

Chapter 399

S.B. No. 1187

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:

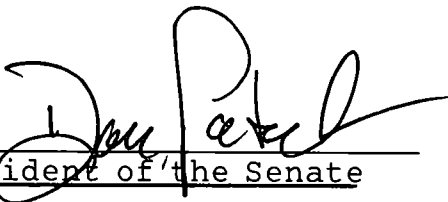
2 (a) Except as provided by Subsection (a-1), each ~~[Each]~~ year
3 the department shall assess a surcharge on the license of each
4 person who during the preceding 36-month period has been convicted
5 of an offense under Section 521.457, 601.191, or 601.371.

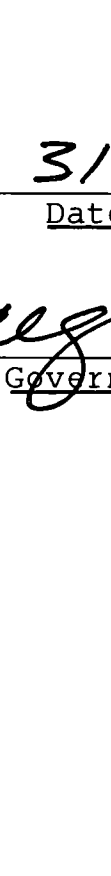
6 (a-1) The department may not assess a surcharge on the
7 license of a person based on an offense under Section 601.191 if the
8 person proves to the department under Section 601.231(b) that the
9 person had financial responsibility at the time the offense was
10 alleged to have occurred.

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.

S.B. No. 1187



President of the Senate


Speaker of the House

I hereby certify that S.B. No. 1187 passed the Senate on April 24, 2017, by the following vote: Yeas 28, Nays 2. _____


Secretary of the Senate

I hereby certify that S.B. No. 1187 passed the House on May 20, 2017, by the following vote: Yeas 137, Nays 0, one present not voting. _____



Chief Clerk of the House

Approved:

5-31-2017
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK

JUN 01 2017

Secretary of State

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Geanie W. Morrison, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1187 by West (Relating to the offense of operating a motor vehicle without financial responsibility.), **As Engrossed**

The fiscal implications of the bill cannot be determined at this time. It is unknown to what extent officers are unable to verify financial responsibility for drivers issued citations for no insurance, nor is the number of those affected drivers that would subsequently provide proof of insurance for the time the offense occurred.

The bill would amend the Transportation Code to require that a citation for no insurance include a confirmation that the officer was unable, at the time of the offense, to verify financial responsibility. The bill would make other changes relating to issuance of a citation and verification of financial responsibility. The bill would also amend statute to prohibit the Department of Public Safety (DPS) from assessing a surcharge under the Driver Responsibility Program (DRP) for no insurance if the affected driver provides proof that they had insurance at the time the offense occurred. The bill would apply to any surcharges pending, regardless of when the surcharge was assessed.

Because the number of drivers cited for no insurance for which an officer cannot verify financial responsibility at the time of the offense, and among these drivers, the number that can provide proof of insurance at the time the offense occurred is unknown, the fiscal effect of this bill on DRP surcharge collections cannot be determined.

DPS indicates that the bill if enacted would require programming changes to the Driver License System and changes to the citation books used by DPS troopers. It is assumed that any additional costs associated with these changes can be absorbed within existing agency resources.

The bill would take effect on September 1, 2017.

Local Government Impact

According to the San Antonio Police Department, no fiscal impact is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, AG, JJ, ZS, JGA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 4, 2017

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1187 by West (Relating to the offense of operating a motor vehicle without financial responsibility.), **As Introduced**

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