a citation for an offense under ~~[a violation of]~~ Section 601.191 ~~[601.051]~~ 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.

SECTION 2. Section 601.191, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) A citation issued for an offense under this section must 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.

SECTION 3. Section 708.103, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as

1 follows:

2 (a) Except as provided by Subsection (a-1), each ~~Each~~ year
3 the department shall assess a surcharge on the license of each
4 person who during the preceding 36-month period has been convicted
5 of an offense under Section 521.457, 601.191, or 601.371.

6 (a-1) The department may not assess a surcharge on the
7 license of a person based on an offense under Section 601.191 if the
8 person proves to the department under Section 601.231(b) that the
9 person had financial responsibility at the time the offense was
10 alleged to have occurred.

11 SECTION 4. The change in law made by this Act to Section
12 708.103, Transportation Code, applies to a surcharge pending on the
13 effective date of this Act, regardless of when the surcharge was
14 assessed.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.