REVISOR'S REPORT

TRANSPORTATION CODE
TITLES 1, 2, 3, 4, 6, AND 7

VOLUME VII

A NONSUBSTANTIVE REVISION
OF THE STATUTES RELATING TO
TRANSPORTATION

Including
Carriers
Aviation
Navigation
Roadways
Vehicles and Traffic

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as part of the
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SUBTITLE D. MOTOR VEHICLE SAFETY RESPONSIBILITY

CHAPTER 601. TEXAS MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

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SUBTITLE D. TEXAS MOTOR VEHICLE SAFETY RESPONSIBILITY
CHAPTER 601. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT
SUBCHAPTER A. GENERAL PROVISIONS

Revised Law
Sec. 601.001. SHORT TITLE. This chapter may be cited as the
Texas Motor Vehicle Safety Responsibility Act. (V.A.C.S.
Art. 6701h, Sec. 43.)

Source Law
Sec. 43. This Act may be cited as the Texas

Revised Law
Sec. 601.002. DEFINITIONS. In this chapter:
(1) "Department" means the Department of Public
Safety.
(2) "Driver's license" has the meaning assigned by
Section 521.001.
(3) "Financial responsibility" means the ability to
respond in damages for liability for an accident that:
(A) occurs after the effective date of the
document evidencing the establishment of the financial
responsibility; and
(B) arises out of the ownership, maintenance, or
use of a motor vehicle.

(4) "Highway" means the entire width between property lines of a road, street, or way in this state that is not privately owned or controlled and:

(A) some part of which is open to the public for vehicular traffic; and

(B) over which the state has legislative jurisdiction under its police power.

(5) "Motor vehicle" means a self-propelled vehicle designed for use on a highway, a trailer or semitrailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails. The term does not include:

(A) a traction engine;

(B) a road roller or grader;

(C) a tractor crane;

(D) a power shovel;

(E) a well driller; or

(F) an implement of husbandry.

(6) "Nonresident" means a person who is not a resident of this state.

(7) "Nonresident's operating privilege" means the privilege conferred on a nonresident by the laws of this state relating to the operation of a motor vehicle in this state by the nonresident or the use in this state of a motor vehicle owned by the nonresident.

(8) "Operator" means the person in actual physical control of a motor vehicle.

(9) "Owner" means:

(A) the person who holds legal title to a motor vehicle;

(B) the purchaser or lessee of a motor vehicle subject to an agreement for the conditional sale or lease of the vehicle, if the person has:
(i) the right to purchase the vehicle on performing conditions stated in the agreement; and
(ii) an immediate right to possess the vehicle; or
(C) a mortgagor of a motor vehicle who is entitled to possession of the vehicle.

(10) "Person" means an individual, firm, partnership, association, or corporation.

(11) "State" means:
(A) a state, territory, or possession of the United States; or
(B) the District of Columbia.

(12) "Vehicle registration" means:
(A) a registration certificate, registration receipt, or number plate issued under Chapter 502; or
(B) a dealer's license plate or temporary cardboard tag issued under Chapter 503. (V.A.C.S. Art. 6701h, Sec. 1, Subdivs. 1, 3, 4, 5, 6, 7, 8, 9, 10 (part), 11, 12, 13.)

Source Law
Art. 6701h
Sec. 1. The following words and phrases, when used in this Act, shall, for the purposes of this Act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:
1. "Highway" means the entire width between property lines of any road, street, way, thoroughfare, or bridge in the State of Texas not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the State has legislative jurisdiction under its police power.

3. "Motor Vehicle"—Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers and graders, tractor cranes, power shovels, well drillers and implements of husbandry) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

4. "License"—Any driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary license, or restricted license, issued under Article 6687b, Texas Revised Civil Statutes, pertaining to the licensing of persons to operate motor vehicles.
5. "Nonresident"—Every person who is not a resident of the State of Texas.

6. "Nonresident's Operating Privilege"—The privilege conferred upon a nonresident by the laws of Texas pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in the State of Texas.

7. "Operator"—Every person who is in actual physical control of a motor vehicle.

8. "Owner"—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.


10. "Proof of Financial Responsibility"—Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle.

11. "Registration"—Registration or license certificate or license receipt or dealer's license and registration or number plates issued under Article 6675a or Article 6686, Texas Revised Civil Statutes, pertaining to the registration of motor vehicles.

12. "Department" means the Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents, except in such sections of this Act in which some other State Department is specifically named.

13. "State"—Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Reviser's Note

(1) Section 1, V.A.C.S. Article 6701h, states that the defined terms have the meanings defined "except in those instances where the context clearly indicates a different meaning." This limitation is omitted from the revised law because the defined terms are used consistently in the revision in the context to which the definition applies.

(2) Subdivision 4, Section 1, V.A.C.S. Article 6701h, defining "license," refers to "[a]ny driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary
license, or restricted license, issued under Article 6687b, Texas Revised Civil Statutes . . . ." Section 1(2), V.A.C.S. Article 6687b, codified as Section 521.001 of this code, defines "driver's license"; this term includes each described type of license or permit other than a "chauffeur's license," which is no longer issued. For consistency and clarity, a cross-reference to that definition is substituted for the quoted language.

(3) Subdivision 9, Section 1, V.A.C.S. Article 6701h, defines "person" to include a "copartnership." The revised law substitutes "partnership" for "copartnership" because the words are synonymous and "partnership" is more commonly used.

(4) Subdivision 10, Section 1, V.A.C.S. Article 6701h, defines "proof of financial responsibility." The article requires owners and operators of motor vehicles to "maintain proof of financial responsibility." Owners and operators are also required to "furnish proof of financial responsibility" to prove proof of responsibility. The law specifies several means for proving proof of financial responsibility. At various points, references to "evidence of financial responsibility" are made in Article 6701h; in most cases, these appear to be references to proving proof of financial responsibility. For this reason, a reader may be confused as to whether the statute is referring to the requirement that financial responsibility be maintained in the specified manner or to the requirement that a person prove that financial responsibility has been maintained. To avoid this confusion, the revised law defines "financial responsibility," not "proof of financial responsibility," as the thing that must be
maintained. Throughout this chapter, where Article 6701h clearly requires proof of "proof of financial responsibility," the revised law refers to "evidence of financial responsibility."

(5) Subdivision 11, Section 1, V.A.C.S. Article 6701h, refers to Article 6675a, Texas Revised Civil Statutes, "pertaining to the registration of motor vehicles." Article 6675a does not exist. The requirements relating to the registration of motor vehicles are contained in V.A.C.S. Article 6675a-1 et seq., codified in this code in Chapter 502. The correct citation has been substituted in the revised law.

(6) Subdivision 11, Section 1, V.A.C.S. Article 6701h, refers to a "license certificate" and "license receipt." "License certificate" is omitted from the revised law because that term is not used in the laws applicable to vehicle registration, codified in this code as Chapter 502. The revised law substitutes "registration receipt" for "license receipt" because "registration receipt" is the term used in Chapter 502.

(7) Subdivision 11, Section 1, V.A.C.S. Article 6701h, refers to "dealer's license and registration or number plates" issued under Article 6686, Texas Revised Civil Statutes, codified in this code as Chapter 503. The revised law substitutes "dealer's license plate or temporary cardboard tag" to conform to the terminology of Chapter 503.

(8) Subdivision 12, Section 1, V.A.C.S. Article 6701h, refers to the Department of Public Safety "acting directly or through its authorized officers and agents." The revised law omits the quoted language as unnecessary. If an officer or agent is authorized to act for the department, the act of that individual is
an act of the department.

(9) Subdivision 12, Section 1, V.A.C.S. Article 6701h, states that "Department" means the Department of Public Safety unless another state department "is specifically named." The reference to another state department is omitted as unnecessary. Where Article 6701h refers to another state department, the revised law specifies that department.

(10) Subdivision 13, Section 1, V.A.C.S. Article 6701h, includes "any province of the Dominion of Canada" in the definition of "state." The reference to a Canadian province is omitted from the revised law because a Canadian province is not a state. Appropriate changes have been made throughout this chapter.

Revised Law

Sec. 601.003. JUDGMENT; SATISFIED JUDGMENT. (a) For purposes of this chapter, judgment refers only to a final judgment that is no longer appealable or has been finally affirmed on appeal and that was rendered by a court of any state, a province of Canada, or the United States on a cause of action:

(1) for damages for bodily injury, death, or damage to or destruction of property arising out of the ownership, maintenance, or use of a motor vehicle; or

(2) on an agreement of settlement for damages for bodily injury, death, or damage to or destruction of property arising out of the ownership, maintenance, or use of a motor vehicle.

(b) For purposes of this chapter, a judgment is considered to be satisfied as to the appropriate part of the judgment set out by this subsection if:

(1) the total amount credited on one or more judgments for bodily injury to or death of one person resulting from one
accident equals or exceeds the amount required under Section 601.072(a)(1) to establish financial responsibility;

(2) the total amount credited on one or more judgments for bodily injury to or death of two or more persons resulting from one accident equals or exceeds the amount required under Section 601.072(a)(2) to establish financial responsibility; or

(3) the total amount credited on one or more judgments for damage to or destruction of property of another resulting from one accident equals or exceeds the amount required under Section 601.072(a)(3) to establish financial responsibility.

(c) In determining whether a judgment is satisfied under Subsection (b), a payment made in settlement of a claim for damages for bodily injury, death, or damage to or destruction of property is considered to be an amount credited on a judgment.

(d) For purposes of this section:

(1) damages for bodily injury or death include damages for care and loss of services; and

(2) damages for damage to or destruction of property include damages for loss of use. (V.A.C.S. Art. 6701h, Sec. 1, Subdiv. 2; Sec. 15.)

Source Law

[Sec. 1]

2. "Judgment"--Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

Sec. 15. Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied:

1. When the amount set out in Subdivision (6) of Subsection (c) of Section 5 of this Act for bodily injury to or death of one person in any one accident has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result
2. When, subject to the limit set out in Subdivision (6) of Subsection (c) of Section 5 of this Act because of bodily injury to or death of one person, the sum set out in Subdivision (6) of Subsection (c) of Section 5 of this Act for bodily injury to or death of two (2) or more persons in any one accident has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one accident; or

3. When the sum set out in Subdivision (6) of Subsection (c) of Section 5 of this Act for injury to or destruction of property of others in any one accident has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

Provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this Section.

Revisor's Note

(1) Subdivision 2, Section 1, V.A.C.S. Article 6701h, refers to a judgment rendered by a court "of competent jurisdiction." The revised law omits the quoted language as unnecessary because a suit may be brought only in a court, and the general laws of civil jurisdiction determine which courts have jurisdiction over the matter. For example, see Sections 24.007-24.011, Government Code, for the general jurisdiction of district courts.

(2) Subdivision 2, Section 1, V.A.C.S. Article 6701h, refers to a court "of any state or of the United States." Because of the change in the definition of "state" appearing in Section 601.002(11) of this code, the revised law substitutes "any state, a province of Canada, or the United States" for the quoted phrase. See Revisor's Note (10) under Section 601.002 of this code.

(3) Section 15, V.A.C.S. Article 6701h, refers to the amount set out in Subdivision (6), Subsection (c) of Section 5 of "this Act," meaning V.A.C.S.
Article 6701h. This amount is identical to the amount established under Subdivision 10, Section 1, V.A.C.S. Article 6701h, codified as Section 601.072 of this code. The revised law substitutes cross-references to that section.

Revised Law

Sec. 601.004. ACCIDENT REPORT. (a) The operator of a motor vehicle that is involved in an accident in this state shall report the accident to the department not later than the 10th day after the date of the accident if:

(1) the accident is not investigated by a law enforcement officer; and

(2) at least one person, including the operator, sustained:

(A) bodily injury or death; or

(B) property damage to an apparent extent of at least $500.

(b) If the operator is physically incapable of making the report, the owner of the motor vehicle shall make the report not later than the 10th day after the date the owner learns of the accident.

(c) The report must be made in writing in the form prescribed by the department and must contain information as necessary to enable the department to determine if the requirements for the deposit of security under Subchapter F do not apply because of the existence of insurance or an exception specified in this chapter. The operator or owner shall provide additional information as required by the department.

(d) A written report of an accident made to the department under Section 550.061 or 550.062 complies with this section if that report contains the information required by this section.

(e) The department may rely on the accuracy of information contained in the report unless the department has reason to believe
that the information is erroneous.

(f) An accident report that is released for insurance purposes, other than investigation of a specific accident, may show only an accident for which the insured was issued a citation for a violation of Subtitle C.

(g) The department shall suspend the driver's license or nonresident's operating privilege of a person who fails to make a report as required by this section if another person sustained bodily injury, death, or property damage to the extent described by Subsection (a)(2)(B). The suspension continues until a date set by the department that is not earlier than the date the report is filed and not later than the 30th day after the date the report is filed.

(h) A person commits an offense if the person fails to report an accident as required by this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed $25.

(i) A person commits an offense if the person provides information under this section that the person knows or has reason to believe is false. An offense under this subsection is a misdemeanor punishable by:

1. a fine not to exceed $1,000;
2. confinement in county jail for a term not to exceed one year; or
3. both the fine and the confinement. (V.A.C.S. Art. 6701h, Secs. 4, 32(a), (b) (part).)

Source Law

Sec. 4. (a) The operator of every motor vehicle which is in any manner involved in an accident within the State not investigated by a law enforcement officer, in which any person is killed or injured or in which damage to the property of any one person, including himself, to an apparent extent of at least Five Hundred Dollars ($500) is sustained, shall within ten (10) days after such accident report the matter in writing to the Department. Such report, the form of which shall be prescribed by the Department, shall contain information to enable the Department to determine whether the requirements for the deposit of security under Section 5 are inapplicable by reason of
the existence of insurance or other exceptions specified in this Act. Any written report of accident in accordance with Section 44, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), if actually made to the Department, shall be sufficient provided it also contains the information required herein. The Department may rely upon the accuracy of the information unless and until it has reason to believe that the information is erroneous. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within ten (10) days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the Department shall require.

(b) Accident reports that are released for insurance purposes, other than investigation of a specific accident, shall reflect only those accidents as a result of which the insured was issued a citation for a violation of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

Sec. 32. (a) Failure to report an accident as required in Section 4 shall be punished by a fine not in excess of Twenty-five Dollars ($25), and in the event of injury or damage to the person or property of another in such accident, the Department shall suspend the license of the person failing to make such report, or the non-resident's operating privilege of such person, until such report has been filed and for such further period not to exceed thirty (30) days as the Department may fix.

(b) Any person who gives information required in a report or otherwise as provided for in Section 4, knowing or having reason to believe that such information is false . . . shall be fined not more than One Thousand Dollars ($1,000) or imprisoned for not more than one year, or both.

Revisor's Note

(1) Section 4(a), V.A.C.S. Article 6701h, refers to "Section 5," meaning Section 5, V.A.C.S. Article 6701h. That section is codified in this chapter as part of Subchapter F, and the revised law is drafted accordingly.

(2) Section 4(a), V.A.C.S. Article 6701h, refers to Section 44, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes). That section is codified in this code in Sections 550.061 and 550.062, and the revised law is drafted accordingly.

(3) Section 4(b), V.A.C.S. Article 6701h, refers
to the Uniform Act Regulating Traffic on Highways
(Article 6701d, Vernon's Texas Civil Statutes). That
act is codified in this code as Subtitle C of this
title, and the revised law is drafted accordingly.

Revised Law

Sec. 601.005. EVIDENCE IN CIVIL SUIT. On the filing of a
report under Section 601.004, a person at a trial for damages may
not refer to or offer as evidence of the negligence or due care of
a party:

(1) an action taken by the department under this
chapter;

(2) the findings on which that action is based; or

(3) the security or evidence of financial
responsibility filed under this chapter. (V.A.C.S. Art. 6701h,
Sec. 11.)

Source Law

Sec. 11. Upon the filing of the report required
by Section 4, the action taken by the Department
pursuant to this Article, the findings, if any, of the
Department upon which such action is based, nor the
security or proof of financial responsibility filed as
provided in this Article shall be referred to in any
way, nor be any evidence of the negligence or due care
of either party, at the trial of any action at law to
recover damages.

Revised Law

Sec. 601.006. APPLICABILITY TO CERTAIN OWNERS AND OPERATORS.
If an owner or operator of a motor vehicle involved in an accident
in this state does not have a driver's license or vehicle
registration or is a nonresident, the person may not be issued a
driver's license or registration until the person has complied with
this chapter to the same extent that would be necessary if, at the
time of the accident, the person had a driver's license or
registration. (V.A.C.S. Art. 6701h, Sec. 8(a).)

Source Law

Sec. 8. (a) In case the operator or the owner
of a motor vehicle involved in an accident within this
State has no license or registration, or is a non-resident, he shall not be allowed a license or registration until he has complied with the requirements of this Article to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

Revised Law

Sec. 601.007. APPLICABILITY OF CHAPTER: GOVERNMENT VEHICLES; CERTAIN MOTOR CARRIERS. (a) This chapter does not apply to a government vehicle.

(b) The provisions of this chapter, other than Section 601.004, do not apply to an officer, agent, or employee of the United States, this state, or a political subdivision of this state while operating a government vehicle in the course of that person's employment.

(c) The provisions of this chapter, other than Sections 601.004 and 601.054, do not apply to a motor vehicle that is subject to Section 11, Chapter 270, Acts of the 40th Legislature, Regular Session, 1927 (Article 911a, Vernon's Texas Civil Statutes), or Section 13, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes).

(d) In this section, "government vehicle" means a motor vehicle owned by the United States, this state, or a political subdivision of this state. (V.A.C.S. Art. 6701h, Sec. 33 (part); New.)

Source Law

Sec. 33. This Act shall not apply with respect to any motor vehicle owned by the United States, the State of Texas or any political subdivision of this state, or any municipality therein except as provided in Section 35, nor to the officers, agents or employees of the United States, the State of Texas, or any political subdivision of the state, while driving said vehicle in the course of their employment; provided, however, that the operator of every motor vehicle specified herein shall comply with the provisions of Section 4 of this Act; nor, except for Sections 4 and 26 of this Act, with respect to any motor vehicle which is subject to the requirements of Articles 911a (Sec. 11) and 911b (Sec. 13) of the Revised Civil Statutes of Texas; . . .
Revisor's Note

(1) Section 33, V.A.C.S. Article 6701h, refers to "any political subdivision of this state, or any municipality therein." The revised law omits the reference to a municipality because a municipality is a political subdivision.

(2) Section 33, V.A.C.S. Article 6701h, refers to Section 35 of that article. That section was repealed by Section 14.08, Chapter 685, Acts of the 73rd Legislature, Regular Session, 1993, and the revised law is drafted accordingly.

(3) The definition of "government vehicle" is added to the revised law for drafting convenience and to eliminate unnecessary repetition of the substance of the definition.

(4) Section 33, V.A.C.S. Article 6701h, refers to "Section 4 of this Act" and to "Sections 4 and 26 of this Act," meaning Sections 4 and 26, V.A.C.S. Article 6701h. Those sections are codified in this chapter as Sections 601.004 and 601.054, respectively, and the revised law is drafted accordingly.

(5) Section 1A(b)(1), V.A.C.S. Article 6701h, is omitted from the revised law as redundant of Section 33, codified in this code as this section. Section 1A(b)(1) states that vehicles exempt under Section 33 are exempt from the compulsory insurance requirements of Section 1A(a), codified in this code as Section 601.051. Section 33 provides that V.A.C.S. Article 6701h is not applicable to government vehicles and certain motor carriers. The omitted law reads:

[(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:] (1) vehicles exempt by Section 33 of this Act . . . .

(6) The revised law omits as unnecessary the
portion of Section 33, V.A.C.S. Article 6701h, providing that certain vehicles for hire are not exempt. The statute does not explicitly or implicitly exempt the listed vehicles. These vehicles are not commercial vehicles regulated under Chapter 270, Acts of the 40th Legislature, Regular Session, 1927 (Article 911a, Vernon's Texas Civil Statutes), or Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes). The omitted law reads:

Sec. 33. . . . [P]rovided, however, that nothing in this Act shall be construed so as to exclude from this Act its applicability to taxicabs, jitneys, or other vehicles for hire, operating under franchise or permit of any incorporated city, town or village.

Revised Law

Sec. 601.008. VIOLATION OF CHAPTER; OFFENSE. (a) A person commits an offense if the person violates a provision of this chapter for which a penalty is not otherwise provided.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine not to exceed $500;

(2) confinement in county jail for a term not to exceed 90 days; or

(3) both the fine and the confinement. (V.A.C.S. Art. 6701h, Sec. 32(e).)

Source Law

(e) Any person who shall violate any provision of this Act for which no penalty is otherwise provided shall be fined not more than Five Hundred Dollars ($500) or imprisoned not more than ninety (90) days, or both.

Revised Law

Sec. 601.009. REPORT FROM OTHER STATE OR CANADA. (a) On receipt of a certification by the department that the operating
privilege of a resident of this state has been suspended or revoked
in another state or a province of Canada under a financial
responsibility law, the department shall contact the official who
issued the certification to request information relating to the
specific nature of the resident's failure to comply.

(b) Except as provided by Subsection (c), the department
shall suspend the resident's driver's license and vehicle
registrations if the evidence shows that the resident's operating
privilege was suspended in the other state or the province for
violation of a financial responsibility law under circumstances
that would require the department to suspend a nonresident's
operating privilege had the accident occurred in this state.

(c) The department may not suspend the resident's driver's
license and registration if the alleged failure to comply is based
on the failure of the resident's insurance company or surety
company to:

(1) obtain authorization to write motor vehicle
liability insurance in the other state or the province; or

(2) execute a power of attorney directing the
appropriate official in the other state or the province to accept
on the company's behalf service of notice or process in an action
under the policy arising out of an accident.

(d) Suspension of a driver's license and vehicle
registrations under this section continues until the resident
furnishes evidence of compliance with the financial responsibility
law of the other state or the province.

(e) In this section, "financial responsibility law" means a
law authorizing suspension or revocation of an operating privilege
for failure to:

(1) deposit security for the payment of a judgment;

(2) satisfy a judgment; or

(3) file evidence of financial responsibility.

(V.A.C.S. Art. 6701h, Sec. 8(c).)
Upon receipt of certification by the Department that the operating privilege of a Texas resident has been suspended or revoked in another state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, for failure to satisfy any judgment, or for failure to file proof of financial responsibility, the Department shall contact the official who issued the certification and request information pertaining to the specific nature of the Texas resident's noncompliance. If the alleged noncompliance is based on the failure of the Texas resident's insurance company or surety company to obtain authorization to write motor vehicle liability insurance in the other state and for failure of the insurance or surety company to execute a power of attorney directing the appropriate official in the other state to accept service on its behalf of notice or process in any action upon the policy arising out of the accident, then the Department shall not suspend the Texas resident's license and other registrations. If the evidence shows that the Texas resident's operating privilege was suspended in the other state for any other violation of another state's laws providing for suspension or revocation for failure to deposit security for the payment of judgments arising out of motor vehicle accidents, for failure to satisfy any judgment, or for failure to file proof of financial responsibility, under circumstances that would require the Department to suspend a nonresident's operating privilege had the accident occurred in this state, then the Department shall suspend the Texas resident's license and registrations. The suspension shall continue until the resident furnishes evidence of his compliance with the law of the other state relating to the deposit of security, satisfaction of judgment, or proof of financial responsibility.

Revisor's Note

(1) Section 8(c), V.A.C.S. Article 6701h, refers to a "state." The revised law adds references to Canadian provinces for the reason stated in Revisor's Note (2) under Section 601.003 of this code.

(2) Section 8(c), V.A.C.S. Article 6701h, refers to a "judgment arising out of a motor vehicle accident." The revised law omits "arising out of a motor vehicle accident" as redundant of the definition of "judgment." See Section 601.003 of this code.

(3) The definition of "financial responsibility law" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary
repetition of the substance of the definition.

[Sections 601.010-601.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATION BY DEPARTMENT

Revised Law

Sec. 601.021. DEPARTMENT POWERS AND DUTIES; RULES. The department shall:

(1) administer and enforce this chapter; and

(2) provide for hearings on the request of a person aggrieved by an act of the department under this chapter.

(V.A.C.S. Art. 6701h, Sec. 2(a) (part).)

Source Law

Sec. 2. (a) The Department shall administer and enforce the provisions of this Act and . . . shall provide for hearings upon request of persons aggrieved by orders or acts of the Department under the provisions of this Act.

Revisor's Note

(1) Section 2(a), V.A.C.S. Article 6701h, authorizes the Department of Public Safety to make rules and regulations for the administration of Article 6701h. This portion of Section 2(a) is omitted because it duplicates Section 411.004(3), Government Code, which grants to the Public Safety Commission the authority to "adopt rules considered necessary for carrying out the department's work." The omitted law reads:

[Sec. 2. (a) The Department] . . . may make rules and regulations necessary for [this Act's] administration, and . . . ."

(2) Section 2(a), V.A.C.S. Article 6701h, refers to "orders or acts" of the department. The revised law omits the reference to "orders" because, in context, "orders" is included within the meaning of "acts."
Revised Law

Sec. 601.022. DEPARTMENT TO PROVIDE OPERATING RECORD. (a) The department, on request and receipt of the required fee, shall provide any person a certified abstract of the record of conviction of a person subject to this chapter for violation of a law relating to the operation of a motor vehicle or the record of any injury or damage caused by the person's operation of a motor vehicle.

(b) If a record described by Subsection (a) does not exist, the department shall certify that fact.

(c) A request for a certified abstract under this section must be accompanied by a $20 fee for each abstract. (V.A.C.S. Art. 6701h, Secs. 3, 36(a) (part).)

Source Law

Sec. 3. The Department shall, upon request and receipt of proper fees, furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the Department shall so certify.

Sec. 36. (a) . . . In addition to statutory recording fees of county clerks required in Section 24, any request for certified abstract of operating record required in Section 3 shall be accompanied by a fee of Twenty Dollars ($20) for each transaction. . . .

Revisor's Note

Section 36(a), V.A.C.S. Article 6701h, refers to the statutory recording fees of county clerks required in "Section 24," meaning Section 24, V.A.C.S. Article 6701h, codified in this chapter as Section 601.121. The revised law omits the reference to the statutory recording fees as unnecessary. The fee imposed for recording a notice of a bond under Section 601.121 is not in any way related to the fee imposed under this section.

Revised Law

Sec. 601.023. PAYMENT OF STATUTORY FEES. The department may
(1) a statutory fee required by the Texas Department of Transportation for a certified abstract or in connection with suspension of a vehicle registration; or

(2) a statutory fee payable to the state treasurer for issuance of a certificate of deposit required by Section 601.122.

(V.A.C.S. Art. 6701h, Sec. 36(a) (part).)

Sec. 36. (a) ... Statutory fees required by the State Department of Highways and Public Transportation in furnishing certified abstracts or in connection with suspension of registrations, or such statutory fees which shall become due the State Treasurer for issuance of certificates of deposits required in Section 25, shall be remitted from such Fund.

(1) Section 36(a), V.A.C.S. Article 6701h, provides that a fee collected under that article shall be remitted to the department at Austin. The revised law omits this restriction because each fee paid under V.A.C.S. Article 6701h either is paid directly to the department or is subject to another provision governing its disposition.

Section 36(a) refers to "Section 1C(e) of this Act," meaning Section 1C(e), V.A.C.S. Article 6701h. The revised law omits the reference to that subsection because it was repealed by Chapters 449 and 1024, Acts of the 71st Legislature, Regular Session, 1989.

The omitted law reads:

Sec. 36. (a) Except for fees collected under Section 1C(e) of this Act, the fees and charges required by this Act shall be remitted without deduction to the Department at Austin, Texas . . . .

(2) The revised law omits as unnecessary the portion of Section 36(a), V.A.C.S. Article 6701h, that requires fees to be deposited to the credit of the
"Operator's and Chauffeur's License Fund" in the state treasury. Acting under authority of Section 403.094(a), Government Code, the comptroller abolished the operator's and chauffeur's license fund, effective August 31, 1993.

Section 404.094, Government Code, requires all money, including the referenced fees, collected or received by a state agency to be deposited to the credit of the general revenue fund. It is unnecessary to repeat that requirement in this chapter.

The omitted law reads:

Sec. 36. (a) ... and all such fees so collected shall be deposited in the Treasury of the State of Texas to the credit of a fund to be known as the Operator's and Chauffeur's License Fund. . . .

(3) Section 36(a), V.A.C.S. Article 6701h, refers to the "State Department of Highways and Public Transportation." The revised law substitutes "Texas Department of Transportation" for the reason stated in the reviser's note under Section 201.003 of this code.

(4) Section 36(a), V.A.C.S. Article 6701h, refers to "Section 25," meaning Section 25, V.A.C.S. Article 6701h. That statute is codified in this chapter as Section 601.122, and the revised law is drafted accordingly.

(5) Section 36(a), V.A.C.S. Article 6701h, provides in part that a statutory fee for a certified abstract or a certificate of deposit "shall be remitted from [the operator's and chauffeur's license fund]." The revised law omits this provision because the fund has been abolished (see Reviser's Note (2) under this section) and the dedication of revenue impliedly repealed (see Reviser's Note (2) at the end of this subchapter).
(1) Section 1A(b)(5), V.A.C.S. Article 6701h, which states that implements of husbandry are exempt from the financial responsibility requirements of Section 1A(a) of the statute, is omitted from the revised law. Section 1A(a) applies only to motor vehicles. Under Subdivision 3, Section 1, V.A.C.S. Article 6701h, revised in this chapter as Section 601.002(5), the term "motor vehicle" does not include implements of husbandry. The omitted law reads:

[(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:] (5) implements of husbandry; . . .

(2) Section 1G, V.A.C.S. Article 6701h, provides in part that fees collected under Article 6701h shall be deposited to the operator's and chauffeur's license fund. That fund has been abolished, and money previously deposited to the fund is deposited to the general revenue fund. See Revisor's Note (2) under Section 601.023 of this code.

Section 1G also provides that fees collected under Article 6701h "are permanently dedicated to the Department of Public Safety for the purpose of defraying the expenses necessary for administration of [Article 6701h]." The revised law omits this provision as impliedly repealed. Section 403.094(h), Government Code, provides that all statutory dedications of revenue enacted before August 31, 1995, are void unless reenacted after September 1, 1991. The language in Section 1G, V.A.C.S. Article 6701h, referring to the dedication of fees was added in 1983 and was not reenacted after September 1, 1991.

Accordingly, Section 1G is omitted from the
revised law. The omitted law reads:

Sec. 1G. Fees collected under the provisions of this Act shall be deposited in the Operator's and Chauffeur's License Fund, shall be segregated, and are permanently dedicated to the Department of Public Safety for the purpose of defraying the expenses necessary for administration of the Act, including but not limited to the employment of necessary clerical, administrative, and enforcement personnel and for defraying the necessary expenses incident to travel, equipment rental, postage, printing of necessary forms, and purchase of all necessary furniture, fixtures, and equipment.

(3) Section 36(b), V.A.C.S. Article 6701h, provides that fees deposited in the operator's and chauffeur's license fund may, on appropriation, be used by the Department of Public Safety to carry out its duties, and that the balance remaining in the fund on September 1 of each year is available for appropriation to the Department of Public Safety for those purposes.

The revised law omits Section 36(b) as impliedly repealed. Section 403.094(h), Government Code, provides that all statutory dedications of revenue enacted before August 31, 1995, are void unless reenacted after September 1, 1991. Section 36(b), V.A.C.S. Article 6701h, was added in 1985 and was not reenacted after September 1, 1991. The omitted law reads:

(b) Fees and charges deposited in the Operator's and Chauffeur's License Fund under the provisions of this Act may, upon appropriation by the Legislature, be used by the Texas Department of Public Safety for the payment of salaries, purchase of equipment and supplies, maintenance, and any and all other necessary expenses incident to the operation of the Department of Public Safety in carrying out the duties as are by law required of such Department. Any remaining balance in the Operator's and Chauffeur's License Fund on September 1st of each and every year shall remain in such Fund and shall be available for appropriation by the Legislature for the maintenance and support of the Texas Department of Public Safety as set forth hereinabove.
Section 38, V.A.C.S. Article 6701h, enacted in 1951, specifies the manner in which disbursements to the Department are to be made under the article. In 1991, this section was impliedly repealed by the enactment of Article 6252-31, Revised Statutes (now Chapter 2103, Government Code), which prescribes the procedures to be used by the comptroller in making disbursements to a state agency. The omitted law reads:

Sec. 38. All disbursements made hereunder to the Department shall be by warrant issued by the Comptroller upon vouchers drawn by the Chairman of the Department of Public Safety Commission or the Director, and such vouchers shall be accompanied by itemized sworn statements of the expenditures for which they are issued.

[Sections 601.024-601.050 reserved for expansion]

SUBCHAPTER C. FINANCIAL RESPONSIBILITY; REQUIREMENTS

Revised Law

Sec. 601.051. REQUIREMENT OF FINANCIAL RESPONSIBILITY. A person may not operate a motor vehicle in this state unless financial responsibility is established for that vehicle through:

(1) a motor vehicle liability insurance policy that complies with Subchapter D;

(2) a surety bond filed under Section 601.121;

(3) a deposit under Section 601.122;

(4) a deposit under Section 601.123; or

(5) self-insurance under Section 601.124. (V.A.C.S. Art. 6701h, Secs. 1A(a), (b) (part).)

Source Law

Sec. 1A. (a) On and after January 1, 1982, no motor vehicle may be operated in this State unless a policy of automobile liability insurance in at least the minimum amounts to provide evidence of financial responsibility under this Act is in effect to insure against potential losses which may arise out of the operation of that vehicle.

(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:

...
(3) vehicles for which a bond is on file with the Department as provided by Section 24 of this Act, or for which a certificate has been obtained from the State Treasurer stating that the owner and/or operator has deposited with the State Treasurer [Fifty-Five Thousand Dollars ($55,000) in cash or securities] as provided by Section 25 of this Act. Such bond or deposit may be filed in lieu of carrying automobile liability insurance where proof is required;

(4) vehicles that are self-insured under Section 34 of this Act;

... 

(6) vehicles for which a valid certificate certifying that [cash or a cashier's check in the amount of at least Fifty-Five Thousand Dollars ($55,000)] is deposited with the county judge [of the county in which the vehicle is registered ...].

Revisor's Note

(1) Section 1A(a), V.A.C.S. Article 6701h, provides that it applies "on and after January 1, 1982." This portion of the source law is omitted from the revised law as executed.

(2) Section 1A(a), V.A.C.S. Article 6701h, refers to a "policy of automobile liability insurance." V.A.C.S. Article 6701h, refers to "automobile liability insurance," "liability insurance," and "motor vehicle liability insurance." For consistency, the revised law substitutes "motor vehicle liability insurance policy."

(3) Section 1A(a), V.A.C.S. Article 6701h, refers to "evidence of financial responsibility." The revised law substitutes "financial responsibility" for the reason stated in Revisor's Note (4) under Section 601.002 of this code.

(4) Section 1A(a), V.A.C.S. Article 6701h, refers to evidence of financial responsibility in effect "to insure against potential losses which may arise out of the operation of that vehicle." The revised law omits the quoted language because it duplicates Subdivision 10, Section 1, V.A.C.S. Article 6701h, codified in part in this chapter as Section 601.002(3), which more clearly specifies the purpose of...
the required evidence of financial responsibility.

(5) The revised law adds a cross-reference to Subchapter D of this chapter, the subchapter that governs motor vehicle liability insurance policies.

(6) Section 1A(b), V.A.C.S. Article 6701h, refers to Sections 24, 25, and 34 of "this Act," meaning V.A.C.S. Article 6701h. These sections are codified in this chapter as Sections 601.121, 601.122, and 601.124, respectively, and the revised law is drafted accordingly.

(7) The revised law adds a cross-reference to Section 601.123 of this code, the section under which a deposit with a county judge may be made.

Revised Law
Sec. 601.052. EXCEPTIONS TO FINANCIAL RESPONSIBILITY REQUIREMENT. (a) Section 601.051 does not apply to:

(1) the operation of a motor vehicle that:
   (A) is at least 25 years old;
   (B) is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and
   (C) for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as described by Paragraph (B);
   (2) the operation of a golf cart; or
   (3) a volunteer fire department for the operation of a motor vehicle the title of which is held in the name of a volunteer fire department.

(b) Subsection (a)(3) does not exempt from the requirement of Section 601.051 a person who is operating a vehicle described by that subsection.

(c) In this section, "volunteer fire department" means a
company, department, or association that is:

(1) organized in an unincorporated area to answer fire alarms and extinguish fires or to answer fire alarms, extinguish fires, and provide emergency medical services; and

(2) composed of members who:

(A) do not receive compensation; or

(B) receive only nominal compensation.

(V.A.C.S. Art. 6701h, Secs. 1, Subdiv. 14; IA(b) (part), (b-1),
(b-2), (d).)

Source Law

[Sec. 1]
14. "Volunteer Fire Department" means a company, department, or association whose members receive no or nominal compensation and that is organized in an unincorporated area for the purpose of answering fire alarms and extinguishing fires or answering fire alarms, extinguishing fires, and providing emergency medical services.

[Sec. 1A]
(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:

(2) any vehicles for which the title is held in the name of a volunteer fire department . . . .

(b-1) Golf carts are exempt from the requirement of Subsection (a) of this section.

(b-2) A motor vehicle that is 25 or more years old is exempt from the requirement of Subsection (a) of this section if:

(1) the vehicle is used only for exhibitions, club activities, parades, and other functions of public interest and will not be used for regular transportation; and

(2) the owner of the vehicle files with the Department a sworn affidavit, signed by the owner, stating that the vehicle is a collector's item and will be used solely for the purposes listed in Subdivision (1) of this subsection.

(d) Subsection (b) of this section may not be construed to exempt a person who is operating a vehicle for which title is held in the name of a volunteer fire department from the liability insurance requirements of this Act.

Revisor's Note
(1) Section 1A(b), V.A.C.S. Article 6701h, refers to "Subsection (a) of this section," meaning Section 1A(a), V.A.C.S. Article 6701h. The pertinent part of that subsection is revised as Section 601.051
of this code and the revised law is drafted accordingly.

(2) Section 1A(d), V.A.C.S. Article 6701h, refers to the "liability insurance requirements of this Act," meaning the requirements of Section 1A(a), V.A.C.S. Article 6701h, codified in this chapter as Section 601.051. The revised law substitutes a cross-reference to that section.

Revised Law

Sec. 601.053. EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:

(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;

(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;

(3) an insurance binder that confirms the operator is in compliance with this chapter;

(4) a surety bond certificate issued under Section 601.121;

(5) a certificate of a deposit with the state treasurer covering the vehicle issued under Section 601.122;

(6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or

(7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the
(b) An operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 601.051. (V.A.C.S. Art. 6701h, Secs. 1B(a) (part), (b), (c), 18 (part).)

Sec. 1B. (a) As a condition of operating a motor vehicle in this state, the operator of the motor vehicle shall furnish, on request of a peace officer or a person involved in an accident with the operator:

(1) a liability insurance policy in at least the minimum amounts required by this Act, or a photocopy of that policy, that covers the vehicle;
(2) a standard proof of liability insurance form promulgated by the Texas Department of Insurance and issued by a liability insurer . . .
(3) an insurance binder that confirms that the operator is in compliance with this Act;
(4) a certificate or copy of a certificate issued by the department that shows the vehicle is covered by self-insurance;
(5) a certificate issued by the state treasurer that shows that the owner of the vehicle has on deposit with the treasurer money or securities in at least the amount required by Section 25 of this Act;
(6) a certificate issued by the department that shows that the vehicle is a vehicle for which a bond is on file with the department as provided by Section 24 of this Act; or
(7) a copy of a certificate issued by the county judge of a county in which the vehicle is registered that shows that the owner of the vehicle has on deposit with the county judge cash or a cashier's check in at least the amount required by Section 1A(b)(6) of this Act.

(b) An operator of a motor vehicle who fails or refuses to furnish, on request of a peace officer or a person involved in an accident with the operator, one of the documents listed in Subsection (a) of this section is presumed to have operated the vehicle in violation of Section 1A of this Act.

(c) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

Sec. 18. Proof of financial responsibility when required under this Act with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing:
1. A certificate of insurance as provided in Section 19 or Section 20; or
2. A bond as provided in Section 24; or
3. A certificate of deposit of money or securities as provided in Section 25; or
4. A certificate of self-insurance, as provided in Section 34 . . . ; or
5. A certificate of deposit of money as provided in Section 1A(6).
Revisor's Note

(1) Section 1B(a), V.A.C.S. Article 6701h, refers to Sections 1A(b)(6), 24, and 25 of "this Act," and Section 18, V.A.C.S. Article 6701h, refers to Sections 24, 25, and 34, meaning Sections 1A(b)(6), 24, 25, and 34, V.A.C.S. Article 6701h. The pertinent parts of Sections 1A(b)(6), 24, 25, and 34 are codified in this chapter as Sections 601.123, 601.121, 601.122, and 601.124, respectively, and the revised law is drafted accordingly.

(2) Section 1B(a)(1), V.A.C.S. Article 6701h, refers to a "liability insurance policy." Section 1B(a)(2), V.A.C.S. Article 6701h, refers to a "standard proof of liability insurance form." The revised law substitutes "motor vehicle liability insurance policy" for "liability insurance policy" and "motor vehicle liability insurance form" for "liability insurance form" for the reason stated in Revisor's Note (2) under Section 601.051.

(3) Section 1B(a)(1), V.A.C.S. Article 6701h, refers to "a liability insurance policy in at least the minimum amounts required by this Act." Section 18, V.A.C.S. Article 6701h, refers to "[a] certificate of insurance as provided in Section 19 or Section 20," meaning Section 19 or 20, V.A.C.S. Article 6701h. The revised law substitutes a reference to Subchapter D of this chapter, the subchapter that governs motor vehicle liability insurance policies. See Section 601.082 of this code.

(4) The revised law omits the reference in Section 1B(a)(5), V.A.C.S. Article 6701h, to "money or securities" because it duplicates the requirements of Section 25, V.A.C.S. Article 6701h, codified as Section 601.122 of this code.
(5) The revised law adds a cross-reference to Section 601.081 of this code, the section under which the Texas Department of Insurance may prescribe a proof of motor vehicle liability insurance form, for the convenience of the reader.

(6) Section 1B(6), V.A.C.S. Article 6701h, refers to "Section 1A of this Act," meaning Section 1A, V.A.C.S. Article 6701h, codified in this chapter as Section 601.051. The revised law is drafted accordingly.

(7) Section 18, V.A.C.S. Article 6701h, refers to "[p]roof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(8) Section 18, V.A.C.S. Article 6701h, refers to a "certificate of deposit of money as provided in Section 1A(6)." V.A.C.S. Article 6701h does not contain a Section 1A(6). However, Article 6701h does contain a Section 1A(b)(6), which deals with establishing financial responsibility by depositing money with a county judge. That section is codified in this chapter as Section 601.123, and the revised law is drafted accordingly.

Revised Law

Sec. 601.054. OWNER MAY PROVIDE EVIDENCE OF FINANCIAL RESPONSIBILITY FOR OTHERS. (a) The department shall accept evidence of financial responsibility from an owner for another person required to establish evidence of financial responsibility if the other person is:

(1) an operator employed by the owner; or
(2) a member of the owner's immediate family or household.
(b) The evidence of financial responsibility applies to a person who becomes subject to Subsection (a)(1) or (2) after the effective date of that evidence.

(c) Evidence of financial responsibility accepted by the department under Subsection (a) is a substitute for evidence by the other person and permits the other person to operate a motor vehicle for which the owner has provided evidence of financial responsibility.

(d) The department shall designate the restrictions imposed by this section on the face of the other person's driver's license.

(V.A.C.S. Art. 6701h, Sec. 26.)

Source Law
Sec. 26. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the Department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The Department shall designate the restrictions imposed by this Section on the face of such person's license.

Revisor's Note
Section 26, V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

Revised Law
Sec. 601.055. SUBSTITUTION OF EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) If a person who has filed evidence of financial responsibility substitutes other evidence of financial responsibility that complies with this chapter, and the department accepts the other evidence, the department shall:

(1) consent to the cancellation of a bond or certificate of insurance filed as evidence of financial responsibility.
responsibility; or

(2) direct the state treasurer to return money or securities deposited with the treasurer as evidence of financial responsibility to the person entitled to the return of the money or securities.

(b) The state treasurer shall return money or securities deposited with the treasurer in accordance with the direction of the department under Subsection (a)(2). (V.A.C.S. Art. 6701h, Sec. 27.)

Source Law
Sec. 27. The Department shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Act.

Revisor's Note
(1) Section 27, V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Section 27, V.A.C.S. Article 6701h, refers to "any bond or certificate," meaning a bond or certificate filed with the department as evidence of financial responsibility under that article. The revised law makes this meaning clear.

Revised Law
Sec. 601.056. CANCELLATION, RETURN, OR WAIVER OF EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) As provided by this section, the department, on request, shall:

(1) consent to the cancellation of a bond or certificate of insurance filed as evidence of financial responsibility;
(2) direct the state treasurer to return money or securities deposited with the treasurer as evidence of financial responsibility to the person entitled to the return of the money or securities; or

(3) waive the requirement of filing evidence of financial responsibility.

(b) Evidence of financial responsibility may be canceled, returned, or waived under Subsection (a) if:

(1) the department, during the two years preceding the request, has not received a record of a conviction or a forfeiture of bail that would require or permit the suspension or revocation of the driver's license, vehicle registration, or nonresident's operating privilege of the person by or for whom the evidence was provided;

(2) the person for whom the evidence of financial responsibility was provided dies or has a permanent incapacity to operate a motor vehicle; or

(3) the person for whom the evidence of financial responsibility was provided surrenders the person's license and vehicle registration to the department.

(c) A cancellation, return, or waiver under Subsection (b)(1) may be made only after the second anniversary of the date the evidence of financial responsibility was required.

(d) The state treasurer shall return the money or securities as directed by the department under Subsection (a)(2).

(e) The department may not act under Subsection (a)(1) or (2) if:

(1) an action for damages on a liability covered by the evidence of financial responsibility is pending;

(2) a judgment for damages on a liability covered by the evidence of financial responsibility is not satisfied; or

(3) the person for whom the bond has been filed or for whom money or securities have been deposited has, within the two years preceding the request for cancellation or return of the
evidence of financial responsibility, been involved as an operator or owner in a motor vehicle accident resulting in bodily injury to, or property damage to the property of, another person.

(f) In the absence of evidence to the contrary in the records of the department, the department shall accept as sufficient an affidavit of the person requesting action under Subsection (a) stating that:

(1) the facts described by Subsection (e) do not exist; or

(2) the person has been released from the liability or has been finally adjudicated as not liable for bodily injury or property damage described by Subsection (e)(3).

(g) A person whose evidence of financial responsibility has been canceled or returned under Subsection (b)(3) may not be issued a new driver's license or vehicle registration unless the person establishes financial responsibility for the remainder of the two-year period beginning on the date the evidence of financial responsibility was required. (V.A.C.S. Art. 6701h, Sec. 29.)

Source Law

Sec. 29. The Department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of financial responsibility, or the Department shall waive the requirement of filing proof, in any of the following events:

1. At any time after two (2) years from the date such proof was required when, during the two-year period preceding the request, the Department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom such proof was furnished; or

2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

3. In the event the person who has given proof surrenders his license and registration to the Department;

Provided, however, that the Department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then
unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within two (2) years immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.

Whenever any person whose proof has been cancelled or returned under Subdivision 3 of this Section applies for a license or registration within a period of two (2) years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such two-year period.

Revisor's Note

(1) Section 29, V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Section 29, V.A.C.S. Article 6701h, refers to "any bond or certificate," meaning a bond or certificate filed with the department as evidence of financial responsibility under that article. The revised law makes this meaning clear.

(3) Section 29, V.A.C.S. Article 6701h, refers to the person "who has filed such bond or deposited such money or securities." The revised law, to be consistent with other portions of the source law, refers to the person "for whom the bond has been filed or for whom the money or securities have been deposited."

Revised Law

Sec. 601.057. EVIDENCE THAT DOES NOT FULFILL REQUIREMENTS; SUSPENSION. If evidence filed with the department does not continue to fulfill the purpose for which it was required, the department shall suspend the driver's license and all vehicle
registrations or nonresident's operating privilege of the person who filed the evidence pending the filing of other evidence of financial responsibility. (V.A.C.S. Art. 6701h, Sec. 28.)

**Source Law**

Sec. 28. Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for which required, the Department shall for the purpose of this Act, require other proof as required by this Act and shall suspend the license and all registrations or any nonresident's operating privilege pending the filing of such other proof.

**Revisor's Note**

Section 28, V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

[Sections 601.058-601.070 reserved for expansion]

**SUBCHAPTER D. ESTABLISHMENT OF FINANCIAL RESPONSIBILITY THROUGH MOTOR VEHICLE LIABILITY INSURANCE**

**Revised Law**

Sec. 601.071. MOTOR VEHICLE LIABILITY INSURANCE; REQUIREMENTS. For purposes of this chapter, a motor vehicle liability insurance policy must be an owner's or operator's policy that:

1. except as provided by Section 601.083, is issued by an insurance company authorized to write motor vehicle liability insurance in this state;
2. is written to or for the benefit of the person named in the policy as the insured; and
3. meets the requirements of this subchapter.

(V.A.C.S. Art. 6701h, Sec. 21(a) (part).)

**Source Law**

Sec. 21. (a) A "motor vehicle liability policy" as said term is used in this Act shall mean an owner's
or an operator's policy of liability insurance, ... and issued, except as otherwise provided in Section 20, by an insurance company duly authorized to write motor vehicle liability insurance in this State, to or for the benefit of the person named therein as insured.

Reviser's Note

(1) Section 21(a), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Reviser's Note (2) under Section 601.051 of this code.

(2) Section 21(a), V.A.C.S. Article 6701h, refers to an insurance company "duly" authorized to write motor vehicle liability insurance in this state. The revised law omits "duly" as unnecessary. For example, an insurance company purporting to be authorized to write insurance is not authorized if its authority has expired or been revoked.

(3) Section 21(a), V.A.C.S. Article 6701h, is limited by subsequent language that is codified in this subchapter. The revised law adds a reference to "the requirements of this subchapter" for clarity.

Revised Law

Sec. 601.072. MINIMUM COVERAGE AMOUNTS. (a) The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:

(1) $20,000 for bodily injury to or death of one person in one accident;

(2) $40,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and

(3) $15,000 for damage to or destruction of property of others in one accident.
(b) The coverage required under Subsection (a) may exclude, with respect to one accident:

(1) the first $250 of liability for bodily injury to
or death of one person;

(2) the first $500 of liability for bodily injury to
or death of two or more persons, subject to the amount provided by
Subdivision (1) for bodily injury to or death of one of the
persons; and

(3) the first $250 of liability for property damage to
or destruction of property of others. (V.A.C.S. Art. 6701h, Sec. 1, Subdiv. 10 (part).)

Source Law

[Sec. 1]

[must be in the following amounts . . . effective January 1, 1986] Twenty Thousand Dollars ($20,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, Forty Thousand Dollars ($40,000) because of bodily injury to or death of two (2) or more persons in any one accident, and Fifteen Thousand Dollars ($15,000) because of injury to or destruction of property of others in any one accident. The proof of ability to respond in damages may exclude the first Two Hundred Fifty Dollars ($250) of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude the first Five Hundred Dollars ($500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude the first Two Hundred Fifty Dollars ($250) of liability for the injury to or destruction of property of others in any one accident.

Revisor's Note

Subdivision 10, Section 1, V.A.C.S. Article 6701h, provides different required amounts for proof of financial responsibility effective January 1, 1984, and January 1, 1986. The references to those dates, and the amounts required for the period beginning January 1, 1984, and ending December 31, 1985, are omitted from the revised law as expired. The omitted law reads:

10. . . . in the following
amounts: effective January 1, 1984, Fifteen Thousand Dollars ($15,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, Thirty Thousand Dollars ($30,000) because of bodily injury to or death of two (2) or more persons in any one accident, and Fifteen Thousand Dollars ($15,000) because of injury to or destruction of property of others in any one accident and effective January 1, 1986 ...

Revised Law
Sec. 601.073. REQUIRED POLICY TERMS. (a) A motor vehicle liability insurance policy must state:
(1) the name and address of the named insured;
(2) the coverage provided under the policy;
(3) the premium charged for the policy;
(4) the policy period; and
(5) the limits of liability.

(b) The policy must contain an agreement or endorsement that the insurance coverage provided under the policy is:
(1) provided in accordance with the coverage required by this chapter for bodily injury, death, and property damage; and
(2) subject to this chapter.

(c) The liability of the insurance company for the insurance required by this chapter becomes absolute at the time bodily injury, death, or damage covered by the policy occurs. The policy may not be canceled as to this liability by an agreement between the insurance company and the insured that is entered into after the occurrence of the injury or damage. A statement made by or on behalf of the insured or a violation of the policy does not void the policy.

(d) The policy may not require the insured to satisfy a judgment for bodily injury, death, or property damage as a condition precedent under the policy to the right or duty of the insurance company to make payment for the injury, death, or damage.

(e) The insurance company may settle a claim covered by the policy. If the settlement is made in good faith, the amount of the
settlement is deductible from the amounts specified in Section 601.072.

(f) The policy, any written application for the policy, and any rider or endorsement that does not conflict with this chapter constitute the entire contract between the parties.

(g) Subsections (c)-(f) apply to the policy without regard to whether those provisions are stated in the policy. (V.A.C.S. Art. 6701h, Secs. 21(d), (f).)

Source Law

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this Act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Act.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance company with respect to the insurance required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;
2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance company to make payment on account of such injury or damage;
3. The insurance company shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Subdivision 2 of Subsection (b) of this Section;
4. The policy, the written application therefore, if any, and any rider or endorsement which does not conflict with the provisions of the Act shall constitute the entire contract between the parties.

Revisor's Note

(1) Sections 21(d) and (f), V.A.C.S. Article 6701h, refer to a "motor vehicle liability policy."

The revised law substitutes "motor vehicle liability
insurance policy" for the reason stated in Revisor's
Note (2) under Section 601.051 of this code.

(2) Section 21(f), V.A.C.S. Article 6701h,
states that the policy may not be "canceled or
annulled." The reference to "annulled" is omitted from
the revised law because "annulled" is included within
the meaning of "canceled."

(3) Section 21(f), V.A.C.S. Article 6701h,
states that a violation of the policy may not "defeat
or void" the policy. The reference to "defeat" is
omitted from the revised law because "defeat" is
included within the meaning of "void."

(4) Section 21(f), V.A.C.S. Article 6701h,
refers to the limits of liability "specified in
Subdivision 2 of Subsection (b) of this Section."
Section 21(b)(2) refers to the limits "as set out in
Subdivision (6) of Subsection (c) of Section 5 of this
Act." Those limits are identical to the limits set out
in the portion of Subdivision 10, Section 1, V.A.C.S.
Article 6701h, codified in this chapter as Section
601.072, and the revised law substitutes a
cross-reference to that section.

Revised Law
Sec. 601.074. OPTIONAL TERMS. (a) A motor vehicle
liability insurance policy may provide that the insured shall
reimburse the insurance company for a payment that, in the absence
of this chapter, the insurance company would not have been
obligated to make under the terms of the policy.

(b) A policy may allow prorating of the insurance provided
under the policy with other collectible insurance. (V.A.C.S.
Art. 6701h, Secs. 21(h), (i).)

Source Law
(h) Any motor vehicle liability policy may
provide that the insured shall reimburse the insurance
company for any payment the insurance company would not have been obligated to make under the terms of the policy except for the provisions of this Act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

Revisor's Note

(1) Section 21(h), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051.

(2) Section 21(i), V.A.C.S. Article 6701h, refers to "valid and collectible" insurance. The revised law omits the reference to "valid" as unnecessary; a policy that is not valid is not collectible.

Revised Law

Sec. 601.075. PROHIBITED TERMS. A motor vehicle liability insurance policy may not insure against liability:

(1) for which the insured or the insured's insurer may be held liable under a workers' compensation law;

(2) for bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or in domestic employment if benefits for the injury are payable or required to be provided under a workers' compensation law; or

(3) for injury to or destruction of property owned by, rented to, in the care of, or transported by the insured.

(V.A.C.S. Art. 6701h, Sec. 21(e).)

Source Law

(e) Such motor vehicle liability policy shall not insure:

1. Any obligation for which the insured or any company as his insurer may be held liable under any workmen's compensation law;

2. Any liability on account of bodily injury to or death of any employee of the insured while engaged in the employment, other than domestic, of the
insured, or in domestic employment if benefits therefor are either payable or required to be provided under any workmen's compensation law; nor

3. Any liability because of injury to or destruction of property owned by, rented to, in charge of or transported by the insured.

Revisor's Note

Section 21(e), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051.

Revised Law

Sec. 601.076. REQUIRED TERMS: OWNER'S POLICY. An owner's motor vehicle liability insurance policy must:

(1) cover each motor vehicle for which coverage is to be granted under the policy; and

(2) pay, on behalf of the named insured or another person who, as insured, uses a covered motor vehicle with the express or implied permission of the named insured, amounts the insured becomes obligated to pay as damages arising out of the ownership, maintenance, or use of the motor vehicle in the United States or Canada, subject to the amounts, excluding interest and costs, and exclusions of Section 601.072. (V.A.C.S. Art. 6701h, Sec. 21(b) (part).)

Source Law

(b) Such owner's policy of liability insurance:

1. Shall cover all motor vehicles with respect to which coverage is thereby to be granted; and

2. Shall pay on behalf of the insured named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as set out in Subdivision (6) of Subsection (c) of Section 5 of this Act. . . .
Revisor's Note

(1) Section 21(b), V.A.C.S. Article 6701h, refers to a "policy of liability insurance." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051 of this code.

(2) Subdivision 2, Section 21(b), V.A.C.S. Article 6701h, refers to the amount set out in "Subdivision (6) of Subsection (c) of Section 5 of this Act," meaning Subdivision 6 of Section 5(c), V.A.C.S. Article 6701h. This amount is identical to the amount established under the portion of Article 6701h codified in this chapter as Section 601.072, and the revised law substitutes a cross-reference to that section.

(3) Subdivision 2, Section 21(b), V.A.C.S. Article 6701h, states that the policy may exclude coverage for specified amounts. These amounts are identical to the deductibles authorized under Section 601.072 of this code, and the revised law substitutes a cross-reference to that section. The omitted law reads:

2. . . . The policy may exclude coverage of the first Two Hundred Fifty Dollars ($250) of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude coverage for the first Five Hundred Dollars ($500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude coverage for the first Two Hundred Fifty Dollars ($250) of liability for the injury to or destruction of property of others in any one accident.

Revised Law

Sec. 601.077. REQUIRED TERMS: OPERATOR'S POLICY. An operator's motor vehicle liability insurance policy must pay, on behalf of the named insured, amounts the insured becomes obligated to pay as damages arising out of the use by the insured of a motor
vehicle the insured does not own, subject to the same territorial limits, payment limits, and exclusions as for an owner's policy under Section 601.076. (V.A.C.S. Art. 6701h, Sec. 21(c).)

Source Law

(c) Such operator's policy of liability insurance shall pay on behalf of the insured named therein all sums which the insured shall become legally obligated to pay as damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

Revisor's Note

(1) Section 21(c), V.A.C.S. Article 6701h, refers to a "policy of liability insurance." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051 of this code.

(2) Section 21(c), V.A.C.S. Article 6701h, refers to the "same limits of liability as are set forth above," meaning the limits set forth in the portion of V.A.C.S. Article 6701h codified in this chapter as Section 601.076. The revised law substitutes a cross-reference to that section.

Revised Law

Sec. 601.078. ADDITIONAL COVERAGE. (a) An insurance policy that provides the coverage required for a motor vehicle liability insurance policy may also provide lawful coverage in excess of or in addition to the required coverage.

(b) The excess or additional coverage is not subject to this chapter.

(c) In the case of a policy that provides excess or additional coverage, the term "motor vehicle liability insurance policy" applies only to that part of the coverage that is required under this subchapter. (V.A.C.S. Art. 6701h, Sec. 21(g).)
(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this Section.

Reviser's Note

Section 21(g), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Reviser's Note (2) under Section 601.051 of this code.

Revised Law

Sec. 601.079. MULTIPLE POLICIES. The requirements for a motor vehicle liability insurance policy may be satisfied by a combination of policies of one or more insurance companies if the policies in combination meet the requirements. (V.A.C.S. Art. 6701h, Sec. 21(j).)

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one (1) or more insurance companies which policies together meet such requirements.

Reviser's Note

Section 21(j), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Reviser's Note (2) under Section 601.051 of this code.

Revised Law

Sec. 601.080. INSURANCE BINDER. A binder issued pending the issuance of a motor vehicle liability insurance policy satisfies
the requirements for such a policy. (V.A.C.S. Art. 6701h, Sec. 21(k).)

Source Law

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Revisor's Note

Section 21(k), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051 of this code.

Revised Law

Sec. 601.081. STANDARD PROOF OF MOTOR VEHICLE LIABILITY INSURANCE FORM. A standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance must include:

(1) the name of the insurer;
(2) the insurance policy number;
(3) the policy period;
(4) the name and address of each insured;
(5) the policy limits or a statement that the coverage of the policy complies with the minimum amounts of motor vehicle liability insurance required by this chapter; and
(6) the make and model of each covered vehicle.

(V.A.C.S. Art. 6701h, Sec. 1B(a)(2) (part).)

Source Law

Sec. 1B. (a) [As a condition of operating a motor vehicle, the operator shall furnish:]...

(2) a standard proof of liability insurance form promulgated by the Texas Department of Insurance . . . that:

(A) includes the name of the insurer;
(B) includes the insurance policy number;
(C) includes the policy period;
(D) includes the name and address of
each insured; (E) includes the policy limits or a statement that the coverage of the policy complies with at least the minimum amounts of liability insurance required by this Act; and (F) includes the make and model of each covered vehicle.

Revisor's Note

Section 1B(a), V.A.C.S. Article 6701h, refers to "liability insurance" and a "liability insurance form." The revised law substitutes "motor vehicle liability insurance" and "motor vehicle liability insurance form" for the reason stated in Revisor's Note (2) under Section 601.051 of this code.

Revised Law

Sec. 601.082. MOTOR VEHICLE LIABILITY INSURANCE; CERTIFICATION. If evidence of financial responsibility is required to be filed with the department under this chapter, a motor vehicle liability insurance policy that is to be used as evidence must be certified under Section 601.083 or 601.084. (V.A.C.S. Art. 6701h, Sec. 21(a) (part).)

Source Law

Sec. 21. (a) [A "motor vehicle liability policy" . . . shall mean [a] . . . policy of liability insurance,] certified as provided in Section 19 or Section 20 as proof of financial responsibility . . . .

Revisor's Note

(1) Section 21(a), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051 of this code.

(2) Section 21(a), V.A.C.S. Article 6701h, refers to Sections 19 and 20, meaning Sections 19 and 20, V.A.C.S. Article 6701h, codified in this chapter in part as Sections 601.083 and 601.084, respectively.
The revised law is drafted accordingly.

Revised Law

Sec. 601.083. CERTIFICATE OF MOTOR VEHICLE LIABILITY INSURANCE. (a) A person may provide evidence of financial responsibility by filing with the department the certificate of an insurance company authorized to write motor vehicle liability insurance in this state certifying that a motor vehicle liability insurance policy for the benefit of the person required to provide evidence of financial responsibility is in effect.

(b) The certificate must state the effective date of the policy, which must be the same date as the effective date of the certificate.

(c) The certificate must cover each motor vehicle owned by the person required to provide the evidence of financial responsibility, unless the policy is issued to a person who does not own a motor vehicle.

(d) A motor vehicle may not be registered in the name of a person required to provide evidence of financial responsibility unless the vehicle is covered by a certificate. (V.A.C.S. Art. 6701h, Secs. 19(a), (b).)

Source Law

Sec. 19. (a) Proof of financial responsibility may be furnished by filing with the Department the certificate of any insurance company duly authorized to write motor vehicle liability insurance in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall cover all motor vehicles owned by the individual required to make such filing as covered by the liability insurance policy, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is covered by such certificate.

Revisor's Note

(1) Section 19, V.A.C.S. Article 6701h, refers
to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Reviser's Note (4) under Section 601.002 of this code.

(2) Section 19(a), V.A.C.S. Article 6701h, refers to an insurance company "duly" authorized to write motor vehicle liability insurance in this state. The revised law omits "duly" as unnecessary.

(3) Section 19(a), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Reviser's Note (2) under Section 601.051 of this code.

Revised Law

Sec. 601.084. NONRESIDENT CERTIFICATE. (a) Subject to Subsection (c), a nonresident owner of a motor vehicle that is not registered in this state may provide evidence of financial responsibility by filing with the department the certificate of an insurance company authorized to transact business in the state in which the vehicle is registered certifying that a motor vehicle liability insurance policy for the benefit of the person required to provide evidence of financial responsibility is in effect.

(b) Subject to Subsection (c), a nonresident who does not own a motor vehicle may provide evidence of financial responsibility by filing with the department the certificate of an insurance company authorized to transact business in the state in which the nonresident resides.

(c) The department shall accept the certificate of an insurer not authorized to transact business in this state if the certificate otherwise complies with this chapter and the insurance company:

(1) executes a power of attorney authorizing the department to accept on its behalf service of notice or process in
an action arising out of a motor vehicle accident in this state;
and

(2) agrees in writing that its policies will be treated as conforming to the laws of this state relating to the terms of a motor vehicle liability insurance policy.

(d) The department may not accept a certificate of an insurance company not authorized to transact business in this state during the period that the company is in default in any undertaking or agreement under this section. (V.A.C.S. Art. 6701h, Sec. 20.)

Source Law

Sec. 20. (a) The non-resident owner of a motor vehicle not registered in this State may give proof of financial responsibility by filing with the Department a certificate or certificates of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles covered in such certificate are registered, or if such non-resident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this Act, and the Department shall accept the same upon condition that said insurance company complies with the following provisions with respect to the policies so certified:

1. Said insurance company shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State;

2. Said insurance company shall agree in writing that such policies shall be deemed to conform with the laws of this State relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance company not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the Department shall not thereafter accept as proof any certificate of said company where theretofore filed or thereafter tendered as proof, so long as such default continues.

Revisor's Note

(1) Section 20(a), V.A.C.S. Article 6701h, states that the department may accept the certificate if it "otherwise" conforms to the provisions of that article. While the meaning of "otherwise" is not explicit, Section 20 sets forth special provisions applicable only to nonresidents. Residents must provide a certificate from an insurer authorized to
write motor vehicle liability insurance in this state; this may not be possible for a nonresident, and Section 20 addresses this question. It is clear from the context of the section that "otherwise" means "other than not having been issued by an insurer authorized to write motor vehicle liability insurance in this state."

The revised law clarifies this meaning.

(2) Section 20(a), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051.

Revised Law
Sec. 601.085. TERMINATION OF CERTIFIED POLICY. (a) If an insurer has certified a policy under Section 601.083 or 601.084, the policy may not be terminated before the sixth day after the date a notice of the termination is received by the department except as provided by Subsection (b).

(b) A policy that is obtained and certified terminates a previously certified policy on the effective date of the certification of a subsequent policy. (V.A.C.S. Art. 6701h, Sec. 22.)

Source Law
Sec. 22. When an insurance company has certified a motor vehicle liability policy under Section 19 or a policy under Section 20, the insurance so certified shall not be canceled or terminated until at least five (5) days after a notice of cancellation or termination of the insurance so certified shall be received in the office of the Department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified.

Revisor's Note
(1) Section 22, V.A.C.S. Article 6701h, refers to Sections 19 and 20, meaning Sections 19 and 20, V.A.C.S. Article 6701h, codified in this chapter in
part as Sections 601.083 and 601.084, respectively.

The revised law is drafted accordingly.

(2) Section 22, V.A.C.S. Article 22, refers to
an insurance policy that is "canceled or terminated."

The reference to "canceled" is omitted from the revised
law because "canceled" is included within the meaning
of "terminated."

Revised Law
Sec. 601.086. RESPONSE OF INSURANCE COMPANY IF POLICY NOT IN
EFFECT. An insurance company that is notified by the department of
an accident in connection with which an owner or operator has
reported a motor vehicle liability insurance policy with the
company shall advise the department if a policy is not in effect as
reported. (V.A.C.S. Art. 6701h, Sec. 1E.)

Source Law
Sec. 1E. When notified of an accident by the
Department in which an owner or operator has reported
evidence of financial responsibility with an insurance
company, the insurance company so notified shall be
required to respond to the Department only if there is
not a policy of liability insurance in effect, as
reported.

Revisor’s Note
Section 1E, V.A.C.S. Article 6701h, refers to
"liability insurance." The revised law substitutes
"motor vehicle liability insurance" for the reason
stated in Revisor’s Note (2) under Section 601.051.

Revised Law
Sec. 601.087. GOVERNMENTAL RECORD; UNAUTHORIZED CERTIFICATE
OR FORM. A standard proof of motor vehicle liability insurance
form described by Section 601.081, a certificate described by
Section 601.083, or a document purporting to be such a form or
certificate that is not issued by an insurer authorized to write
motor vehicle liability insurance in this state is a governmental
record for purposes of Chapter 37, Penal Code. (V.A.C.S.
Art. 6701h, Secs. 1B(d), 19(c).)

Source Law

[Sec. 1B]
(d) A standard proof of liability insurance form described in Subsection (A)(2) of this section, or a document that is an unauthorized version of the form, is a governmental record for purposes of Chapter 37, Penal Code. A standard proof of liability insurance form is unauthorized for purposes of this subsection if it is not issued by an insurer authorized to transact motor vehicle liability insurance in this state.

[Sec. 19]
(c) A certificate described in Subsection (a) of this section, or a document that is an unauthorized version of the certificate, is a governmental record for purposes of Chapter 37, Penal Code. A certificate is unauthorized for purposes of this subsection if it is not issued by an insurer authorized to transact motor vehicle liability insurance in this state.

Reviser's Note
(1) Section 1B(d), V.A.C.S. Article 6701h, refers to a standard proof of "liability insurance form." The revised law substitutes "motor vehicle liability insurance form" for the reason stated in Reviser's Note (2) under Section 601.051 of this code.

(2) Section 1B(d), V.A.C.S. Article 6701h, refers to Subsection (A)(2) of that section. There is no Subsection (A)(2) in Section 1B, but there is a Subsection (a)(2), which is codified in this chapter as Section 601.081. The revised law is drafted accordingly.

(3) Section 19(c), V.A.C.S. Article 6701h, refers to Subsection (a) of that section. That subsection is codified in this chapter as Section 601.083, and the revised law is drafted accordingly.

Revised Law
Sec. 601.088. EFFECT ON CERTAIN OTHER POLICIES. (a) This chapter does not apply to or affect a policy of motor vehicle liability insurance required by another law of this state. If that policy contains an agreement or is endorsed to conform to the
requirements of this chapter, the policy may be certified as
evidence of financial responsibility under this chapter.

(b) This chapter does not apply to or affect a policy that
insures only the named insured against liability resulting from the
maintenance or use of a motor vehicle that is not owned by the
insured by persons who are:

(1) employed by the insured; or
(2) acting on the insured's behalf. (V.A.C.S. Art. 6701h, Sec. 23.)

Source Law

Sec. 23. (a) This Act shall not be held to apply to or affect policies of motor vehicle insurance
against liability which may now or hereafter be required by any other law of this State, and such
policies, if they contain an agreement or are endorsed to conform to the requirements of this Act, may be
certified as proof of financial responsibility under this Act.

(b) This Act shall not be held to apply to or affect policies insuring solely the insured named in
the policy against liability resulting from the maintenance or use by persons in the insured's employ
or on his behalf of motor vehicles not owned by the insured.

Reviser's Note

(1) Section 23, V.A.C.S. Article 6701h, refers
to "proof of financial responsibility." The revised
law substitutes "evidence of financial responsibility"
for the reasons stated in Reviser's Note (4) under
Section 601.002 of this code.

(2) Section 23, V.A.C.S. Article 6701h, refers
to policies of "motor vehicle insurance against
liability." The revised law substitutes "motor vehicle
liability insurance" for the reason stated in Reviser's
Note (2) under Section 601.051 of this code.

Reviser's Note
(End of Subchapter)

Section 1A(c), V.A.C.S. Article 6701h, is omitted
from the revised law as unnecessary and obsolete. That
subsection provides that an out-of-state vehicle or
driver that is exempt from the compulsory insurance
provisions of Section 1A(b), V.A.C.S. Article 6701h,
may be proceeded against under Article 6701h if the
vehicle or driver is involved in an accident in which
another person sustains death, bodily injury, or
property damage. Section 1A(c) is unnecessary because
nothing in V.A.C.S. Article 6701h suggests that the
various actions the Department of Public Safety may
take under that article, such as suspending a driving
privilege or impounding a vehicle, cannot be taken
against a nonresident. Furthermore, while Section 1A
previously contained an exemption from the compulsory
motor vehicle liability insurance requirement for
nonresident vehicles and drivers, that exemption was
deleted by Chapter 289, Acts of the 70th Legislature,
Regular Session, 1987, making Section 1A(c) obsolete.
The omitted law reads:

   (c) An out-of-state vehicle or
driver exempt from the compulsory insurance
requirement by Subsection (b) of this
section may be proceeded against under this
Act after involvement in an accident in
this State in which death, personal injury,
or damage to the property of any person
other than himself or herself is sustained.

[Sections 601.089-601.120 reserved for expansion]

SUBCHAPTER E. ALTERNATIVE METHODS OF ESTABLISHING FINANCIAL
RESPONSIBILITY

Revised Law

Sec. 601.121. SURETY BOND. (a) A person may establish
financial responsibility by filing with the department a bond:

(1) with at least two individual sureties, each of
whom owns real property in this state that is not exempt from
execution under the constitution or laws of this state;

(2) conditioned for payment in the amounts and under
the same circumstances as required under a motor vehicle liability insurance policy;

(3) that is not cancelable before the sixth day after the date the department receives written notice of the cancellation;

(4) accompanied by the fee required by Subsection (e);

and

(5) approved by the department.

(b) The real property required by Subsection (a)(1) must be described in the bond approved by a judge of a court of record. The assessor-collector of the county in which the property is located must certify the property as free of any tax lien. The sureties in combination must have equity in the property in an amount equal to at least twice the amount of the bond.

(c) The bond is a lien in favor of the state on the real property described in the bond. The lien exists in favor of a person who holds a final judgment against the person who filed the bond.

(d) On filing of a bond, the department shall issue to the person who filed the bond a certificate of compliance with this section.

(e) The department shall file notice of the bond in the office of the county clerk of the county in which the real property is located. The notice must include a description of the property described in the bond. The county clerk or the county clerk's deputy, on receipt of the notice, shall acknowledge the notice and record it in the lien records. The recording of the notice is notice in accordance with statutes governing the recordation of a lien on real property.

(f) If a judgment rendered against the person who files a bond under this section is not satisfied before the 61st day after the date the judgment becomes final, the judgment creditor, for the judgment creditor's own use and benefit and at the judgment creditor's expense, may bring an action in the name of the state.
against the sureties on the bond, including an action to foreclose
a lien on the real property of a surety. The foreclosure action
must be brought in the same manner as, and is subject to the law
applicable to, an action to foreclose a mortgage on real property.

(g) Cancellation of a bond filed under this section does not
prevent recovery for a right or cause of action arising before the
date of the cancellation. (V.A.C.S. Art. 6701h, Secs. 5(c),
Subdiv. 7 (part); 24(a) (part), (b).)

Source Law

[Sec. 5(c)]
7. Wherever the word "bond" appears in
... this Act, it shall mean a bond filed with and
approved by the Department of Public Safety.

Sec. 24. (a) Proof of financial responsibility
may be furnished by filing a bond with the Department,
accompanied by the statutory recording fee of the
County Clerk to cover the cost of recordation of the
notice provided for herein, and with at least two (2)
individual sureties each owning real estate within this
State, not exempt under the Constitution or laws of the
State of Texas, and together having equities equal in
value to at least twice the amount of such bond. Such
real estate shall be scheduled in the bond approved by
a judge of a court of record, and shall be certified by
the tax assessor and collector of the county where the
property is situated as being free from any tax liens.
Such bond shall be conditioned for payments in amounts
and under the same circumstances as would be required
in a motor vehicle liability policy, and shall not be
cancelable except after five (5) days written notice is
received by the Department, but cancellation shall not
prevent recovery with respect to any right or cause of
action arising prior to the date of cancellation. On
filing of a valid bond, the Department shall issue to
the person named as principal in the bond a certificate
of compliance with this section. Such bond shall
constitute a lien in favor of the State upon the real
estate so scheduled of any surety, which lien shall
exist in favor of any holder of a final judgment
against the person who has filed such bond. Notice to
that effect, which shall include a description of the
real estate scheduled in the bond, shall be filed by
the Department in the office of the County Clerk of the
county where such real estate is situated. ... and
the County Clerk or his deputy, upon receipt of such
notice, shall acknowledge and cause the same to be
recorded in the lien records. Recordation shall
constitute notice as provided by the statutes governing
the recordation of liens on real estate.

(b) If a judgment, rendered against the
principal on such real estate bond, shall not be
satisfied within sixty (60) days after it has become
final, the judgment creditor may, for his own use and
benefit and at his sole expense, bring an action or
actions in the name of the State against the persons
who executed such bond, including an action or
proceeding to foreclose any lien that may exist upon
the real estate of a person who has executed such bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage on real estate.

Revisor's Note

(1) Section 24(a), V.A.C.S. Article 6701h, refers to a "valid" bond. The revised law omits "valid" as unnecessary. For example, a document purporting to be a bond is no longer a bond if it is expired and is not a bond if it is a forgery.

(2) Section 24(a), V.A.C.S. Article 6701h, states that when the bond is filed with the county clerk, it must be accompanied by the required recording fee. This requirement is omitted from the revised law as unnecessary because Sections 118.011 and 118.013, Local Government Code, prescribe the fee a county clerk shall collect for "filing and recording, . . . in the real property records . . . a document that is authorized or required to be filed in those records."

The omitted law reads:

Such notice shall be accompanied by the statutory fee for the services of the County Clerk in connection with the recordation of such notice . . . .

(3) Section 24(b), V.A.C.S. Article 6701h, refers to an "action or proceeding." The revised law omits "proceeding" because, in this context, it is included within the meaning of "action."

Revised Law

Sec. 601.122. DEPOSIT OF CASH OR SECURITIES WITH STATE TREASURER. (a) A person may establish financial responsibility by depositing $55,000 with the state treasurer in:

(1) cash; or

(2) securities that:

(A) are of the type that may legally be
purchased by savings banks or trust funds; and

(B) have a market value equal to the required amount.

(b) On receipt of the deposit, the state treasurer shall issue to the person making the deposit a certificate stating that a deposit complying with this section has been made.

(c) The state treasurer may not accept the deposit and the department may not accept the certificate unless the deposit or certificate is accompanied by evidence that an unsatisfied judgment of any character against the person making the deposit does not exist in the county in which the person making the deposit resides.

(d) The state treasurer shall hold a deposit made under this section to satisfy, in accordance with this chapter, an execution on a judgment issued against the person making the deposit for damages that:

(1) result from the ownership, maintenance, use, or operation of a motor vehicle after the date the deposit was made; and

(2) are for:

(A) bodily injury to or death of any person, including damages for care and loss of services; or

(B) damage to or destruction of property, including the loss of use of the property.

(e) Money or securities deposited under this section are not subject to attachment or execution unless the attachment or execution arises out of a suit for damages described by Subsection (d). (V.A.C.S. Art. 6701h, Secs. 1A(b)(3) (part), 25.)

Source Law

[Sec. 1A]

[(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:

(3) vehicles . . . for which a certificate has been obtained from the State Treasurer stating that] the owner and/or operator has deposited with the State Treasurer Fifty-Five Thousand Dollars ($55,000) in cash or securities as provided by Section 25 of this Act. . . .

74C263 JD-D 3322
Sec. 25. (a) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him the following amounts: . . . effective January 1, 1986, Fifty-Five Thousand Dollars ($55,000); in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of those respective sums. The State Treasurer shall not accept any such deposit and issue a certificate therefor and the Department shall not accept such certificate, unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Revisor's Note
Section 25(a), V.A.C.S. Article 6701h, provides different required amounts for the deposit effective January 1, 1984, and January 1, 1986. The references to these dates and the amounts required for the period beginning January 1, 1984, and ending December 31, 1985, have been omitted from the revised law as executed. The omitted law reads:

Sec. 25. (a) [Proof of financial responsibility may be evidenced by the certificate . . . that the person . . . has deposited . . . the following amounts:] effective January 1, 1984, Forty-Five Thousand Dollars ($45,000) . . . .

Revised Law
Sec. 601.123. DEPOSIT OF CASH OR CASHIER'S CHECK WITH COUNTY JUDGE. (a) A person may establish financial responsibility by making a deposit with the county judge of the county in which the motor vehicle is registered.

(b) The deposit must be made in cash or a cashier's check in the amount of at least $55,000.
(c) On receipt of the deposit, the county judge shall issue to the person making the deposit a certificate stating that a deposit complying with this section has been made. The certificate must be acknowledged by the sheriff of that county and filed with the department. (V.A.C.S. Art. 6701h, Sec. 1A(b)(6).)

Source Law

[(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:

(6) vehicles for which a valid certificate certifying that cash or a cashier's check in the amount of at least Fifty-Five Thousand Dollars ($55,000) is deposited with the county judge of the county in which the vehicle is registered has been:

(A) issued by the county judge and acknowledged by the sheriff of that county; and

(B) filed with the Department.

Revised Law

Sec. 601.124. SELF-INSURANCE. (a) A person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided by this section.

(b) The department may issue a certificate of self-insurance to a person if:

(1) the person applies for the certificate; and

(2) the department is satisfied that the person has and will continue to have the ability to pay judgments obtained against the person.

(c) The self-insurer must supplement the certificate with an agreement that, for accidents occurring while the certificate is in force, the self-insurer will pay the same judgments in the same amounts as an insurer would be obligated to pay under an owner's motor vehicle liability insurance policy issued to the self-insurer if such policy were issued.

(d) The department for cause may cancel a certificate of self-insurance after a hearing. The self-insurer must receive at least five days' notice of the hearing. Cause includes failure to pay a judgment before the 31st day after the date the judgment
becomes final. (V.A.C.S. Art. 6701h, Secs. 18 (part), 34.)

Source Law

[Sec. 18. Proof of financial responsibility when required under this Act with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing:

4. A certificate of self-insurance, as provided in Section 34,] supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer; or

Sec. 34. (a) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Department as provided in Subsection (b) of this Section.

(b) The Department may, in its discretion, upon the application of a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than five (5) days notice and a hearing pursuant to such notice, the Department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

[Sections 601.125-601.150 reserved for expansion]

SUBCHAPTER F. SECURITY FOLLOWING ACCIDENT

Revised Law

Sec. 601.151. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a motor vehicle accident in this state that results in bodily injury or death or in damage to the property of one person of at least $1,000.

(b) This subchapter does not apply to:

(1) an owner or operator who has in effect at the time of the accident a motor vehicle liability insurance policy that covers the motor vehicle involved in the accident;

(2) an operator who is not the owner of the motor vehicle, if a motor vehicle liability insurance policy or bond for the operation of a motor vehicle the person does not own is in
effect at the time of the accident;

(3) an owner or operator whose liability for damages resulting from the accident, in the judgment of the department, is covered by another liability insurance policy or bond;

(4) an owner or operator, if there was not bodily injury to or damage of the property of a person other than the owner or operator;

(5) the owner or operator of a motor vehicle that at the time of the accident was legally parked or legally stopped at a traffic signal;

(6) the owner of a motor vehicle that at the time of the accident was being operated without the owner's express or implied permission or was parked by a person who had been operating the vehicle without that permission; or

(7) a person qualifying as a self-insurer under Section 601.124 or a person operating a motor vehicle for a self-insurer. (V.A.C.S. Art. 6701h, Secs. 5(a) (part), (c) (part), 6 (part).)

Source Law

Sec. 5. (a) . . . [A] motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person of at least One Thousand Dollars ($1,000) . . . .

(c) This section shall not apply under the conditions stated in Section 6 nor:

. . . .

2. To such operator or owner if such owner had in effect at the time of such accident a motor vehicle liability policy with respect to the motor vehicle involved in such accident;

3. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a motor vehicle liability policy or bond with respect to his operation of motor vehicles not owned by him;

. . . .

5. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy or bond; nor

6. To any person qualifying as a self-insurer under Section 34 of this Act, or to any person operating a motor vehicle for such self-insurer. . . .

Sec. 6. The requirements as to security, proof of financial responsibility and suspension in Section 5

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shall not apply:

1. To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner;
2. To the operator or the owner of a motor vehicle legally parked or legally stopped at a traffic signal at the time of the accident;
3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission; nor . . . .

Revisor's Note

(1) Subdivision 1, Section 5(c), V.A.C.S. Article 6701h, states that Section 5 applies only if there is a reasonable probability of a judgment being rendered as a result of the accident. This section is omitted as redundant of other portions of V.A.C.S. Article 6701h. See, for example, Section 601.152 of this code. The omitted law reads:

(c) [This section shall not apply . . . :]

1. To a motor vehicle operator or owner against whom the Department or a person presiding at a hearing finds there is not a reasonable probability of a judgment being rendered as a result of the accident . . . .

(2) Subdivision 2, Section 5(c), V.A.C.S. Article 6701h, refers to a "motor vehicle liability policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051.

(3) Subdivision 4, Section 5(c), V.A.C.S. Article 6701h, provides that Section 5 does not apply to a person employed by the United States government who is acting within the scope of the person's employment. This provision is omitted as unnecessary because under Section 33, V.A.C.S. Article 6701h (codified in part in Section 601.007 of this code), the entire article does not apply to an officer or employee of the United States acting within the scope of
employment. The omitted law reads:

4. To any person employed by
the government of the United States, when
such person is acting within the scope or
office of his employment . . . .

(4) Subdivision 6, Section 5(c), V.A.C.S.

Article 6701h, refers to Section 34 of that article.

That statute is codified in this chapter as Section
601.124, and the revised law is drafted accordingly.

(5) Subdivision 4, Section 6, V.A.C.S. Article
6701h, is omitted as redundant of the portion of that
article codified in this chapter as Section 601.154(d).

The omitted law reads:

Sec. 6. The requirements . . . shall
not apply:

4. If, prior to the date that
the Department would otherwise suspend
license and registration or nonresident's
operating privilege under Section 5, there
shall be filed with the Department evidence
satisfactory to it that the person, who
would otherwise have to file security and
proof, has been released from liability or
been finally adjudicated not to be liable
or has executed a duly acknowledged written
agreement providing for the payment of an
agreed amount in installments, with respect
to all claims for injuries or damages
resulting from the accident.

Revised Law

Sec. 601.152. SUSPENSION OF DRIVER'S LICENSE AND VEHICLE
REGISTRATION OR PRIVILEGE. (a) Subject to Section 601.153, the
department shall suspend the driver's license and vehicle
registrations of the owner and operator of a motor vehicle if:

(1) the vehicle is involved in any manner in an
accident; and

(2) the department finds that there is a reasonable
probability that a judgment will be rendered against the person as
a result of the accident.

(b) If the owner or operator is a nonresident, the
department shall suspend the person's nonresident operating
privilege and the privilege of use of any motor vehicle owned by
the nonresident. (V.A.C.S. Art. 6701h, Sec. 5(b) (part).)

Source Law

(b) The Department shall, subject to the provisions of Subsection (c) of this section, suspend the license and all registrations of each operator and owner of a motor vehicle in any manner involved in such accident, if there is found to be a reasonable probability of a judgment being rendered against that person as a result of the accident, and if such operator or owner is a nonresident the privilege of operating a motor vehicle within this State, and the privilege of the use within this State of any motor vehicle owned by him . . . .

Revisor's Note

(1) Section 5(b), V.A.C.S. Article 6701h, states that it is subject to "Subsection (c) of this section," meaning Section 5(c), V.A.C.S. Article 6701h. The relevant portion of that statute, which specifies exceptions to the applicability of this subchapter, is codified in this chapter as Section 601.151. The revised law omits the cross-reference as unnecessary.

(2) A cross-reference to Section 601.153, a section that states the manner in which a person may avoid suspension of a driver's license, vehicle registration, or operating privilege, is added for the convenience of the reader.

Revised Law

Sec. 601.153. DEPOSIT OF SECURITY; EVIDENCE OF FINANCIAL RESPONSIBILITY. The department may not suspend a driver's license, vehicle registration, or nonresident's privilege if the owner or operator:

(1) deposits with the department security in an amount determined to be sufficient under Section 601.154 or 601.157 as appropriate; and

(2) files evidence of financial responsibility as required by this chapter. (V.A.C.S. Art. 6701h, Sec. 5(b) (part).)
(b) The Department shall . . . suspend the license and all registrations of each operator and owner . . . and if such operator or owner is a nonresident the privilege of operating a motor vehicle within this State and the privilege of the use within this State . . . unless such operator, owner or operator and owner shall deposit security in the sum so determined by the Department or by a person presiding at a hearing and in no event less than One Thousand Dollars ($1,000), and unless such operator and owner shall give proof of financial responsibility.

Revisor's Note

(1) Section 5(b), V.A.C.S. Article 6701h, refers to "security in the sum so determined by the Department," meaning in an amount determined to be sufficient under the portion of Section 5(b) that is codified in this chapter as Section 601.154. The revised law substitutes a cross-reference to that section for the quoted language.

(2) Section 5(b), V.A.C.S. Article 6701h, states that the amount of the security may not be less than $1,000. This reference is omitted as unnecessary because $1,000 is the amount specified by Section 9, V.A.C.S. Article 6701h, codified in this chapter as Section 601.154. The department may not find that the amount of the security deposit is sufficient under Section 601.154 of this code unless it meets the requirements of Section 601.163.

(3) Section 5(b), V.A.C.S. Article 6701h, refers to a determination "by the Department or by a person presiding at a hearing." The revised law substitutes references to Sections 601.154 of this code, which describes a determination by the Department of Public Safety, and 601.157 of this code, which describes a hearing by a judge, for the quoted language.

(4) Section 5(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised
law substitutes "evidence of financial responsibility"
for the reasons stated in Revisor's Note (4) under
Section 601.002 of this code.

Revised Law

Sec. 601.154. DEPARTMENT DETERMINATION OF PROBABILITY OF LIABILITY. (a) Subject to Subsection (d), if the department finds that there is a reasonable probability that a judgment will be rendered against an owner or operator as a result of an accident, the department shall determine the amount of security sufficient to satisfy any judgment for damages resulting from the accident that may be recovered from the owner or operator.

(b) The department may not require security in an amount:

(1) less than $1,000; or
(2) more than the limits prescribed by Section 601.072.

(c) In determining whether there is a reasonable probability that a judgment will be rendered against the person as a result of an accident and the amount of security that is sufficient under Subsection (a), the department may consider:

(1) a report of an investigating officer;
(2) an accident report of a party involved; and
(3) an affidavit of a person who has knowledge of the facts.

(d) The department shall make the determination required by Subsection (a) only if the department has not received, before the 21st day after the date the department receives a report of a motor vehicle accident, satisfactory evidence that the owner or operator has:

(1) been released from liability;
(2) been finally adjudicated not to be liable; or
(3) executed an acknowledged written agreement providing for the payment of an agreed amount in installments for all claims for injuries or damages resulting from the accident.
Sec. 5. (a) If twenty (20) days after the receipt of a report of a motor vehicle accident, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under Subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, and the Department finds that there is a reasonable probability of a judgment being rendered against the person as a result of the accident, the Department shall determine the amount of security which shall be sufficient in its judgment, and in no event less than One Thousand Dollars ($1,000) to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

[(b) . Before suspension of a license, registration, or privilege,] the Department must find that there is a reasonable probability of a judgment being rendered against the person as a result of the accident and the amount of the security that must be deposited. For this purpose it may consider the report of the investigating officer, the accident reports of all parties involved, and any affidavits of persons having knowledge of the facts.

Sec. 9. [The security . . . may be by cash deposit or by bond . . . ] in the amount the Department may require [or in such other form] and in such amount as the Department may require but in no case less than One Thousand ($1,000) Dollars nor in excess of the limits specified in Section 5 in reference to the acceptable limits of a policy.

Revisor's Note
(1) Section 5(a), V.A.C.S. Article 6701h, refers to a "person who would otherwise be required to file security under Subsection (b) of this section," meaning Section 5(b), V.A.C.S. Article 6701h. Section 5(b) specifies circumstances under which an owner or operator of a motor vehicle may be required to file security. The revised law substitutes "owner or operator" for the quoted phrase.

(2) Section 5(a), V.A.C.S. Article 6701h, refers to a "duly" acknowledged written agreement. The revised law omits "duly" as unnecessary. For example,
a document purporting to be an acknowledged written agreement is not an acknowledged written agreement if the agreement was not properly acknowledged.

(3) Section 9, V.A.C.S. Article 6701h, refers to the "limits specified in Section 5 in reference to the acceptable limits of a policy," meaning the portion of Section 5, V.A.C.S. Article 6701h, codified in this chapter as Section 601.168. These limits are identical to the limits prescribed by Section 601.072 of this code, and the revised law substitutes a reference to that section.

Revised Law
Sec. 601.155. NOTICE OF DETERMINATION. (a) The department shall notify the affected person of a determination made under Section 601.154.

(b) The notice must state that:

(1) the person's driver's license and vehicle registration or the person's nonresident's operating privilege will be suspended unless the person, not later than the 20th day after the date the notice was personally served or mailed, establishes that:

   (A) this subchapter does not apply to the person, and the person has previously provided this information to the department; or
   
   (B) there is no reasonable probability that a judgment will be rendered against the person as a result of the accident; and

(2) the person is entitled to a hearing under this subchapter if a written request for a hearing is delivered or mailed to the department not later than the 20th day after the date the notice was personally served or mailed.

(c) Notice under this section that is mailed must be mailed by certified mail, return receipt requested, to the person's last

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known address, as shown by the department's records. (V.A.C.S. Art. 6701h, Sec. 5(b) (part).)

Source Law

(b) . . . Notice of the determination by the Department shall be served personally on the person or mailed by certified mail, return receipt requested, to the affected person's last known address, as shown by the records of the Department. The notice shall specify that the license to operate a motor vehicle and the registration, or nonresident's operating privilege, will be suspended unless the person, within twenty (20) days after personal service or the mailing of the notice, establishes that the provisions of this section are not applicable to him and that he has previously furnished such information to the Department or that there is no reasonable probability of a judgment being rendered against him as a result of the accident. The notice shall recite that the person to whom it is addressed is entitled to a hearing as provided in this Act if a written request for a hearing is delivered or mailed to the Department within twenty (20) days after personal service or the mailing of the notice. . . .

Revisor's Note

Section 5(b), V.A.C.S. Article 6701h, refers to "the determination," meaning a determination made under the portion of that article codified in this chapter as Section 601.154. The revised law adds a cross-reference to that section for the convenience of the reader.

Revised Law

Sec. 601.156. SETTING OF HEARING. (a) A hearing under this subchapter shall be heard by a judge of a municipal court or the justice of the peace of the precinct in which the person requesting the hearing resides. A party is not entitled to a jury.

(b) The court shall set a date for the hearing. The hearing must be held at the earliest practical time after notice is given to the person requesting the hearing.

(c) The department shall summon the person requesting the hearing to appear at the hearing. Notice under this subsection shall be delivered through personal service or mailed by certified mail, return receipt requested, to the person's last known address,
as shown by the department's records. The notice must include 
written charges issued by the department. (V.A.C.S. Art. 6701h, 
Sec. 5(b) (part).)

Source Law

(b) . . .
If a hearing is requested, the Department shall 
summon the person requesting the hearing to appear for 
the hearing as provided in this subsection. The 
hearing shall be held at the earliest practical time 
after notice is given to the person requesting the 
hearing and written charges shall be made and a copy 
given to the person requesting the hearing at the time 
he is given the hearing notice. Jurisdiction for the 
hearing is vested in the judge of a police court, or a 
justice of the peace in the county and precinct in 
which the person requesting the hearing resides. . . . 
It shall be the duty of the court to set the matter for 
hearing at the earliest practical time upon written 
otice to the Department. Such proceeding . . . shall 
be tried before the judge at the earliest practical 
time from the filing thereof, and neither party shall 
be entitled to a jury. . . . Notice as required by 
this paragraph shall be served personally on the person 
or mailed by certified mail, return receipt requested, 
to the person's last known address, as shown by the 
records of the Department. . . .

Revisor's Note

(1) Section 5(b), V.A.C.S. Article 6701h, states 
that "jurisdiction for [a] hearing . . . is vested" in 
specified judges and justices of the peace. The 
revised law states that a hearing "shall be heard by" 
those judges because that is the more common way of 
stating who has the authority to conduct a hearing. 
Note that the remainder of Section 5(b) uses "the 
judge" and "the hearing officer" interchangeably. The 
term "judge" is used throughout the revised law for 
consistency.

(2) Section 5(b), V.A.C.S. Article 6701h, refers 
to a "police court." The revised law substitutes 
"municipal court" for "police court" because the terms 
are synonymous and "police court" is not generally used 
in law in this state. See State Department of Public 

(3) Section 5(b), V.A.C.S. Article 6701h, gives priority to hearings conducted under that section. This provision of Section 5(b) is omitted from the revised law because it was impliedly repealed by Subchapter B, Chapter 23, Government Code, which was originally enacted by the legislature in 1981 as V.A.C.S. Article 2166a and establishes the priorities for setting hearings and trials in trial court. The omitted law was enacted in 1975. The omitted law reads:

(b) . . . [Such proceeding] shall have precedence over all other matters of a different nature and . . . .

Revised Law

Sec. 601.157. HEARING PROCEDURES. (a) The judge may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers.

(b) The judge at the hearing shall determine:

(1) whether there is a reasonable probability that a judgment will be rendered against the person requesting the hearing as a result of the accident; and

(2) if there is a reasonable probability that a judgment will be rendered, the amount of security sufficient to satisfy any judgment for damages resulting from the accident.

(c) The amount of security under Subsection (b)(2) may not be less than the amount specified as a minimum by Section 601.154.

(d) The judge shall report the judge's determination to the department.

(e) The judge may receive a fee to be paid from the general revenue fund of the county for holding a hearing under this subchapter. The fee must be approved by the commissioners court of the county and may not be more than $5 for each hearing. (V.A.C.S. Art. 6701h, Sec. 5(b) (part).)

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Source Law

(b) . . . The hearing officer may receive a fee for hearing these cases if the fee is approved by the commissioners court of the county of jurisdiction, but the fee may not be more than Five Dollars ($5) a case and shall be paid from the general revenue fund of the county. The hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. . . . At the hearing, the issues to be determined are whether there is a reasonable probability of a judgment being rendered against the person requesting the hearing as a result of the accident and, if so, the amount of security that will be sufficient to satisfy any judgment or judgments for damages resulting from the accident, but in no event less than One Thousand Dollars ($1,000), that may be recovered from the person requesting the hearing. The officer who presides at the hearing shall report the findings in the case to the Department. . . .

Revisor's Note

(1) The revised law refers to the judge who presides over the hearing. See Section 601.156 of this code.

(2) Section 5(b), V.A.C.S. Article 6701h, states that the amount of the security may be "in no event less than One Thousand Dollars ($1,000)." This is the amount specified by the provisions of Section 9, V.A.C.S. Article 6701h, codified in this chapter as Section 601.154, and the revised law substitutes a cross-reference to that section.

(3) The source law refers to "relative" books and papers. The revised law substitutes "relevant" for "relative" because, as used in this context, the terms are synonymous and "relevant" is more commonly used.

Revised Law

Sec. 601.158. APPEAL. (a) If, after a hearing under this subchapter, the judge determines that there is a reasonable probability that a judgment will be rendered against the person requesting the hearing as a result of the accident, the person may appeal the determination.

(b) An appeal under this section is by trial de novo to the
If, after a hearing, the determination is that there is a reasonable probability of a judgment being rendered against the person as a result of the accident, the person may appeal the findings to the county court of the county in which the hearing was held and the appeal shall be de novo.

Revised Law Sec. 601.159. PROCEDURES FOR SUSPENSION OF DRIVER'S LICENSE AND VEHICLE REGISTRATION OR PRIVILEGE. The department shall suspend the driver's license and each vehicle registration of an owner or operator or the nonresident's operating privilege of an owner or operator unless:

1. if a hearing is not requested, the person, not later than the 20th day after the date the notice under Section 601.155 was personally served or mailed:
   (A) delivers or mails to the department a written request for a hearing;
   (B) shows that this subchapter does not apply to the person; or
   (C) complies with Section 601.153; or
2. the person complies with Section 601.153 not later than the 20th day after:
   (A) the date of the expiration of the period in which an appeal may be brought, if the determination at a hearing is rendered against the owner or operator and the owner or operator does not appeal; or
   (B) the date of a decision against the person following the appeal. (V.A.C.S. Art. 6701h, Sec. 5(b) (part); New.)
Source Law

(b) . . .

If a written request for a hearing is not delivered or mailed to the Department within twenty (20) days after personal service or the mailing of notice and the person has not established within that time that the provisions of this section do not apply to him or if within twenty (20) days after a hearing and exhaustion of the appeal procedure, if an appeal is made in which the decision is against the person requesting the hearing, security and proof of financial responsibility are not deposited with the Department, the Department shall suspend the person's license to operate a motor vehicle, the vehicle registration, or nonresident's operating privilege until the person complies with the provisions of this Act. . . .

Revisor's Note

(1) The revised law adds a reference, in Section 601.159(1)(C), to Section 601.153 of this code. That section states that a driver's license, vehicle registration, or nonresident's operating privilege may not be suspended if the affected person deposits security or files evidence of financial responsibility.

(2) Section 5(b), V.A.C.S. Article 6701h, refers to compliance with the provisions of "this Act," meaning V.A.C.S. Article 6701h. The pertinent portion of V.A.C.S. Article 6701h is codified in this chapter as Section 601.153, and the revised law is drafted accordingly.

Revised Law

Sec. 601.160. SUSPENSION STAYED PENDING HEARING OR APPEAL.

The department may not suspend a driver's license, vehicle registration, or nonresident's operating privilege pending the outcome of a hearing and any appeal under this subchapter. (V.A.C.S. Art. 6701h, Sec. 5(b) (part).)

Source Law

(b) . . . The person's license to operate the vehicle and his registration or nonresident's operating privilege may not be suspended pending the outcome of the hearing and any appeal. . . .
Reviser's Note

Section 5(b), V.A.C.S. Article 6701h, refers to the outcome of "the hearing and any appeal," meaning a hearing or appeal under the portion of V.A.C.S. Article 6701h codified in this subchapter. A cross-reference to this subchapter is added to the revised law for the convenience of the reader.

Revised Law

Sec. 601.161. NOTICE OF SUSPENSION. Not later than the 11th day before the effective date of a suspension under Section 601.159, the department shall send notice of the suspension to each affected owner or operator. The notice must state the amount required as security under Section 601.153 and the necessity for the owner or operator to file evidence of financial responsibility with the department. (V.A.C.S. Art. 6701h, Sec. 5(b) (part).)

Source Law

(b) . . . Notice of such suspension shall be sent by the Department to such operator and owner not less than ten (10) days prior to the effective date of such suspension and shall state the amount required as security and the necessity for proof of financial responsibility. . . .

Reviser's Note

(1) The revised law adds a cross-reference to Section 601.159 of this code, the section under which a driver's license, vehicle registration, or nonresident's operating privilege may be suspended.

(2) The revised law adds a cross-reference to Section 601.153 of this code, the section that sets forth specific steps a person may take to avoid the suspension authorized under Section 601.159 of this code.

(3) Section 5(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law adds a cross-reference to this subchapter for the convenience of the reader.
law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

Revised Law

Sec. 601.162. DURATION OF SUSPENSION. (a) The suspension of a driver's license, vehicle registration, or nonresident's operating privilege under this subchapter remains in effect, the license, registration, or privilege may not be renewed, and a license or vehicle registration may not be issued to the holder of the suspended license, registration, or privilege, until:

(1) the date the person, or a person acting on the person's behalf, deposits security and files evidence of financial responsibility under Section 601.153;

(2) the second anniversary of the date of the accident, if evidence satisfactory to the department is filed with the department that, during the two-year period, an action for damages arising out of the accident has not been instituted; or

(3) the date evidence satisfactory to the department is filed with the department of:

(A) a release from liability for claims arising out of the accident;

(B) a final adjudication that the person is not liable for claims arising out of the accident; or

(C) an installment agreement described by Section 601.154(d)(3).

(b) If a suspension is terminated under Subsection (a)(3)(C), on notice of a default in the payment of an installment under the agreement, the department shall promptly suspend the driver's license and vehicle registration or nonresident's operating privilege of the person defaulting. A suspension under this subsection continues until:

(1) the person deposits and maintains security in accordance with Section 601.153 in an amount determined by the
department at the time of suspension under this subsection and
files evidence of financial responsibility in accordance with
Section 601.153; or

(2) the second anniversary of the date security was
deposited under Subdivision (1) if, during that period, an action
on the agreement has not been instituted in a court in this state.
(V.A.C.S. Art. 6701h, Sec. 7.)

Source Law

Sec. 7. The license and registration and
nonresident's operating privilege suspended as provided
in Section 5 shall remain so suspended and shall not be
renewed nor shall any such license or registration be
issued to such person until:

1. Such person shall deposit and file or
there shall be deposited and filed on his behalf the
security and proof required under Section 5 and under
this Section; or

2. Two (2) years shall have elapsed
following the date of such accident and evidence
satisfactory to the Department has been filed with it
that during such period no action for damages arising
out of the accident has been instituted; or

3. Evidence satisfactory to the Department
has been filed with it of a release from liability, or
a final adjudication of nonliability, or a duly
acknowledged written agreement, in accordance with
subdivision 4 of Section 6; provided, however, in the
event there shall be any default in the payment of any
installment under any duly acknowledged written
agreement, then, upon notice of such default, the
Department shall forthwith suspend the license and
registration or nonresident's operating privilege of
such person defaulting which shall not be restored
unless and until

(a) Such person deposits and
thereafter maintains security as required under Section
5 in such amount as the Department may then determine
and files proof of financial responsibility; or

(b) Two (2) years shall have elapsed
following the date when such security was required and
during such period no action upon such agreement has
been instituted in a court in this State.

Revisor's Note

(1) Section 7, V.A.C.S. Article 6701h, refers to
Section 5, meaning Section 5, V.A.C.S. Article 6701h.
That statute is codified in this chapter as this
subchapter, and the revised law is drafted accordingly.

(2) Section 7, V.A.C.S. Article 6701h, refers to
a deposit "as required under Section 5," meaning
(3) Section 7, V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(4) Section 7, V.A.C.S. Article 6701h, refers to a "duly acknowledged written agreement, in accordance with subdivision 4 of Section 6." Subdivision 4, Section 6, V.A.C.S. Article 6701h, is substantively identical to a provision of Section 5(a) of that article, revised in this chapter as Section 601.154(d)(3). The revised law substitutes a citation to that section for the description of the agreement.

Revised Law
Sec. 601.163. FORM OF SECURITY. (a) The security required under this subchapter shall be made:
(1) by cash deposit;
(2) through a bond that complies with Section 601.168;
or
(3) in another form as required by the department.
(b) A person depositing security shall specify in writing the person on whose behalf the deposit is made. A single deposit of security is applicable only on behalf of persons required to provide security because of the same accident and the same motor vehicle.
(c) The person depositing the security may amend in writing the specification of the person on whose behalf the deposit is made to include an additional person. This amendment may be made at any time the deposit is in the custody of the department or the state.
treasurer. (V.A.C.S. Art. 6701h, Sec. 9 (part).)

Source Law

Sec. 9. The security required under this Article may be by cash deposit or by bond written by an insurance company duly authorized to execute surety bonds in this State in the amount the Department may require or in such other form. . . . The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the Department or the State Treasurer of the State of Texas, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident and the same motor vehicle. . . .

Revisor's Note

Section 9, V.A.C.S. Article 6701h, refers to an insurance company 'duly' authorized to execute surety bonds. The revised law omits 'duly' as unnecessary.

Revised Law

Sec. 601.164. REDUCTION IN SECURITY. (a) The department may reduce the amount of security ordered in a case within six months after the date of the accident if, in the department's judgment, the amount is excessive.

(b) The amount of security originally deposited that exceeds the reduced amount shall be returned promptly to the depositor or the depositor's personal representative. (V.A.C.S. Art. 6701h, Sec. 9 (part).)

Source Law

Sec. 9. . . .

The Department may reduce the amount of security ordered in any case within six (6) months after the date of the accident if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 10.
Reviser's Note

The revised law omits the reference to "Section 10," meaning Section 10, V.A.C.S. Article 6701h, the pertinent part of which is revised in this chapter as Section 601.167. Section 9, V.A.C.S. Article 6701h, revised as this section, establishes one circumstance in which a portion of the security is to be returned; Section 10 applies to a different circumstance. A cross-reference to Section 10 in this section is unnecessary.

Revised Law

Sec. 601.165. CUSTODY OF CASH SECURITY. The department shall place cash deposited in compliance with this subchapter in the custody of the state treasurer. (V.A.C.S. Art. 6701h, Sec. 10 (part).)

Source Law

Sec. 10. "Cash" security deposited in compliance with the requirements of this Article shall be placed by the Department in the custody of the State Treasurer . . . .

Reviser's Note

Section 10, V.A.C.S. Article 6701h, refers to "this Article," meaning Article III, V.A.C.S. Article 6701h. The pertinent portion of that article is codified in this chapter as this subchapter, and the revised law is drafted accordingly.

Revised Law

Sec. 601.166. PAYMENT OF CASH SECURITY. (a) Cash security may be applied only to the payment of:

(1) a judgment rendered against the person on whose behalf the deposit is made for damages arising out of the accident; or

(2) a settlement, agreed to by the depositor, of a
claim arising out of the accident.
(b) For payment under Subsection (a), the action under which the judgment was rendered must have been instituted before the second anniversary of the later of:

(1) the date of the accident; or
(2) the date of the deposit, in the case of a deposit of security under Section 601.162(b). (V.A.C.S. Art. 6701h, Sec. 10 (part).)

Source Law
Sec. 10. "Cash" security deposited in compliance with the requirements of this Article ... shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than two (2) years after the date of such accident, or within two (2) years after the date of deposit of any security under Subdivision 3 of Section 7, or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of such accident. ...

Revisor's Note
Section 10, V.A.C.S. Article 6701h, refers to "Subdivision 3 of Section 7," meaning Subdivision 3, Section 7, V.A.C.S. Article 6701h. That subdivision is codified in this chapter as Section 601.162(b), and the revised law is drafted accordingly.

Revised Law
Sec. 601.167. RETURN OF CASH SECURITY. Cash security or any balance of the security shall be returned to the depositor or the depositor's personal representative when:

(1) evidence satisfactory to the department is filed with the department that there has been:

(A) a release of liability;
(B) a final adjudication that the person on whose behalf the deposit is made is not liable; or
(C) an agreement as described by Section 601.154(d)(3);
(2) reasonable evidence is provided to the department
after the second anniversary of the date of the accident that no
action arising out of the accident is pending and no judgment
rendered in such an action is unpaid; or

(3) in the case of a deposit of security under Section
601.162(b), reasonable evidence is provided to the department after
the second anniversary of the date of the deposit that no action
arising out of the accident is pending and no unpaid judgment
rendered in such an action is unpaid. (V.A.C.S. Art. 6701h, Sec.
10 (part).)

Source Law

Sec. 10. ... Such deposit or any balance
thereof shall be returned to the depositor or his
personal representative when evidence satisfactory to
the Department has been filed with it that there has
been a release from liability, or a final adjudication
of nonliability, or a duly acknowledged agreement, in
accordance with Subdivision 4 of Section 6, or
whenever, after the expiration of two (2) years from
the date of the accident, or within two (2) years after
the date of deposit of any security under Subdivision 3
of Section 7, the Department shall be given reasonable
evidence that there is no such action pending and no
judgment rendered in such action left unpaid.

Revisor's Note

(1) Section 10, V.A.C.S. Article 6701h, refers
to a "duly acknowledged agreement, in accordance with
Subdivision 4 of Section 6." Subdivision 4, Section 6,
V.A.C.S. Article 6701h, is substantively identical to a
 provision of Section 5(a) of that article, codified in
this chapter as Section 601.154(d)(3). The revised law
substitutes a cross-reference to that section for the
description of the agreement.

(2) Section 10, V.A.C.S. Article 6701h, refers
to "Subdivision 3 of Section 7," meaning Subdivision 3,
Section 7, V.A.C.S. Article 6701h. That subdivision is
codified in this chapter as Section 601.162(b), and the
revised law is drafted accordingly.
Sec. 601.168. INSURANCE POLICY OR BOND; LIMITS. (a) A bond or motor vehicle liability insurance policy under this subchapter must:

(1) be issued by a surety company or insurance company:

(A) authorized to write motor vehicle liability insurance in this state; or

(B) that complies with Subsection (b); and

(2) cover the amounts, excluding interest and costs, required to establish financial responsibility under Section 601.072.

(b) A bond or motor vehicle liability insurance policy issued by a surety company or insurance company that is not authorized to do business in this state is effective under this subchapter only if:

(1) the bond or policy is issued for a motor vehicle that:

(A) is not registered in this state; or

(B) was not registered in this state on the effective date of the most recent renewal of the policy; and

(2) the surety company or insurance company executes a power of attorney authorizing the department to accept on the company's behalf service of notice or process in an action arising out of the accident on the bond or policy.

(c) The bond must be filed with and approved by the department. (V.A.C.S. Art. 6701h, Sec. 5(c), Subdivs. 6 (part), 7 (part).)
policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; providing, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit. . . .

7. Wherever the word "bond" appears in this section. . . . it shall mean a bond filed with and approved by the Department of Public Safety.

Revisor's Note

Subdivision 6, Section 5(c), V.A.C.S. Article 6701h, provides different required amounts for the bond or policy effective January 1, 1984, and January 1, 1986. The references to these dates and the amounts required for the period beginning January 1, 1984, and ending December 31, 1985, have been omitted from the revised law as executed. The required limits of the bond or policy and the authorized deductible amounts are identical to the amounts required for financial responsibility under the portion of Section 1, V.A.C.S. Article 6701h, codified in this chapter as Section 601.072. The revised law substitutes a cross-reference to that section. The omitted law reads:

6. . . . [Such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit,] exclusive of interest and costs, as follows: effective January 1, 1984, not less than Fifteen Thousand Dollars ($15,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Thirty Thousand Dollars ($30,000) because of bodily injury to or death of two (2) or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than Fifteen Thousand Dollars ($15,000) because of injury to or destruction of property of others in any one accident and effective January 1, 1986, not less than Twenty Thousand Dollars ($20,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, to a limit of not less than Forty Thousand Dollars ($40,000) because of bodily injury to or death of two (2) or more persons in any one accident,
and, if the accident has resulted in injury

to or destruction of property, to a limit

of not less than Fifteen Thousand Dollars

($15,000) because of injury to or

destruction of property of others in any

one accident. The policy or bond may

exclude coverage of the first Two Hundred

Fifty Dollars ($250) of liability for

bodily injury to or death of any one person

in any one accident, and, subject to that

exclusion for one person, may exclude

coverage for the first Five Hundred Dollars

($500) of liability for the bodily injury

to or death of two (2) or more persons in

any one accident and may exclude coverage

for the first Two Hundred Fifty Dollars

($250) of liability for the injury to or

destruction of property of others in any

one accident.

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Revised Law

Sec. 601.169. REASONABLE PROBABILITY NOT ADMISSIBLE IN CIVIL

SUIT. A determination under Section 601.154 or 601.157 that there

is a reasonable probability that a judgment will be rendered

against a person as a result of an accident may not be introduced

in evidence in a suit for damages arising from that accident.

(V.A.C.S. Art. 6701h, Sec. 5(b) (part).)

Source Law

(b) . . .

The determination by the Department or by a

person presiding at a hearing of the question of

whether there is a reasonable probability of a judgment

being rendered against a person as a result of an

accident may not be introduced in evidence in any civil

suit for damages arising from the accident.

Revisor's Note

Section 5(b), V.A.C.S. Article 6701h, refers to a
determination "by the Department or by a person

presiding at a hearing." The revised law substitutes

references to Sections 601.154 of this code, which

describes a determination by the Department of Public

Safety, and 601.157 of this code, which describes a

hearing by a judge, for the quoted language.

Revised Law

Sec. 601.170. DEPARTMENT ACTING ON ERRONEOUS INFORMATION.
If the department is given erroneous information relating to a matter covered by Section 601.151(b)(1) or (b)(2) or to a person's status as an employee of the United States acting within the scope of the person's employment, the department shall take appropriate action as provided by this subchapter not later than the 60th day after the date the department receives correct information.

(V.A.C.S. Art. 6701h, Sec. 5(b) (part).)

Source Law

(b) ... Where erroneous information is given the Department with respect to the matters set forth in subdivisions 2, 3, and 4 of Subsection (c) of this Section, it shall take appropriate action as hereinbefore provided, within sixty (60) days after receipt by it of correct information with respect to said matters. . . .

Revisor's Note

(1) Section 5(b), V.A.C.S. Article 6701h, refers to Subdivisions 2 and 3 of Subsection (c) of "this Section," meaning Section 5, V.A.C.S. Article 6701h. Subdivisions 2 and 3, Section 5, are revised in this chapter as Sections 601.151(b)(1) and (b)(2). The revised law is drafted accordingly.

(2) Section 5(b), V.A.C.S. Article 6701h, refers to Subdivision 4 of Subsection (c) of "this Section," meaning Section 5, V.A.C.S. Article 6701h. The revised law substitutes the substance of the text of Subdivision 4, which relates to a person employed by the United States government, for the cross-reference. See also Revisor's Note (2) under Section 601.151 of this code.

[Sections 601.171-601.190 reserved for expansion]
SUBCHAPTER G. FAILURE TO MAINTAIN MOTOR VEHICLE LIABILITY INSURANCE OR OTHERWISE ESTABLISH FINANCIAL RESPONSIBILITY; CRIMINAL PENALTIES

Revised Law

Sec. 601.191. OPERATION OF MOTOR VEHICLE IN VIOLATION OF MOTOR VEHICLE LIABILITY INSURANCE REQUIREMENT; OFFENSE. (a) A person commits an offense if the person operates a motor vehicle in violation of Section 601.051.

(b) Except as provided by Subsections (c) and (d), an offense under this section is a misdemeanor punishable by a fine of not less than $175 or more than $350.

(c) If a person has been previously convicted of an offense under this section, an offense under this section is a misdemeanor punishable by a fine of not less than $350 or more than $1,000.

(d) If the court determines that a person who has not been previously convicted of an offense under this section is economically unable to pay the fine, the court may reduce the fine to less than $175. (V.A.C.S. Art. 6701h, Sec. 1C(a).)

Source Law

Sec. 1C. (a)(1) A person commits an offense if the person operates a motor vehicle in violation of Section 1A of this Act.

(2) Except as provided by Subdivisions (3) and (4) of this subsection, an offense under this subsection is a misdemeanor punishable by a fine of not less than $175 and not more than $350.

(3) If the person has been previously convicted of an offense under this subsection, an offense under this subsection is a misdemeanor punishable by a fine of not less than $350 and not more than $1,000.

(4) If the court determines that a person who has not been previously convicted of an offense under this subsection is economically unable to pay the fine, the court may reduce the fine to less than $175.

Revisor's Note

Section 1C(a), V.A.C.S. Article 6701h, refers to "Section 1A of this Act," meaning Section 1A, V.A.C.S. Article 6701h, the pertinent part of which is codified in this chapter as Section 601.051, and the revised law
is drafted accordingly.

Revised Law

Sec. 601.192. COURT COSTS. (a) A person convicted of an offense under Section 601.191 shall pay $75 as court costs in addition to any fine and other taxable court costs. The additional court costs shall be collected at the same time and in the same manner as fines and other court costs.

(b) In this section, a person is considered to have been convicted in a case if:

(1) a sentence is imposed;
(2) the defendant receives community supervision; or
(3) the court defers final disposition of the case.

(c) The officer who collects the costs shall keep separate records of the money collected under this section and shall deposit the money in:

(1) the municipal treasury, for a municipal court case; or
(2) the county treasury for a justice, county, or district court case.

(d) On receipt of money collected under this section, the custodian of a municipal or county treasury may deposit the money in an interest-bearing account. The custodian shall:

(1) keep records of the amount of money on deposit collected under this section; and
(2) not later than the last day of the month following each calendar quarter, report and remit to the comptroller the money collected under this section during the preceding quarter.

(e) The report and remission of money to the comptroller required under Subsection (d)(2) shall be made in the same manner as are fees collected under Subchapter D, Chapter 415, Government Code.

(f) A municipality or county that collects money under this section may retain:
(1) 10 percent of the money collected as a service fee for the collection; and

(2) all accrued interest if the custodian of the treasury keeps records of the amount of money on deposit that is collected under this section and remits the money to the comptroller within the period prescribed by this section.

(g) Money collected under this section is subject to audit by the comptroller. The comptroller may adopt rules to ensure efficient and proper reporting and remitting of the money.

(V.A.C.S. Art. 6701h, Secs. 1C(b), (c).)

Source Law

(b) In addition to the fine levied under Subsection (a) of this section, a person convicted of a violation of that subsection shall pay a sum of Seventy-five Dollars ($75) as costs of court to be collected in addition to other taxable court costs at the same time and in the same manner as fines and other court costs. In this section, a person is considered to have been convicted in a case if:

(1) a sentence is imposed;
(2) the defendant receives probation or deferred adjudication; or
(3) the court defers final disposition of the case.

(c) The officer collecting the costs in a municipal court case shall keep separate records of the funds collected as costs under Subsection (b) of this section and shall deposit the funds in the municipal treasury. The officer collecting the costs in a justice, county, or district court case shall keep separate records of the funds collected as costs under Subsection (b) of this section and shall deposit the funds in the county treasury. On receipt, the custodians of the municipal and county treasuries may deposit the funds collected under Subsection (b) of this section in interest-bearing accounts. The custodians shall keep records of the amount of funds on deposit collected under Subsection (b) of this section and shall on or before the last day of the month following each calendar quarter, report and remit to the Comptroller of Public Accounts the funds collected under Subsection (b) of this section during the preceding quarter in the same manner as fees collected under Subchapter D, Chapter 415, Government Code. A municipality or county collecting funds under Subsection (b) of this section may retain ten percent (10%) of the funds collected under Subsection (b) of this section as a service fee for the collection and may also retain all interest accrued on the funds if the custodian of the treasury keeps records of the amount of funds on deposit collected under Subsection (b) of this section and remits the funds to the comptroller within the period prescribed under this subsection. All funds collected are subject to audit by the Comptroller of Public Accounts, who is specifically authorized to adopt rules to ensure...
efficient and proper reporting and remitting of those funds.

Revisor's Note

(1) Section 1C(b), V.A.C.S. Article 6701h, refers to "Subsection (a) of this section," meaning Section 1C(a), V.A.C.S. Article 6701h, codified in this chapter as Section 601.191. The revised law is drafted accordingly.

(2) Section 1C(b)(2), V.A.C.S. Article 6701h, refers to a defendant who receives "probation or deferred adjudication." The revised law substitutes "community supervision" for "probation or deferred adjudication" because under Section 4.04(a), Chapter 900, Acts of the 73rd Legislature, Regular Session, 1993, a reference in law to "probation" or "deferred adjudication" means "community supervision."

(3) Section 1C(c), V.A.C.S. Article 6701h, refers to the "Comptroller of Public Accounts." The revised law substitutes "comptroller" because Section 403.001, Government Code, defines "comptroller" in any state statute to mean the comptroller of public accounts.

(4) Section 1C(d), V.A.C.S. Article 6701h, provides in part that fees collected under Subsection (b) of Section 1C, Article 6701h, shall be deposited to the operator's and chauffeur's license fund. That fund has been abolished, and money previously deposited to the fund is deposited to the general revenue fund. See Revisor's Note (2) under Section 601.023 of this code.

Section 1C(d) also provides that fees collected under Article 6701h "are permanently dedicated to the Department of Public Safety." The revised law omits this provision as impliedly repealed. Section 403.094(h), Government Code, provides that all
statutory dedications of revenue enacted before August 31, 1995, are void unless reenacted after September 1, 1991. Section 1C(d), V.A.C.S. Article 6701h, was added in 1987 and was not reenacted after September 1, 1991. Accordingly, Section 1C(d) is omitted from the revised law. The omitted law reads:

(d) The Comptroller of Public Accounts shall deposit the funds received under Subsection (b) of this section in the Operator's and Chauffeur's License Fund. Those funds are permanently dedicated to the Department of Public Safety.

Revised Law

Sec. 601.193. DEFENSE: INSURANCE IN EFFECT AT TIME OF ALLEGED OFFENSE. (a) It is a defense to prosecution under this chapter that the person charged produces in court a motor vehicle liability insurance policy or a certificate of self-insurance previously issued to that person that was valid at the time that the offense is alleged to have occurred.

(b) If the person charged produces the policy or certificate described by Subsection (a), the court shall dismiss the charge.

(V.A.C.S. Art. 6701h, Sec. 1D.)

Source Law

Sec. 1D. It is a defense to prosecution under this Act if the person charged produces in court an automobile liability insurance policy or a certificate of self-insurance previously issued to that person that was valid at the time that the offense is alleged to have occurred and the charge shall be dismissed.

Revisor's Note

Section 1D, V.A.C.S. Article 6701h, refers to an "automobile liability insurance policy." The revised law substitutes "motor vehicle liability insurance policy" for the reason stated in Revisor's Note (2) under Section 601.051 of this code.
Revised Law

Sec. 601.194. DEFENSE: POSSESSION OF MOTOR VEHICLE FOR MAINTENANCE OR REPAIR. It is a defense to prosecution of an offense under Section 601.191 that the motor vehicle operated by the person charged:

(1) was in the possession of that person for the sole purpose of maintenance or repair; and

(2) was not owned in whole or in part by that person.

(V.A.C.S. Art. 6701h, Sec. 1D-2.)

Source Law

Sec. 1D-2. It is a defense to prosecution of an offense under Section 1C(a)(1) of this Act that the vehicle being driven by the person charged was in the possession of that person for the sole purpose of maintenance or repair and was not owned in whole or in part by the person charged.

Revisor's Note

Section 1D-2, V.A.C.S. Article 6701h, refers to "Section 1C(a)(1) of this Act," meaning Section 1C(a)(1), V.A.C.S. Article 6701h. That statute is codified in this chapter as Section 601.191, and the revised law is drafted accordingly.

Revised Law

Sec. 601.195. OPERATION OF MOTOR VEHICLE IN VIOLATION OF REQUIREMENT TO ESTABLISH FINANCIAL RESPONSIBILITY; OFFENSE. (a) A person commits an offense if the person:

(1) is required to establish financial responsibility under Subchapter F or K;

(2) does not maintain evidence of financial responsibility; and

(3) during the period evidence of financial responsibility must be maintained:

(A) operates on a highway a motor vehicle owned by the person; or

(B) knowingly permits another person, who is not
otherwise permitted to operate a vehicle under this chapter, to
operate on a highway a motor vehicle owned by the person.
(b) An offense under this section is a misdemeanor
punishable by:
   (1) a fine not to exceed $500;
   (2) confinement in county jail for a term not to exceed six months; or
   (3) both the fine and the confinement. (V.A.C.S. Art. 6701h, Sec. 32(f).)

Source Law
(f) Any person who is required to maintain proof of financial responsibility under this Act and who, during the period financial responsibility is required to be maintained, drives any motor vehicle owned by him upon any highway or knowingly permits any motor vehicle owned by him to be operated by another upon any highway, except as permitted under this Act, when proof of financial responsibility is not in force, shall be fined not more than Five Hundred Dollars ($500) or imprisoned not exceeding six (6) months, or both.

Revisor's Note
(1) Section 37(f), V.A.C.S. Article 6701h, makes it an offense for a person to drive the person's motor vehicle or permit another to drive the person's motor vehicle when the person is required to maintain proof of financial responsibility "under this Act" and has not done so. When Section 37(f) was added to Article 6701h in 1963, a person was required to furnish or maintain proof of financial responsibility only after being involved in a motor vehicle accident or after failing to pay a judgment arising out of a motor vehicle accident (see Articles III and IV of Article 6701h, revised in relevant parts in Subchapters F and K of this chapter respectively). In 1981, an additional requirement to maintain proof of financial responsibility, applicable to all drivers, was added (see Section 1A, V.A.C.S. Article 6701h, revised as
Section 601.051 of this code). The act adding Section 1A also added a second offense for operating a motor vehicle without maintaining proof of financial responsibility (see Section 1C, revised in pertinent part as Section 601.191 of this code). Although Section 1C appears to conflict with Section 37(f), the conflict is easily resolved: because the offense created by Section 1C only refers to failure to maintain proof of financial responsibility under Section 1A, Section 37(f) should be read as applying only to a failure to maintain proof of financial responsibility under Article III or IV of Article 6701h. The revised law is drafted accordingly.

(2) Section 32(f), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "financial responsibility" and "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(3) Section 32(f), V.A.C.S. Article 6701h, refers to a person who "drives" a motor vehicle. The revised law substitutes "operates" for "drives" because, as used in this context, the terms are synonymous, and "operates" is consistent with the use of the defined term "operator." See Section 601.002(8) of this code.

Revised Law

Sec. 601.196. EVIDENCE FORGED OR SIGNED WITHOUT AUTHORITY; OFFENSE. (a) A person commits an offense if the person:

(1) forges an evidence of financial responsibility;
(2) signs an evidence of financial responsibility without authority; or
(3) files or offers for filing evidence of financial responsibility.
responsibility that the person knows or has reason to believe is
forged or signed without authority.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine not to exceed $1,000;

(2) confinement in county jail for a term not to exceed one year; or

(3) both the fine and the confinement. (V.A.C.S. Art. 6701h, Sec. 32(b) (part).)

Source Law
(b) Any person . . . who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars ($1,000) or imprisoned for not more than one year, or both.

Revisor's Note
Section 32(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reason stated in Revisor's Note (4) under Section 601.002 of this code.

[Sections 601.197-601.230 reserved for expansion]

SUBCHAPTER H. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; SUSPENSION OF DRIVER'S LICENSE AND MOTOR VEHICLE REGISTRATION

Revised Law
Sec. 601.231. SUSPENSION OF DRIVER'S LICENSE AND VEHICLE REGISTRATION. (a) If a person is convicted of an offense under Section 601.191 and a prior conviction of that person under that section has been reported to the department by a magistrate or the judge or clerk of a court, the department shall suspend the driver's license and vehicle registrations of the person unless the
person files and maintains evidence of financial responsibility
with the department until the second anniversary of the date of the
subsequent conviction.

(b) The department may waive the requirement of maintaining
evidence of financial responsibility under Subsection (a) if
satisfactory evidence is filed with the department showing that at
the time of arrest the person was in compliance with the financial
responsibility requirement of Section 601.051 or was exempt from
that section under Section 601.007 or 601.052(a)(3). (V.A.C.S.
Art. 6701h, Sec. 1F(a).)

Source Law

Sec. 1F. (a) The department shall suspend the
driver's license and motor vehicle registration of a
person convicted of an offense under Section 1C(a) of
this Act, if a prior conviction of the person under
Section 1C(a) of this Act has been previously reported
to the department by a magistrate or the judge or clerk
of a court unless the person establishes and maintains
proof of financial responsibility for two years from
the date of the second or subsequent conviction. The
requirement for filing proof of financial
responsibility may be waived if satisfactory evidence
is filed with the Department that the party convicted
was at the time of arrest covered by a policy of
liability insurance or was otherwise exempt as provided
in Section 1A(b) of this Act.

Reviser's Note

(1) Section 1F(a), V.A.C.S. Article 6701h,
refers to "Section 1C(a) of this Act," meaning Section
1C(a), V.A.C.S. Article 6701h. That subsection is
codified in this chapter as Section 601.191, and the
revised law is drafted accordingly.

(2) Section 1F(a), V.A.C.S. Article 6701h,
refers to "proof of financial responsibility." The
revised law substitutes "evidence of financial
responsibility" for the reason stated in Reviser's Note
(4) under Section 601.002 of this code.

(3) Section 1F(a), V.A.C.S. Article 6701h,
refers to the exemptions set forth in "Section 1A(b) of
this Act," meaning Section 1A(b), V.A.C.S. Article
6701h. The relevant exemptions are codified in this chapter in Sections 601.007, 601.051, and 601.052(a)(3), and the revised law is drafted accordingly.

**Revised Law**

Sec. 601.232. NOTICE OF SUSPENSION. (a) The department shall mail in a timely manner a notice to each person whose driver's license and vehicle registrations are suspended under Section 601.231.

(b) The notice must state that the person's driver's license and registration are suspended and that the person may apply for reinstatement of the license and vehicle registration or issuance of a new license and registration as provided by Sections 601.162 and 601.376. (V.A.C.S. Art. 6701h, Sec. 1F(b).)

**Source Law**

(b) The Department shall mail after the date of conviction and in a timely manner, a notice to each person whose driver's license and motor vehicle registration is suspended under Subsection (a) of this section. The notice must state that the person's driver's license and motor vehicle registration are suspended, and that the person may apply for reinstatement of the license and registration or issuance of a new license and registration as provided by Sections 7 and 7A of this Act.

**Revisor's Note**

(1) Section 1F(b), V.A.C.S. Article 6701h, requires the department to mail notice of the suspension "after the date of conviction." The revised law omits the quoted phrase as unnecessary because, under V.A.C.S. Article 6701h, the license and registration cannot be suspended until after the date of conviction.

(2) Section 1F(b), V.A.C.S. Article 6701h, refers to "Subsection (a) of this section," meaning Section 1F(a), V.A.C.S. Article 6701h. That subsection is codified in this chapter as Section 601.231, and the
revised law is drafted accordingly.

(3) Section 1F(b), V.A.C.S. Article 6701h, refers to "Sections 7 and 7A of this Act," meaning Sections 7 and 7A, V.A.C.S. Article 6701h. Those sections are codified in this chapter as Sections 601.162 and 601.376, respectively, and the revised law is drafted accordingly.

**Revised Law**

Sec. 601.233. NOTICE OF POTENTIAL SUSPENSION. (a) A citation for an offense under Section 601.191 issued as a result of Section 601.053 must include, in type larger than other type on the citation, the following statement:

"A second or subsequent conviction of an offense under the Texas Motor Vehicle Safety Responsibility Act will result in the suspension of your driver's license and motor vehicle registration unless you file and maintain evidence of financial responsibility with the Department of Public Safety for two years from the date of conviction. The department may waive the requirement to file evidence of financial responsibility if you file satisfactory evidence with the department showing that at the time this citation was issued, the vehicle was covered by a motor vehicle liability insurance policy or that you were otherwise exempt from the requirements to provide evidence of financial responsibility."

(b) A judge presiding at a trial at which a person is convicted of an offense under Section 601.191 shall notify the person that the person's driver's license is subject to suspension if the person fails to provide to the department evidence of financial responsibility as required by Section 601.231. (V.A.C.S. Art. 6701h, Sec. 1H.)
Sec. 1H. (a) If a person is unable to furnish evidence of financial responsibility to a law enforcement officer under Section 1B of this Act and the officer issues the person a citation for an offense under Section 1C(a)(1) of this Act, the citation must include in type larger than other type appearing on the citation the following: "A second or subsequent conviction of an offense under the Texas Motor Vehicle Safety-Responsibility Act will result in the suspension of your driver's license and motor vehicle registration unless you file and maintain proof of financial responsibility with the Department of Public Safety for two years from the date of conviction. The Department may waive the requirement to file proof of financial responsibility if you file satisfactory evidence with the Department showing that at the time this citation was issued, the vehicle was covered by a liability insurance policy or that you were otherwise exempt from the requirements to provide evidence of financial responsibility."

(b) A judge presiding at a hearing at which a person is convicted of an offense under Section 1C(a)(1) of this Act shall notify the person that the person's driver's license is subject to suspension if the person fails to provide to the Department proof of financial responsibility as required by Section 1F of this Act.

Reviser's Note

(1) The revised law substitutes "peace officer" for "law enforcement officer" because that is the term used and defined under Section 1B, V.A.C.S. Article 6701h, to which Section 1H(a), V.A.C.S. Article 6701h, refers.

(2) Section 1H, V.A.C.S. Article 6701h, refers to Sections 1B, 1C(a)(1), and 1F of "this Act," meaning Sections 1B, 1C(a)(1), and 1F, V.A.C.S. Article 6701h. The pertinent portions of those sections are codified in this chapter as Sections 601.053, 601.191, and 601.231, respectively, and the revised law is drafted accordingly.

(3) Section 1H, V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reason stated in Reviser's Note (4) under Section 601.002 of this code.
Revised Law
Sec. 601.234. ISSUANCE OR CONTINUATION OF VEHICLE REGISTRATION. A motor vehicle may not be registered in the name of a person required to file evidence of financial responsibility unless evidence of financial responsibility is furnished for the vehicle. (V.A.C.S. Art. 6701h, Sec. 18 (part).)

Source Law
Sec. 18. . . .
No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such proof shall be furnished for such motor vehicle.

Revisor's Note
Section 18, V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

SUBCHAPTER I. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE

Revised Law
Sec. 601.261. IMPOUNDMENT OF MOTOR VEHICLE. On a second or subsequent conviction for an offense under Section 601.191, the court shall order the sheriff of the county in which the court has jurisdiction to impound the motor vehicle operated by the defendant at the time of the offense if the defendant:

(1) was an owner of the motor vehicle at the time of the offense; and

(2) is an owner on the date of that conviction.

(V.A.C.S. Art. 6701h, Sec. 1F(c) (part).)

Source Law
(c) On a second or subsequent conviction for an offense under Section 1C(a)(1) of this Act . . . the court shall order impoundment of the motor vehicle
being driven or operated by the defendant at the time
of the offense, if the defendant was an owner of the
vehicle at the time of the offense and is an owner of
the vehicle on the date of conviction. . . . The
court shall issue an order to the sheriff of the county
in which the court has jurisdiction to impound the
vehicle of the defendant. . . .

Revisor's Note

(1) Section 1F(c), V.A.C.S. Article 6701h,
refers to "Section 1C(a)(1) of this Act," meaning
Section 1C(a)(1), V.A.C.S. Article 6701h. That section
is codified in this chapter as Section 601.191, and the
revised law is drafted accordingly.

(2) Section 1F(c), V.A.C.S. Article 6701h,
refers to a motor vehicle "being driven or operated" by
the defendant. The revised law omits the reference to
"driven" because that term is included within the
meaning of "operated."

Revised Law

Sec. 601.262. DURATION OF IMPOUNDMENT. (a) The duration of
an impoundment under Section 601.261 is 180 days.

(b) The court may not order the release of the vehicle
unless the defendant applies to the court for the vehicle's release
and provides evidence of financial responsibility that complies
with Section 601.053 and this section.

(c) The evidence of financial responsibility must cover the
two-year period immediately following the date the defendant
applies for release of the impounded vehicle.

(d) If an insurance binder is offered as evidence of
financial responsibility under this section, the binder must
confirm to the court's satisfaction that the defendant is in
compliance with this chapter for the period required by Subsection
(c). (V.A.C.S. Art. 6701h, Secs. 1F(c) (part), (e), (f) (part).)

Source Law

(c) . . . Except as provided by Subsection (e)
of this section, the duration of an impoundment under
this subsection is 180 days. . . .
(e) The court may not order the release of a motor vehicle impounded under Subsection (c) of this section unless the defendant applies to the court for release of the impounded vehicle and submits evidence of financial responsibility that complies with Subsection (f) of this section and that covers the two-year period immediately following the date the defendant applies for release of the impounded motor vehicle.

(f) [The following evidence of financial responsibility or a photocopy of the evidence satisfies the requirement of Subsection (e) of this section:]

(3) an insurance binder that confirms to the satisfaction of the court that the defendant is in compliance with this Act for at least the period required by Subsection (e) of this section: . . . .

Revisor's Note

(1) Article 6701h refers to "Subsection (c) of this section," meaning Section 1F(c), V.A.C.S. Article 6701h. The pertinent part of that subsection is codified in this chapter as Section 601.261, and the revised law is drafted accordingly.

(2) Section 1F(e), V.A.C.S. Article 6701h, refers to "Subsection (f) of this section," meaning Section 1F(f), V.A.C.S. Article 6701h. Except as described below, that subsection is substantively identical to Section 1B(a), V.A.C.S. Article 6701h, codified in this chapter as Section 601.053. To avoid unnecessary duplication of text, the revised law substitutes a reference to that section. Section 1F(f) requires that an insurance binder offered as evidence of financial responsibility be satisfactory to the court; this provision is contained in Subsection (c) of the revised law because it is not contained in Section 601.053. The omitted law reads:

(f) The following evidence of financial responsibility or a photocopy of the evidence satisfies the requirement of Subsection (e) of this section:

(1) a liability insurance policy in at least the minimum amounts required by this Act to provide proof of financial responsibility covering at least the period required by Subsection (e) of this section;

(2) a standard proof of
liability insurance form promulgated by the
Texas Department of Insurance and issued by
a liability insurer that includes:
   (A) the name of the
   (B) the insurance policy
   (C) the policy period,
   which must equal or exceed the period
required by Subsection (e) of this section;
   (D) the name and address
   of each insured; and
   (E) the policy limits or
   a statement that the coverage of the policy
complies with at least the minimum amounts
of liability insurance required by this
Act;
   (4) a copy of a certificate
   issued by the Department of Public Safety
   that shows that the vehicle to be
   registered is covered by self-insurance;
   (5) a certificate issued by
   the state treasurer that shows that the
   owner of the vehicle has on deposit with
   the treasurer money or securities in at
   least the amount required by Section 25 of
   this Act;
   (6) a certificate issued by
   the Department that shows that the vehicle
   is a vehicle for which a bond is on file
   with the Department as provided by Section
   24 of this Act; or
   (7) a copy of a certificate
   issued by the county judge of a county in
   which the vehicle is registered that shows
   that the owner of the vehicle has on
   deposit with the county judge cash or a
   cashier's check in at least the amount
   required by Section 1A(b)(6) of this Act.

Revised Law
Sec. 601.263. COST FOR IMPOUNDMENT. The court shall impose
against the defendant a cost of $15 a day for each day of
impoundment of the defendant's vehicle. (V.A.C.S. Art. 6701h, Sec.
1F(c) (part).)

Source Law
(c) ... The court shall impose a cost of $15 a
day against the defendant for the impoundment of the
defendant's vehicle.

Revised Law
Sec. 601.264. PENALTIES CUMULATIVE. Impoundment of a motor
vehicle under this subchapter is in addition to any other
punishment imposed under this chapter. (V.A.C.S. Art. 6701h, Sec.
(c) ... in addition to any other punishment under this Act, the court shall ... .

Sec. 601.265. TRANSFER OF TITLE OF IMPOUNDED MOTOR VEHICLE. (a) To transfer title to a motor vehicle impounded under Section 601.261, the owner must apply to the court for permission. (b) If the court finds that the transfer is being made in good faith and is not being made to circumvent this chapter, the court shall approve the transfer. (V.A.C.S. Art. 6701h, Sec. 1F(d) (part).)

(d) An owner whose motor vehicle is impounded under Subsection (c) of this section must, to transfer title to the motor vehicle, apply to the court for permission. If the court finds that the transfer would be in good faith and not to circumvent this Act, the court shall approve the transfer....

Section 1F(d), V.A.C.S. Article 6701h, refers to "Subsection (c) of this section," meaning Section 1F(c), V.A.C.S. Article 6701h. The pertinent part of that subsection is codified in this chapter as Section 601.261, and the revised law is drafted accordingly.

Sec. 601.266. RELEASE ON INVOLUNTARY TRANSFER OF TITLE OF IMPOUNDED MOTOR VEHICLE. (a) Notwithstanding Section 601.262, the court shall order the release of a motor vehicle impounded under Section 601.261 if, while the vehicle is impounded, title to the vehicle is transferred by:

(1) foreclosure; (2) sale on execution; (3) cancellation of a conditional sales contract; or
(4) judicial order. (V.A.C.S. Art. 6701h, Sec. 1F(d) (part).)

Source Law

(d) ... If, while the motor vehicle is impounded, title to the motor vehicle is transferred by foreclosure, sale on execution, cancellation of a conditional sales contract, or judicial order, the court shall order release of the vehicle.

Revisor's Note

The revised law adds a cross-reference to Section 601.261 of this code, the section under which a motor vehicle may be impounded, and to Section 601.262, the section that specifies the duration of the impoundment.

Revised Law

Sec. 601.267. RELEASE OF IMPOUNDED MOTOR VEHICLE BY SHERIFF. A sheriff who impounds a motor vehicle shall release the vehicle:

(1) on presentation of an order of release from the court and payment of the fee for the impoundment by the defendant or a person authorized by the owner; or

(2) to a person who is shown as a lienholder on the vehicle's certificate of title on presentation of the certificate of title and an accompanying affidavit from an officer of the lienholder establishing that the debt secured by the vehicle is in default or has matured. (V.A.C.S. Art. 6701h, Sec. 1F(g).)

Source Law

(g) On presentation to the sheriff who impounded a motor vehicle of an order of release from the court and payment of the cost of impoundment by the defendant or a person authorized by the owner, the sheriff shall release the vehicle. Furthermore, a secured creditor may obtain a release of the motor vehicle from impoundment upon presentation to the sheriff of a certificate of title with notation of the secured creditor's lien and an accompanying affidavit from an officer of the secured creditor establishing that the loan secured by the motor vehicle is in default or has matured.

[Sections 601.268-601.290 reserved for expansion]
SUBCHAPTER J. IMPOUNDMENT OF MOTOR VEHICLE NOT REGISTERED IN THIS STATE

Revised Law
Sec. 601.291. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the owner or operator of a motor vehicle that:
(1) is not registered in this state; and
(2) is involved in a motor vehicle accident in this state that results in bodily injury, death, or damage to the property of one person to an apparent extent of at least $500.
(V.A.C.S. Art. 6701h, Sec. 4A(a) (part).)

Source Law
Sec. 4A. (a) A person who is the owner or operator of a motor vehicle that is not registered in this state and that is involved in a motor vehicle accident in this state that results in injury to or death of any person, or damage to property of any one person to an apparent extent of $500 or more . . . . .

Revised Law
Sec. 601.292. DUTY TO PROVIDE EVIDENCE OF FINANCIAL RESPONSIBILITY TO INVESTIGATING OFFICER. A person to whom this subchapter applies shall provide evidence of financial responsibility to a law enforcement officer of this state or a political subdivision of this state who is conducting an investigation of the accident. (V.A.C.S. Art. 6701h, Sec. 4A(a) (part).)

Source Law
Sec. 4A. (a) A person . . . shall furnish evidence of financial responsibility to a law enforcement officer of the state or a political subdivision of the state who is conducting an investigation of the accident.

Revised Law
Sec. 601.293. FAILURE TO PROVIDE EVIDENCE OF FINANCIAL RESPONSIBILITY; MAGISTRATE'S INQUIRY AND ORDER. (a) A person to whom this subchapter applies who fails to provide evidence under Section 601.292 shall be taken before a magistrate as soon as
practicable.

(b) The magistrate shall conduct an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in the accident.

(c) If the magistrate determines that there is a reasonable possibility that a judgment will be rendered against the person for bodily injury, death, or property damage sustained in the accident, the magistrate shall order the person to provide:

(1) evidence of financial responsibility for the bodily injury, death, or property damage; or

(2) evidence that the person is exempt from the requirement of Section 601.051.

(d) A determination of negligence or liability under Subsection (c) does not act as collateral estoppel on an issue in a criminal or civil adjudication arising from the accident.

(V.A.C.S. Art. 6701h, Secs. 4A(b), (c), (d), (1).)

Source Law

(b) On failure to furnish evidence of financial responsibility to a law enforcement officer, the person shall be taken as soon as practicable before a magistrate.

(c) The magistrate shall conduct an inquiry on the issues of negligence and liability for any death, injury, or property damage sustained in the accident.

(d) If the magistrate determines that there is a reasonable possibility of a judgment being rendered against the person for any death, injury, or property damage sustained in the accident, the magistrate shall order the person to furnish evidence of financial responsibility for the death, injury, or property damage, or evidence that the person is exempt from the requirement of Section 1A(a) of this Act.

(1) A determination of negligence or liability by a magistrate under Subsection (d) of this section is independent of and has no effect under the doctrine of collateral estoppel on any issue in any adjudication, criminal or civil, arising from the motor vehicle accident.

Revisor's Note

(1) Section 4A(d), V.A.C.S. Article 6701h, refers to "Section 1A(a) of this Act," meaning Section 1A(a), V.A.C.S. Article 6701h. That subsection is
codified in this chapter as Section 601.051, and the revised law is drafted accordingly.

(2) The revised law adds a cross-reference to Section 601.292 of this code, the section under which the duty to provide evidence of financial responsibility to an investigating officer is established.

Revised Law
Sec. 601.294. IMPOUNDMENT OF MOTOR VEHICLE. If a person to whom this subchapter applies does not provide evidence required under Section 601.293(c), the magistrate shall enter an order directing the sheriff of the county or the chief of police of the municipality to impound the motor vehicle owned or operated by the person that was involved in the accident. (V.A.C.S. Art. 6701h, Sec. 4A(e).)

Source Law
(e) On failure of the person to furnish evidence satisfactory to the magistrate of financial responsibility or of exemption from the requirement of Section 1A(a) of this Act, the magistrate shall enter an order directing the sheriff of the county or the chief of police of the municipality to impound the vehicle owned or operated by the person that was involved in the motor vehicle accident.

Revisor's Note
The revised law adds a cross-reference to Section 601.293(c) of this code, the section under which a magistrate may require a person to show evidence of financial responsibility or exemption.

Revised Law
Sec. 601.295. DURATION OF IMPOUNDMENT; RELEASE. (a) A motor vehicle impounded under Section 601.294 remains impounded until the owner, operator, or person authorized by the owner presents to the person authorized to release the vehicle:

(1) a certificate of release obtained from the
department; and

(2) payment for the cost of impoundment.

(b) On presentation of the items described by Subsection
(a), the person authorized to release an impounded motor vehicle
shall release the vehicle. (V.A.C.S. Art. 6701h, Secs. 4A(f),
(k).)

Source Law

(f) A motor vehicle impounded under Subsection
(e) of this section remains in impoundment until the
owner or operator of the impounded vehicle or other
person authorized by the owner obtains from the
Department a certificate of release and presents to the
person authorized to release the motor vehicle from
impoundment the certificate of release and payment for
the cost of impoundment.

(k) On presentation to the person authorized to
release an impounded motor vehicle of a certificate of
release and payment of the cost of impoundment by the
owner or operator of the impounded motor vehicle or a
person authorized by the owner, the person authorized
to release the motor vehicle from impoundment shall
release the vehicle.

Reviser's Note

Section 4A(f), V.A.C.S. Article 6701h, refers to
"Subsection (e) of this section," meaning Section
4A(e), V.A.C.S. Article 6701h. That subsection is
codified in this chapter as Section 601.294, and the
revised law is drafted accordingly.

Revised Law

Sec. 601.296. CERTIFICATE OF RELEASE. (a) The department
shall issue a certificate of release of an impounded motor vehicle
to the owner, operator, or person authorized by the owner on
submission to the department of:

(1) evidence of financial responsibility under Section
601.053 that shows that at the time of the accident the vehicle was
in compliance with Section 601.051 or was exempt from the
requirement of Section 601.051;

(2) a release executed by each person damaged in the
accident other than the operator of the vehicle for which the
1 certificate of release is requested; or
2
3 (3) security in a form and amount determined by the department to secure the payment of damages for which the operator may be liable.

(b) A person may satisfy the requirement of Subsection (a)(1) or (2) by submitting a photocopy of the item required.

(c) The department shall adopt the form, content, and procedures for issuance of a certificate of release.

(d) Security provided under this section is subject to Sections 601.163-601.167. (V.A.C.S. Art. 6701h, Secs. 4A(g), (h), (i); New.)

Source Law

(g) The Department shall issue a certificate of release to the owner or operator of an impounded motor vehicle or a person authorized by the owner on submission to the Department of:

(1) evidence of financial responsibility as defined by Section 1B(b) of this Act that reflects that at the time of the accident the motor vehicle was covered by a policy of liability insurance or was otherwise exempt as provided by Section 1A of this Act;

(2) a release executed by each person damaged in the accident other than the operator of the motor vehicle for which the certificate of release is requested; or

(3) security in a form and amount determined by the Department to secure the payment of any damages for which the operator may be liable.

(h) A person may satisfy the requirement in Subsection (g)(1) or (2) of this section by submitting to the Department a photocopy of the item required.

(i) The Department shall determine and adopt the form, content, and procedures for issuance of a certificate of release.

Revisor's Note

(1) Section 4A(g)(1), V.A.C.S. Article 6701h, refers to "Section 1B(b) of this Act," meaning Section 1B(b), V.A.C.S. Article 6701h. The pertinent part of that subsection is codified in this chapter as Section 601.053, and the revised law is drafted accordingly.

(2) Section 4A(g)(1), V.A.C.S. Article 6701h, refers to vehicles that are covered by a policy of liability insurance or exempt under "Section 1A of this
Act," meaning Section 1A, V.A.C.S. Article 6701h. The requirement of insurance coverage and the exemptions to that requirement are contained in the portion of Section 1A revised as Section 601.051 of this code, and the revised law substitutes a reference to that section.

(3) Subsection (d) of the revised law is new. That subsection provides a cross-reference to Sections 601.163-601.167 of this code. Those sections codify Sections 9 and 10, V.A.C.S. Article 6701h, which apply to all security provided under Article III, V.A.C.S. Article 6701h, including security provided under Section 4A, V.A.C.S. Article 6701h. The portion of Section 4A under which security is provided is codified in this section.

Revised Law
Sec. 601.297. LIABILITY FOR COST OF IMPOUNDMENT. The owner of an impounded vehicle is liable for the costs of the impoundment. (V.A.C.S. Art. 6701h, Sec. 4A(j).)

Source Law
(j) The owner of an impounded motor vehicle is liable for the payment of the cost of the impoundment. [Sections 601.298-601.330 reserved for expansion]

SUBCHAPTER K. EVIDENCE OF FINANCIAL RESPONSIBILITY FOLLOWING JUDGMENT, CONVICTION, PLEA, OR FORFEITURE OR FOLLOWING SUSPENSION OR REVOCATION

Revised Law
Sec. 601.331. REPORT OF UNSATISFIED JUDGMENT OR CONVICTION, PLEA, OR FORFEITURE OF BAIL; NONRESIDENT. (a) If a person does not satisfy a judgment before the 61st day after the date of the judgment, the clerk of the court, on the written request of a judgment creditor or a judgment creditor's attorney, immediately

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shall send a certified copy of the judgment to the department.

(b) The clerk of the court immediately shall send to the department a certified copy of the action of the court in relation to:

(1) a conviction for a violation of a motor vehicle law; or

(2) a guilty plea or forfeiture of bail by a person charged with violation of a motor vehicle law.

(c) A certified copy sent to the department under Subsection (b) is prima facie evidence of the conviction, plea, forfeiture, or other action.

(d) If the court does not have a clerk, the judge of the court shall send the certified copy required by this section.

(e) If the defendant named in a judgment reported to the department is a nonresident, the department shall send a certified copy of the judgment to the official in charge of issuing driver's licenses and vehicle registrations of the state or province of Canada in which the defendant resides. (V.A.C.S. Art. 6701h, Sec. 12.)

Source Law

Sec. 12. (a) Whenever any person fails within sixty (60) days to satisfy any judgment, upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this State, to forward to the Department immediately after the expiration of said sixty (60) days, a certified copy of such judgment.

(b) If the defendant named in any certified copy of a judgment reported to the Department is a non-resident, the Department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the State of which the defendant is a resident.

(c) The clerk of the court, or the judge of a court which has no clerk, in which any conviction for violation of a motor vehicle law is rendered, or in which a person charged with violation of a motor vehicle law has pleaded guilty or forfeited bail, shall forward immediately to the Department a certified copy of the judgment, order or record of other action of the court. This copy shall be prima-facie evidence of the conviction, plea or other action stated.
Revisor's Note

Section 12(b), V.A.C.S. Article 6701h, refers to a "state." The revised law adds a reference to a Canadian province for the reason stated in Reviser's Note (2) under Section 601.003 of this code.

Revised Law

Sec. 601.332. SUSPENSION OF DRIVER'S LICENSE AND VEHICLE REGISTRATION OR NONRESIDENT'S OPERATING PRIVILEGE FOR UNSATISFIED JUDGMENT. (a) Except as provided by Sections 601.333, 601.334, and 601.336, on receipt of a certified copy of a judgment under Section 601.331, the department shall suspend the judgment debtor's:

(1) driver's license and vehicle registrations; or

(2) nonresident's operating privilege.

(b) Subject to Sections 601.333, 601.334, and 601.336, the suspension continues, and the person's driver's license, vehicle registrations, or nonresident's operating privilege may not be renewed or the person issued a driver's license or registration in the person's name, until:

(1) the judgment is stayed or satisfied; and

(2) the person provides evidence of financial responsibility. (V.A.C.S. Art. 6701h, Secs. 13(a), 14(a).)

Source Law

Sec. 13. (a) Upon the receipt of a certified copy of a judgment, the Department shall forthwith suspend the license and all registrations and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this Section and in Section 16 of this Act.

Sec. 14. (a) Such license, registration and non-resident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in Sections 13 and 16 of this Act.
Revisor's Note

(1) Section 13(a), V.A.C.S. Article 6701h, refers to "receipt of a certified copy of a judgment." The revised law adds a cross-reference to Section 601.331 of this code, the section under which the certified copy is sent to the department.

(2) Sections 13(a) and 14(a), V.A.C.S. Article 6701h, refer to exceptions in "Sections 13 and 16 of this Act," meaning Sections 13 and 16, V.A.C.S. Article 6701h. Those statutes are codified in this chapter as Sections 601.333, 601.334, and 601.336, and the revised law is drafted accordingly.

(3) Section 14(a), V.A.C.S. Article 6701h, states that in certain cases involving persons against whom a judgment has been rendered, a license or registration may not be issued "in the name of such person, including any such person not previously licensed." The reference to a person not previously licensed is omitted from the revised law as unnecessary because the provision applies to any person, without regard to whether the person was previously licensed.

(4) Section 14(a), V.A.C.S. Article 6701h, refers to a judgment "satisfied in full or to the extent hereinafter provided," meaning to the extent provided by Section 15, V.A.C.S. Article 6701h, codified in this chapter as Section 601.003. Section 601.003 governs the use of "satisfied judgment" in this chapter, and the revised law omits the quoted language as unnecessary.

Revised Law

Sec. 601.333. RELIEF FROM SUSPENSION: MOTOR VEHICLE LIABILITY INSURANCE. (a) A person whose driver's license, vehicle registrations, or nonresident's operating privilege has been...
suspended or is subject to suspension under Section 601.332 may file with the department:

(1) evidence that there was a motor vehicle liability insurance policy covering the motor vehicle involved in the accident out of which the judgment arose in effect at the time of the accident;

(2) an affidavit stating that the person was insured at the time of the accident, that the insurance company is liable to pay the judgment, and the reason, if known, that the insurance company has not paid the judgment;

(3) the original policy of insurance or a certified copy of the policy, if available; and

(4) any other documents required by the department to show that the loss, injury, or damage for which the judgment was rendered was covered by the insurance.

(b) The department may not suspend the driver's license, vehicle registrations, or nonresident's operating privilege, and shall reinstate a license, registration, or privilege that has been suspended, if it is satisfied from the documents filed under Subsection (a) that:

(1) there was a motor vehicle liability insurance policy in effect for the vehicle at the time of the accident;

(2) the insurance company that issued the policy was authorized to issue the policy in this state at the time the policy was issued; and

(3) the insurance company is liable to pay the judgment to the extent and for the amounts required by this chapter. (V.A.C.S. Art. 6701h, Sec. 13(c) (part).)

(c) Notwithstanding any other provision of this Act any person whose license, registration or nonresident's operating privilege has been suspended, or is about to be suspended or shall become subject to suspension under this Article, may relieve himself from the effect of the judgment by filing with the Department satisfactory evidence that there was in effect at the time of the accident out of which the judgment arose a policy of liability insurance covering

Source Law

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the operation of the motor vehicle involved and filing
with the Department an affidavit stating that at the
time of the accident upon which the judgment has been
rendered he was insured, that the insurer is liable to
pay such judgment, and the reason, if known, why the
insurance company has not paid the judgment. He shall
also file the original policy of insurance or a
certified copy thereof, if available, and such other
documents as the Department may require to show that
the loss, injury, or damage for which the judgment was
rendered, was covered by the policy of insurance.
If the Department is satisfied from such papers
that the insurer was authorized to issue the policy of
insurance in this State at the time of issuing the
policy and that such insurer is liable to pay such
judgment, at least to the extent and for the amounts
provided in this Article, the Department shall not
suspend the license, registration or nonresident's
operating privilege, or if already suspended, shall
reinstate them.

Revisor's Note

(1) Section 13(C), V.A.C.S. Article 6701h, states that the section applies "[n]otwithstanding any
other provision of this Act." The quoted language is
omitted from the revised law as unnecessary.

(2) Section 13(c), V.A.C.S. Article 6701h, refers to suspension under "this Article," meaning
V.A.C.S. Article 6701h. The portion of that article
that authorizes suspension following judgment is
codified in this chapter as Section 601.332, and the
revised law substitutes a cross-reference to that
section.

(3) Section 13(c), V.A.C.S. Article 6701h, refers to "a policy of liability insurance." The
revised law substitutes "a motor vehicle liability
insurance policy" for the reason stated in Revisor's
Note (2) under Section 601.051 of this code.

(4) The revised law omits as executed the
provision of Section 13(c), V.A.C.S. Article 6701h,
relating to licenses, registrations, or privileges
suspended before the effective date of V.A.C.S. Article
6701h, which took effect January 1, 1952. The omitted
law reads:
Any person whose license, registration or nonresident's operating privilege has heretofore been suspended under the provisions of this Article may take advantage of this Section.

Revised Law

Sec. 601.334. RELIEF FROM SUSPENSION: CONSENT OF JUDGMENT CREDITOR. (a) The department may allow a judgment debtor's driver's license and vehicle registrations or nonresident's operating privilege to continue, notwithstanding Section 601.332, if:

(1) the judgment creditor consents to the continuation in writing in the form prescribed by the department; and

(2) the judgment debtor provides evidence of financial responsibility to the department.

(b) Continuation of a judgment debtor's driver's license and vehicle registrations or nonresident's operating privilege expires on the later of:

(1) the date the consent of the judgment creditor is revoked in writing; or

(2) the expiration of six months after the effective date of the consent.

(c) Subsection (b) applies notwithstanding default in the payment of the judgment or any installments to be made under Section 601.335. (V.A.C.S. Art. 6701h, Sec. 13(b).)

Source Law

(b) If the judgment creditor consents in writing, in such form as the Department may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the Department, in its discretion, for six (6) months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 16, provided the judgment debtor furnishes proof of financial responsibility.
Revisor's Note

(1) Section 13(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) The revised law adds a cross-reference to Section 601.332, the section under which the judgment debtor's license, registration, or privilege may be suspended.

(3) Section 13(b), V.A.C.S. Article 6701h, refers to Section 16, meaning Section 16, V.A.C.S. Article 6701h. The pertinent part of that statute is codified in this chapter as Section 601.335, and the revised law is drafted accordingly.

Revised Law

Sec. 601.335. INSTALLMENT PAYMENTS AUTHORIZED. (a) A judgment debtor, on notice to the judgment creditor, may apply to the court in which judgment was rendered to pay the judgment in installments.

(b) The court may order payment in installments and may establish the amounts and times of the payments.

(c) An order issued under this section is issued without prejudice to any other legal remedy that the judgment creditor has.

Source Law

Sec. 16. (a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.
Sec. 601.336. RELIEF FROM SUSPENSION: INSTALLMENT PAYMENTS; DEFAULT. (a) Subject to Subsection (c), the department may not suspend a judgment debtor's driver's license, vehicle registration, or nonresident's operating privilege under Section 601.332 if the judgment debtor:

(1) files evidence of financial responsibility with the department; and

(2) obtains an order under Section 601.335 permitting the payment of the judgment in installments.

(b) Subject to Subsection (c), the department shall restore a judgment debtor's driver's license, vehicle registrations, or nonresident's operating privilege that was suspended following nonpayment of a judgment if the judgment debtor complies with Subsections (a)(1) and (2).

(c) On notice that a judgment debtor has failed to pay an installment as specified in an order issued under Section 601.335, the department shall suspend the judgment debtor's driver's license, vehicle registrations, or nonresident's operating privilege. The suspensions continue until the judgment is satisfied as provided by this chapter. (V.A.C.S. Art. 6701h, Secs. 16(b), (c).)
Revisor's Note

(1) Section 16(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Sections 16(b) and (c), V.A.C.S. Article 6701h, refer to "such [an] order," meaning an order issued under Section 16(a), V.A.C.S. Article 6701h, codified in this chapter as Section 601.335. The revised law adds a cross-reference to that section.

(3) Section 16(b), V.A.C.S. Article 6701h, states that the department may not suspend a license, etc., "while the payment of any said installment is not in default." The revised law substitutes a cross-reference to Subsection (c) for the quoted language because that subsection governs in the event of a default.

Revised Law

Sec. 601.337. EFFECT OF BANKRUPTCY. A discharge in bankruptcy after a judgment is rendered relieves the judgment debtor from the requirements of this chapter, except for financial responsibility requirements arising after the date of the discharge. (V.A.C.S. Art. 6701h, Sec. 14(b).)

Source Law

(b) A discharge in bankruptcy following the rendering of any such judgment shall relieve the judgment debtor from any of the requirements of this Article, except for financial responsibility requirements arising after the date of bankruptcy discharge.

Revised Law

Sec. 601.338. EVIDENCE OF FINANCIAL RESPONSIBILITY OR SUSPENSION OF DRIVER'S LICENSE AND VEHICLE REGISTRATION OF OWNER OF MOTOR VEHICLE. (a) The department shall suspend the driver's
license and vehicle registrations of the owner of a motor vehicle
that was used with the owner's consent by another person at the
time of an offense resulting in conviction or a plea of guilty, if
under state law the department:

(1) suspends or revokes the driver's license of the
other person on receipt of a record of a conviction; or

(2) suspends the vehicle registration of the other
person on receipt of a record of a plea of guilty.

(b) The department may not suspend the driver's license and
vehicle registration of an owner under this section if the owner
files and maintains evidence of financial responsibility with the
department for each motor vehicle registered in the name of the
owner. (V.A.C.S. Art. 6701h, Sec. 17(b).)

Source Law

(b) Whenever the Department under any law of
this State, suspends or revokes the license of any
person upon receiving record of a conviction or
suspends the registrations of any person upon receiving
record of a plea of guilty, and such person was not the
owner of the motor vehicle used at the time of the
violation resulting in the conviction or the plea of
guilty, the Department shall also suspend the license
and all registrations in the name of the owner of the
motor vehicle so used, if such vehicle was operated
with such owner's permission or consent at the time of
the violation unless such owner has previously given or
shall immediately give and thereafter maintain proof of
financial responsibility with respect to all motor
vehicles registered by any such person.

Revisor's Note

(1) Section 17(b), V.A.C.S. Article 6701h,
refers to the owner's "permission or consent." The
reference to "permission" is omitted from the revised
law because "permission" is included within the meaning
of "consent."

(2) Section 17(b), V.A.C.S. Article 6701h,
refers to "proof of financial responsibility." The
revised law substitutes "evidence of financial
responsibility" for the reasons stated in Revisor's
Note (4) under Section 601.002 of this code.
Sec. 601.339. EVIDENCE OF FINANCIAL RESPONSIBILITY FOLLOWING CONVICTION, PLEA, OR FORFEITURE. (a) Except as provided by Subsection (c), the department may not issue a driver's license to a person who does not hold a driver's license and who: (1) enters a plea of guilty to an offense or is convicted by a final order or a judgment that: (A) requires the suspension or revocation of a driver's license; (B) is imposed for operating a motor vehicle on a highway without a driver's license; or (C) is imposed for operating an unregistered motor vehicle on a highway; or (2) forfeits bail or collateral deposited to secure an appearance for trial for an offense described by Subdivision (1). (b) Except as described by Subsection (c), a motor vehicle may not be registered in the name of a person described by Subsection (a). (c) Notwithstanding Subsections (a) and (b), a driver's license may be issued or a motor vehicle may be registered if the person files and maintains evidence of financial responsibility with the department. (V.A.C.S. Art. 6701h, Sec. 17(d.).)

Source Law

(d) If a person is not licensed but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for (or pleads guilty to any such offense) any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall thereafter be issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

Revisor's Note

(1) Section 17(d), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The
revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Section 17(d), V.A.C.S. Article 6701h, states that a person must "give and . . . maintain proof of financial responsibility." The revised law substitutes "file" for "give" because it is clear from the context of that section that the person is required to file the evidence of financial responsibility with the department.

Revised Law

Sec. 601.340. EVIDENCE OF FINANCIAL RESPONSIBILITY OR SUSPENSION OF VEHICLE REGISTRATION FOLLOWING SUSPENSION OR REVOCATION OF DRIVER'S LICENSE. (a) Except as provided by Subsection (b), the department shall suspend the registration of each motor vehicle registered in the name of a person if the department:

(1) under any state law, suspends or revokes the person's driver's license on receipt of a record of a conviction or a forfeiture of bail; or

(2) receives a record of a guilty plea of the person entered for an offense for which the department would be required to suspend the driver's license of a person convicted of the offense.

(b) The department, unless otherwise required by law, may not suspend a registration under Subsection (a) if the person files and maintains evidence of financial responsibility with the department for each motor vehicle registered in the name of the person. (V.A.C.S. Art. 6701h, Sec. 17(a).)

Source Law

Sec. 17. (a) Whenever the Department, under any law of this State, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the Department shall also suspend the registrations for all motor vehicles registered in the name of such person, and whenever the Department...
shall receive record of a plea of guilty to any offense
the conviction for which the Department is required to
suspend or revoke the license of any person, the
Department shall immediately suspend the registrations
for all motor vehicles registered in the name of such
person, except that the Department shall not suspend
any such registrations, unless otherwise required by
law, if such person has previously given or shall
immediately give and thereafter maintain proof of
financial responsibility with respect to all motor
vehicles registered by such person.

Revisor's Note

(1) Section 17(a), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Section 17(a), V.A.C.S. Article 6701h, states that a person must "give and . . . maintain proof of financial responsibility." The revised law substitutes "file" for "give" because it is clear from the context of that section that the person is required to file the evidence of financial responsibility with the department.

Revised Law

Sec. 601.341. EVIDENCE OF FINANCIAL RESPONSIBILITY; TERMINATION OF PENALTY. Unless a person whose driver's license or vehicle registration has been suspended or revoked files and maintains evidence of financial responsibility with the department:

(1) the suspension or revocation may not be terminated;

(2) the driver's license or registration may not be renewed;

(3) a new driver's license may not be issued to the person; or

(4) a motor vehicle may not be registered in the name of the person. (V.A.C.S. Art. 6701h, Sec. 17(c).)
Source Law

(c) Licenses and registrations suspended or revoked shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the Motor Vehicle Laws of this State and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

Revisor's Note

(1) Section 17(c), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Section 17(c), V.A.C.S. Article 6701h, states that a motor vehicle may not be registered in the name of a person subject to that subsection "until permitted under the Motor Vehicle Laws of this State." The quoted phrase is omitted from the revised law as unnecessary. The other law that prescribes the registration requirements is sufficient authority for the requirements.

(3) Section 17(c), V.A.C.S. Article 6701h, states that a person must "give and ... maintain proof of financial responsibility." The revised law substitutes "file" for "give" for the reason stated in Revisor's Note (2) under Section 601.339 of this code.

Revised Law

Sec. 601.342. EVIDENCE OF FINANCIAL RESPONSIBILITY FOLLOWING SUSPENSION OR REVOCATION OF NONRESIDENT'S OPERATING PRIVILEGE. The department may not terminate the suspension or revocation of a nonresident's operating privilege suspended or revoked because of a conviction, forfeiture of bail, or guilty plea unless the person files and maintains evidence of financial responsibility with the department. (V.A.C.S. Art. 6701h, Sec. 17(e).)
(e) Whenever the Department suspends or revokes a nonresident's operating privilege by reason of a conviction, forfeiture of bail or a plea of guilty, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

Revisor's Note

(1) Section 17(e), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Section 17(e), V.A.C.S. Article 6701h, states that a person must "give and ... maintain proof of financial responsibility." The revised law substitutes "file" for "give" because it is clear from the context of that section that the person is required to file the evidence of financial responsibility with the department.

[Sections 601.343-601.370 reserved for expansion]

SUBCHAPTER L. EFFECT OF SUSPENSION

Revised Law

Sec. 601.371. OPERATION OF MOTOR VEHICLE IN VIOLATION OF SUSPENSION; OFFENSE. (a) A person commits an offense if the person operates a motor vehicle on a highway:

(1) during a period that a suspension of the person's driver's license or nonresident's operating privilege is in effect under this chapter; or

(2) while the person's driver's license is expired, if the license expired during a period of suspension imposed under this chapter.

(b) A person commits an offense if the person, during a period that a suspension of the person's vehicle registration is in
(c) It is an affirmative defense to prosecution under this section that the person had not received notice of a suspension order concerning the person's driver's license, nonresident's operating privilege, or vehicle registration. For purposes of this subsection, notice is presumed to be received if the notice was mailed in accordance with this chapter to the last known address of the person as shown by department records.

(d) Except as provided by Subsection (e), an offense under this section is a misdemeanor punishable by:

1. a fine of not less than $100 or more than $500;

and

2. confinement in county jail for a term of not less than 72 hours or more than six months.

(e) If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section or under Section 521.457, the offense is punishable as a Class A misdemeanor.

(f) In this section, a conviction for an offense that involves operation of a motor vehicle after August 31, 1987, is a final conviction, whether the sentence for the conviction is imposed or probated. (V.A.C.S. Art. 6701h, Sec. 32(c).)
the notice was mailed in accordance with this Act to
the last known address of the person as shown by the
records of the Department.

(4) Except as provided by Subdivision (5)
of this subsection, an offense under this subsection is
punishable by:

(A) a fine of not less than One
Hundred Dollars ($100) or more than Five Hundred
Dollars ($500); and

(B) confinement in jail for a term
of not less than seventy-two (72) hours or more than
six (6) months.

(5) If it is shown on the trial of an
offense under this subsection that the person has
previously been convicted of an offense under this
subsection or Section 34, Chapter 173, Acts of the 47th
Legislature, Regular Session, 1941 (Article 6687b,
Vernon's Texas Civil Statutes), the offense is
punishable as a Class A misdemeanor.

(6) For the purposes of this subsection, a
conviction for an offense that involves operation of a
motor vehicle after August 31, 1987, is a final
conviction, whether or not the sentence for the
conviction is probated.

Revisor's Note

(1) Section 32(c), V.A.C.S. Article 6701h,
refers to a "suspension or revocation under this Act,"
meaning under V.A.C.S. Article 6701h, codified in this
code as this chapter. The revised law omits the
reference to revocation because Article 6701h does not
authorize revocation of a driver's license or
nonresident's operating privilege.

(2) The revised law clarifies that "privilege"
and "privilege to operate a motor vehicle" mean
"nonresident's operating privilege," as defined in the
revised law.

(3) Section 32(c), V.A.C.S. Article 6701h,
refers to Section 34, Chapter 173, Acts of the 47th
Legislature, Regular Session, 1941 (Article 6687b,
Vernon's Texas Civil Statutes). That statute is
codified in this code as Section 521.457, and the
revised law is drafted accordingly.
Sec. 601.372. RETURN OF DRIVER'S LICENSE AND VEHICLE REGISTRATION TO DEPARTMENT. (a) The department shall give written notice of a suspension of a driver's license and vehicle registration to a person who is required to maintain a motor vehicle liability insurance policy or bond under this chapter and whose policy or bond is canceled or terminated or who does not provide other evidence of financial responsibility on the request of the department.

(b) The notice must be by personal delivery to the person or by deposit in the United States mail addressed to the person at the last address supplied to the department by the person. Notice by mail is presumed to be received on the 10th day after the date the notice is mailed.

(c) The person shall send the person's driver's license and vehicle registrations not later than the 10th day after the date the person receives written notice from the department.

(d) Proof of the notice may be made by the certificate of a department employee stating that:

(1) the notice was prepared in the regular course of business and placed in the United States mail as part of the regular organized activity of the department; or

(2) the employee delivered the notice in person.

(e) A certificate under Subsection (d)(2) must specify the name of the person to whom the notice was given and the time, place, and manner of the delivery of the notice. (V.A.C.S. Art. 6701h, Sec. 31 (part).)

Source Law

Sec. 31. Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this Act, shall have been cancelled or terminated or who shall neglect to furnish other proof upon request of the Department, shall return his license and registration to the Department within ten (10) days after receiving notice from the Department in writing, either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage.
prepaid, addressed to such person at the last address
supplied to the Department by the licensee, which
notice shall be presumed to be complete upon the
expiration of nine (9) days after such is deposited in
the United States mail. . . . Proof of the giving of
notice in either such manner as hereinabove set out may
be made by the certificate of any employee of the
Department that such notice was prepared in the regular
course of business and placed in the United States mail
as a part of the regular organized activity of the
Department, or, if given in person, by certificate of
the employee of the Department, naming the person to
whom such notice was given and specifying the time,
place and manner of the giving thereof.

Revisor's Note
Section 31, V.A.C.S. Article 6701h, provides that
the department may send certain notices "by deposit in
the United States mail . . . with postage prepaid."
The revised law omits the requirement that the mail be
accomplished by "postage prepaid" because postage is
implicitly required before an item may be mailed.

Revised Law
Sec. 601.373. FAILURE TO RETURN DRIVER'S LICENSE OR VEHICLE
REGISTRATION; OFFENSE. (a) A person commits an offense if the
person wilfully fails to send a driver's license or vehicle
registration as required by Section 601.372. An offense under this
subsection is a misdemeanor punishable by a fine not to exceed
$200.
(b) The department shall direct a department employee to
obtain and send to the department the driver's license and vehicle
registration of a person who fails to send the person's license or
registration in accordance with Section 601.372. The director of
the department or the person designated by the director may file a
complaint against a person for an offense under Subsection (a).
(V.A.C.S. Art. 6701h, Secs. 31 (part), 32(d).)

Source Law
Sec. 31. . . . If any person shall fail to
return to the Department the license or registration as
provided herein, the Department shall forthwith direct
any employee of the Department to secure possession
thereof and to return the same to the Department. The
Director of the Department of Public Safety, or a
person designated by him, may file a complaint in any
court of competent jurisdiction under Subsection (d) of
Section 32 against any person whom he has reason to
believe has wilfully failed to return license or
registration as required herein. . . .

[Sec. 32]

(d) Any person wilfully failing to return
license or registration as required in Section 31 shall
be fined not more than Two Hundred Dollars ($200).

Reviser's Note

(1) The revised law adds a cross-reference to
Section 601.372 of this code, the section that requires
a person to send the person's driver's license and
vehicle registration to the department.

(2) Section 31, V.A.C.S. Article 6701h, refers
to any court "of competent jurisdiction." The revised
law omits the quoted language for the reason stated in
Reviser's Note (1) under Section 601.003 of this code.

Revised Law

Sec. 601.374. TRANSFER OF VEHICLE REGISTRATION PROHIBITED.

(a) An owner whose vehicle registration has been suspended under
this chapter may not:

(1) transfer the registration unless the transfer is
authorized under Subsection (b); or

(2) register in another name the motor vehicle to
which the registration applies.

(b) The department may authorize the transfer of vehicle
registration if the department is satisfied that the transfer is
proposed in good faith and not to defeat the purposes of this
chapter.

(c) This section does not affect the rights of a conditional
vendor or lessor of, or person with a security interest in, a motor
vehicle owned by a person who is subject to this section if the
vendor, lessor, or secured party is not the registered owner of the
vehicle. (V.A.C.S. Art. 6701h, Sec. 30.)
Sec. 30. If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name until the Department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this Act. Nothing in this Section shall in any wise affect the rights of any conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this Section.

Sec. 601.375. COOPERATION WITH OTHER STATE OR CANADA. (a) The department shall send a certified copy of the record of the department's action suspending a nonresident's operating privilege under Subchapter F or under Sections 601.332, 601.333, and 601.334 to the official in charge of issuing driver's licenses and vehicle registrations of the state or province of Canada in which the nonresident resides.

(b) Subsection (a) applies only if the law of the other state or the province provides for action similar to the action required by Section 601.009. (V.A.C.S. Art. 6701h, Sec. 8(b).)

(b) When a non-resident's operating privilege is suspended pursuant to Section 5, Section 7, or Section 13, the Department shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such non-resident resides, if the law of such other state provides for action in relation thereto similar to that provided for in Subsection (c) of this Section.

(1) Section 8b, V.A.C.S. Article 6701h, refers to Sections 5, 7, and 13, meaning Sections 5, 7, and 13, V.A.C.S. Article 6701h. The relevant portion of those statutes is codified in this chapter as Subchapter F and Sections 601.332, 601.333, and 601.334, and the revised law is drafted accordingly.

(2) Section 8b, V.A.C.S. Article 6701h, refers...
to "Subsection (c) of this section," meaning Section 8b(c), V.A.C.S. Article 6701h. That subsection is codified in this chapter as Section 601.009, and the revised law is drafted accordingly.

Revised Law

Sec. 601.376. REINSTATEMENT FEE. (a) A driver's license, vehicle registration, or nonresident's operating privilege that has been suspended under this chapter may not be reinstated and a new license or registration may not be issued to the holder of the suspended license, registration, or privilege until the person:

(1) pays to the department a fee of $50; and

(2) complies with the other requirements of this chapter.

(b) The fee imposed by this section is in addition to other fees imposed by law.

(c) A person is required to pay only one fee under this section, without regard to the number of driver's licenses and vehicle registrations to be reinstated for or issued to the person in connection with the payment. (V.A.C.S. Art. 6701h, Sec. 7A (part)).

Source Law

Sec. 7A. Whenever a license or registration, or nonresident's operating privilege is suspended under this Article, no such license or registration, or nonresident's operating privilege shall be reinstated or new license or registration shall be issued unless the licensee or registrant or nonresident, in addition to complying with other provisions of this Article, pays to the Department a fee of Fifty Dollars ($50) in addition to any other fees which may be required by law. Only one such fee shall be paid by any one person regardless of the number of licenses and registrations to be reinstated for or issued to such person in connection with such payment. . . .

Revisor's Note

Section 7A, V.A.C.S. Article 6701h, provides in part that fees collected under that section shall be used by the Department of Public Safety to administer
Article 6701h. The revised law omits this provision as impliedly repealed. Section 403.094(h), Government Code, provides that all statutory dedications of revenue enacted before August 31, 1995, are void unless reenacted after September 1, 1991. The language in Section 7A, V.A.C.S. Article 6701h, referring to the dedication of fees was added in 1963 and was not reenacted after September 1, 1991. The omitted law reads:

The fees paid pursuant to this Section shall be used by the Department to administer the provisions of this Article.

[Sections 601.377-601.400 reserved for expansion]

SUBCHAPTER M. APPEAL OF DEPARTMENT ACTION

Revised Law

Sec. 601.401. DEPARTMENT ACTS SUBJECT TO REVIEW. An act of the department under this chapter may be appealed by a person in interest in:

(1) the county court at law in the county in which the person resides;

(2) the county court of the county in which the person resides, if the county does not have a county court at law; or

(3) the district court of the county in which the person resides if:

(A) the county does not have a county court at law; and

(B) the county court does not have the civil jurisdiction provided by general law for a county court. (V.A.C.S. Art. 6701h, Sec. 2(b) (part).)

Source Law

(b) Any order or act of the Department, under the provisions of this Act, may be subject to review . . . by appeal to the County Court at Law at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no County Court at Law therein, then in the County Court of said county, or if there be
no County Court having jurisdiction, then such jurisdiction shall be in the District Court of said county, and such Court is hereby vested with jurisdiction . . . .

Revisor's Note

(1) Section 2(b), V.A.C.S. Article 6701h, refers to any "order or act" of the department. The revised law omits the reference to "order" for the reason stated in Revisor's Note (2) under Section 601.021 of this code.

(2) Section 2(b), V.A.C.S. Article 6701h, provides in part that a district court has jurisdiction of an appeal of an act of the department "if there be no County Court having jurisdiction." Under Subchapter D, Chapter 26, Government Code, each county court has general civil and criminal jurisdiction, but under Subchapter E of that chapter, which contains provisions relating to particular counties, the jurisdiction of many county courts is limited. For example, see Section 26.227, Government Code, limiting the jurisdiction of the County Court of Jones County to certain probate and juvenile matters. It is clear that Section 2(b) is not intended to confer jurisdiction of appeals under Article 6701h on a county court that normally does not hear such matters. The revised law is drafted accordingly.

(3) Section 2(b), V.A.C.S. Article 6701h, states that "such Court," meaning the district court of a county, "is hereby vested with jurisdiction." The revised law omits the quoted phrase as unnecessary.

Revised Law

Sec. 601.402. TIME FOR APPEAL. An appeal under Section 601.401 must be brought not later than the 30th day after the date of notice of the act or may be brought, for good cause shown, on a
later date. (V.A.C.S. Art. 6701h, Sec. 2(b) (part).)

Source Law

(b) Any order or act of the Department . . .
may be subject to review within thirty (30) days after
notice thereof, or thereafter for good cause
shown . . . .

Revisor's Note

A cross-reference to Section 601.401 of this
code, the section of the revised law that authorizes an
appeal, is added for the convenience of the reader.

Revised Law

Sec. 601.403. TRIAL. (a) Trial of an appeal under this
subchapter is de novo, with the burden of proof on the department.
The appeal shall be tried without regard to a prior holding of fact
or law by the department, the substantial evidence rule does not
apply, and judgment may be entered only on the evidence offered at
the trial by the court.

(b) The court shall grant a trial by jury on proper
application. (V.A.C.S. Art. 6701h, Secs. 2(b) (part), (c).)

Source Law

(b) . . . [A]nd such appeal shall be by trial
de novo. . . .
(c) Trial in the court shall be de novo, with
the burden of proof upon the Department, and the
substantial evidence rule shall not be invoked or
apply, but the same shall be tried without regard to
any prior holding of fact or law by the Department, and
judgment entered only upon the evidence offered at the
trial by the Court. A trial by jury may be had upon
proper application.

Revised Law

Sec. 601.404. STAY OF ACT ON APPEAL. (a) The court shall
determine whether the filing of an appeal under Section 601.401
stays an act of the department that is the subject of the appeal.

(b) The court may not stay an order of suspension by the
department based on an existing unsatisfied final judgment that is
rendered against a person by a court in this state and that arises
out of the use of a motor vehicle in this state.

(c) Except as provided by Section 601.405 or 601.406 an appeal does not stay an act of the department if:

(1) the person aggrieved by the act was the operator of a motor vehicle involved in an accident;

(2) the person was charged with a violation of a law of this state or a political subdivision of this state; and

(3) a complaint or indictment is pending at the time the appeal is filed. (V.A.C.S. Art. 6701h, Sec. 2(b) (part).)

Source

(b) . . . The Court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the Department, with the exception that no stay order shall be granted staying an order of suspension by the Department of Public Safety that is based on a final judgment rendered against any person in this State by a court of competent jurisdiction growing out of the use of a motor vehicle in this State when said judgment is a subsisting final judgment and unsatisfied; further, an appeal shall not operate as a stay of any such other orders or decisions of the Department of Public Safety where the aggrieved party was involved in an accident involving a motor vehicle which he was operating if he was charged with a violation of any of the laws of the State of Texas, or any of its political subdivisions, and said complaint or indictment is pending at the time the appeal from an order or decision of the Department of Public Safety is filed . . . .

Revisor's Note

(1) A cross-reference to Section 601.401 of this code, the section of the revised law that authorizes appeal, is added for the convenience of the reader.

(2) Section 2(b), V.A.C.S. Article 6701h, refers to "orders or decisions" of the department. The revised law substitutes "act" for "orders or decisions" because, as used in this context, the terms are synonymous and "act" is the term used in other portions of V.A.C.S. Article 6701h.

(3) Section 2(b), V.A.C.S. Article 6701h, refers to a judgment rendered by a court "of competent jurisdiction." The revised law omits the reference to
"competent jurisdiction" for the reason stated in
Revisor's Note (1) under Section 601.003 of this code.

(4) Section 2(b), V.A.C.S. Article 6701h, refers
to a "subsisting" final judgment. The revised law
substitutes "existing" for "subsisting" because, as
used in this context, the terms are synonymous and
"existing" is more commonly used.

(5) Cross-references to Sections 601.405 and
601.406 of this code, sections of the revised law that
operate as an exception to this section of the revised
law, are added for the convenience of the reader.

Revised Law

Sec. 601.405. FILING OF EVIDENCE OF FINANCIAL
RESPONSIBILITY; EFFECT ON APPEAL. An appeal stays an act of the
department in the circumstances described by Section 601.404(c) if
the person aggrieved by the act:
(1) files evidence of financial responsibility with
the department; and
(2) maintains evidence of financial responsibility
until the complaint or indictment is dismissed or for the period
specified by Section 601.409. (V.A.C.S. Art. 6701h, Sec. 2(b)
(part).)

Source Law

(b) . . . [A]n appeal shall not operate as a
stay of any such other orders or decisions of the
Department . . . unless the aggrieved party shall file
proof of financial responsibility with the Department
of Public Safety as a condition precedent to the
obtaining of said stay and maintain said proof of
financial responsibility until dismissal of said
complaint or indictment or for such period of time as
provided for in Section 2(d) of this Act.

Revisor's Note

(1) Section 2(b), V.A.C.S. Article 6701h, refers
to "orders or decisions" of the department. The
revised law substitutes "act" for "orders or decisions"
for the reasons stated in Revisor's Note (2) under Section 601.404 of this code.

(2) A cross-reference to Section 601.404(c) of this code, relating to stay of a department act on appeal, is added for the convenience of the reader.

(3) Section 2(b), V.A.C.S. Article 6701h, refers to the filing of proof of financial responsibility as a "condition precedent" to obtaining a stay. The revised law omits the reference to a condition precedent as unnecessary; the revised law is clear that the person may obtain a stay only if evidence of financial responsibility is filed.

(4) Section 2(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(5) Section 2(b), V.A.C.S. Article 6701h, refers to "Section 2(d) of this Act," meaning Section 2(d), V.A.C.S. Article 6701h. That subsection is codified in this chapter as Section 601.409, and the revised law is drafted accordingly.

Revised Law

Sec. 601.406. TEMPORARY STAY OF DEPARTMENT'S ORDER ON FILING OF AFFIDAVIT. (a) A person who is required to file evidence of financial responsibility under Sections 601.404(c) and 601.405 and who, at the time of appeal, files with the court and the department an affidavit setting forth specific facts that would entitle the person to an acquittal of the offense alleged in the complaint or indictment, is entitled to a stay of the order of the department without filing evidence of financial responsibility.

(b) On the filing of an affidavit under Subsection (a), the cause shall be set on the docket in the court in which the
complaint or indictment is pending. If the complaint or indictment
is not tried before the 46th day after the date the complaint or
indictment was filed, it may be transferred to the county or
district court of an adjoining county on motion of the person who
filed the affidavit.

(c) If, not later than the 90th day after the date of the
original suspension or order of the department, the department does
not receive a certified copy of a judgment of a court acquitting
the person, the department shall suspend the person's driver's
license and the registration of all motor vehicles registered in
the person's name.

(d) An appeal does not stay an order of suspension under
Subsection (c) unless the person files and maintains evidence of
financial responsibility with the department:

(1) until the complaint or indictment is dismissed; or
(2) if the person pleads guilty or is convicted, for
the period required by Section 601.409. (V.A.C.S. Art. 6701h, Sec.
2(b) (part).)

Source Law

(b) . . . If the aggrieved party shall at the
time of said appeal in lieu of proof of financial
responsibility file with the court and the Department
of Public Safety an affidavit setting forth specific
facts which would entitle the aggrieved party to an
acquittal of the complaint or indictment filed against
the aggrieved party, he shall be entitled to a
temporary stay of the order of the Department of Public
Safety without the necessity of filing proof of
financial responsibility. Upon the filing of such
affidavit, the cause shall be set upon the court's
docket in said Court where said complaint or indictment
is pending and if the same is not tried within
forty-five (45) days from the date of filing of such
complaint or indictment, shall thereafter be subject to
transfer to such county or District Court of an
adjoining county upon the filing of a motion thereof by
the aggrieved party. If within ninety (90) days from
the date of the original suspension or order by the
Department of Public Safety, the Department has not
received a certified copy of a judgment of the court
acquitting the aggrieved party, the Department of
Public Safety shall again order the driver's license
and the registrations of all motor vehicles registered
in the aggrieved party's name suspended and from this
said order of the Department of Public Safety, no
appeal shall operate as a stay unless the aggrieved
party files with the Department of Public Safety, as an
absolute condition precedent to the obtaining of a
stay, proof of financial responsibility and maintain said proof of financial responsibility until said complaint or indictment has been dismissed or if the aggrieved party has pled guilty or been convicted for the period of time provided for in Section 2(d) of this Act. . . .

Revisor's Note

(1) Cross-references to Sections 601.404(c) and 601.405 of this code, the provisions of the revised law requiring the filing of evidence of financial responsibility in certain circumstances, are added for the convenience of the reader.

(2) Section 2(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(3) Section 2(b), V.A.C.S. Article 6701h, refers to "Section 2(d) of this Act," meaning Section 2(d), V.A.C.S. Article 6701h. That subsection is codified in this chapter as Section 601.409, and the revised law is drafted accordingly.

Revised Law

Sec. 601.407. STAY AFTER PLEA OR CONVICTION. (a) A person may obtain a stay from an act of the department after the person has entered a plea of guilty or has been finally convicted if the person files and maintains evidence of financial responsibility with the department for the period required by Section 601.409.

(b) This section does not apply if the person applied for a stay before entering a plea of guilty or before a final conviction.

Source Law

(b) . . . If no stay order has been previously applied for prior to a plea of guilty or final conviction, the aggrieved party can obtain a stay from any order or decision of the Department of Public Safety if said party will file with the Department of Public Safety as a condition precedent to the obtaining
of a stay of said order or decision proof of financial responsibility and maintain said proof of financial responsibility as provided for in Section 2(d) of this Act.

Revisor's Note

(1) Section 2(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

(2) Section 2(b), V.A.C.S. Article 6701h, refers to "Section 2(d) of this Act," meaning Section 2(d), V.A.C.S. Article 6701h. That subsection is codified in this chapter as Section 601.409, and the revised law is drafted accordingly.

(3) Section 2(b), V.A.C.S. Article 6701h, refers to an "order or decision" of the department. The revised law substitutes "act" for "order or decision" for the reasons stated in Revisor's Note (2) under Section 601.404 of this code.

Revised Law

Sec. 601.408. STAY AFTER ACQUITTAL OR DISMISSAL. If the person aggrieved by the act of the department is acquitted of the offense alleged in a complaint or indictment, or if the complaint or indictment is dismissed:

(1) the person may not be required to file evidence of financial responsibility with the department to obtain a stay of the act; and

(2) the person may withdraw evidence of financial responsibility previously filed to obtain a stay of an act of the department. (V.A.C.S. Art. 6701h, Sec. 2(b) (part).)

Source Law

(b) ... Where the aggrieved party has been found not guilty to the complaint or indictment filed against him, or said complaint or indictment has been dismissed, filing of proof of financial responsibility
shall not be a condition precedent to the granting of a stay from any order or decision of the Department of Public Safety, and prior filing of proof of financial responsibility with the Department of Public Safety as a condition precedent to obtaining a stay from an order or decision of the Department of Public Safety, may be withdrawn.

Revisor's Note

(1) Section 2(b), V.A.C.S. Article 6701h, refers to an "order or decision" of the department. The revised law substitutes "act" for "order or decision" for the reasons stated in Revisor's Note (2) under Section 601.404 of this code.

(2) Section 2(b), V.A.C.S. Article 6701h, refers to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Revisor's Note (4) under Section 601.002 of this code.

Revised Law

Sec. 601.409. MAINTENANCE OF EVIDENCE OF FINANCIAL RESPONSIBILITY. A person who is convicted of or pleads guilty to a violation of a law of this state or any political subdivision of this state in connection with a motor vehicle accident and who is required to file evidence of financial responsibility to obtain a stay of an act of the department must maintain the evidence of financial responsibility with the department until the second anniversary of the date of the conviction or plea of guilty.

(V.A.C.S. Art. 6701h, Secs. 2(b) (part), (d).)

Source Law

(b) . . . Upon the disposition of said complaint or indictment either by a plea of guilty or final conviction, the aggrieved party who shall have pled guilty or been finally convicted and has previously filed proof of financial responsibility as a condition precedent to obtaining a stay from an order of suspension of the Department of Public Safety, must maintain said proof of financial responsibility with the Department of Public Safety for that period of time provided for in Section 2(d) of this Act. . . .

(d) Whenever a person has been convicted or pleads guilty to a violation of any of the laws of the
State of Texas, or its political subdivisions, growing out of a motor vehicle accident, as specified in Section 2(b) of this Act, and said party is required to file proof of financial responsibility as a condition precedent to the obtaining of a stay of any order or decision of the Department of Public Safety, said proof of financial responsibility shall be maintained with said Department of Public Safety by said party for a period of two (2) years from date of final conviction or plea of guilty.

Reviser's Note

(1) Section 2(d), V.A.C.S. Article 6701h, refers to an accident "as specified in Section 2(b) of this Act," meaning Section 2(b), V.A.C.S. Article 6701h. The revised law omits the cross-reference as unnecessary.

(2) Sections 2(b) and (d), V.A.C.S. Article 6701h, refer to "proof of financial responsibility." The revised law substitutes "evidence of financial responsibility" for the reasons stated in Reviser's Note (4) under Section 601.002 of this code.

(3) Section 2(b), V.A.C.S. Article 6701h, refers to an "order" of the department, and Section 2(d), V.A.C.S. Article 6701h, refers to an "order or decision." The revised law substitutes "act" for "order" and "decision" for the reasons stated in Reviser's Note (2) under Section 601.404 of this code.

Revised Law

Sec. 601.410. LIMIT ON COURTS. A provision of this subchapter that restricts the granting of a stay in an appeal in which the person making the appeal has been charged with violation of a law of this state or a political subdivision of this state limits a court in an original action brought against the department to enjoin or order the enforcement of an order of the department issued under this chapter. (V.A.C.S. Art. 6701h, Sec. 2(b) (part).)
Source Law

(b) . . . The above provision restricting the granting of a stay order in appeals where the aggrieved party has been charged with the violation of any of the laws of the State of Texas or of any of the political subdivisions shall also limit any court in this State in any original action brought against the Department of Public Safety to enjoin or order the enforcement of any order of the Department of Public Safety issued under this Act.

Revisor's Note
(End of Chapter)

(1) Section 32(g), V.A.C.S. Article 6701h, in part gives priority to suits instituted under that article. The provision, enacted in 1963, is omitted from the revised law because it was impliedly repealed by Subchapter B, Chapter 23, Government Code, which was originally enacted by the legislature in 1981 as V.A.C.S. Article 2166a and establishes the priorities for setting hearings and trials in trial court.

Section 32(g) also states that the "prosecution shall proceed with all due diligence." The revised law omits the quoted phrase as unnecessary.

The omitted law reads:

(g) Any case now or hereafter pending on the docket of any court involving prosecution under any provision of this Act shall be given precedence on the docket of such court and prosecution shall proceed with all due diligence.

(2) Section 37, V.A.C.S. Article 6701h, appropriates funds for the state fiscal biennium ending August 31, 1953, specifies the uses to which the funds were to be put, and requires the director of the department to submit an itemized budget covering that period. The provision is omitted from the revised law as executed; it is reasonable to assume that any issue relating to the 1952-1953 appropriation has been resolved in the intervening decades. The omitted law reads:

Sec. 37. There is hereby
appropriated out of the Operator's and Chauffeur's License Fund such money as may be necessary for the purpose of defraying the expenses of this Act through the biennium ending August 31, 1953, not to exceed the sum of Three Hundred Thousand Dollars ($300,000) for the fiscal year ending August 31, 1952 and not to exceed the sum of Two Hundred Thousand Dollars ($200,000) for the fiscal year ending August 31, 1953. So much money as is necessary to administer this Act shall be used for the employment of necessary clerical and administrative help and for defraying the necessary expenses incident to travel, rental and any judicial hearings relative to court review, and including printing of all necessary forms required by this Act, and including the purchase through bids taken by the Board of Control of all necessary furniture, fixtures and equipment of any nature; provided the number of employees and the salaries of each shall be consistent with the number of employees and the salaries of each as fixed by the Legislature in the Biennial Departmental Appropriation Bill for like service. The Director of the Department shall prepare a budget covering operations through August 31, 1953, and submit the same for approval of the Legislative Budget Board and no warrants may be issued by the Comptroller until the same shall have been approved. Such budget shall be itemized.

(3) The revised law omits as unnecessary Section 39, V.A.C.S. Article 6701h, which states that the act (meaning V.A.C.S. Article 6701h) is not a repeal of the motor vehicle laws of this state but is supplemental to those laws. An accepted general principle of statutory construction requires a statute to be treated as supplemental to other statutes, that is, to be given cumulative effect, unless it provides otherwise or unless the statutes are in conflict. The general principle applies to this revision. The omitted law reads:

Sec. 39. This Act shall in no respect be considered as a repeal of the motor vehicle laws of this State but shall be construed as supplemental thereto.

(4) The revised law omits as executed Section 40, V.A.C.S. Article 6701h, which provides that that article does not apply to an accident arising before
the effective date of the article. The article took
effect January 1, 1952. Matters relating to accidents
occurring before the effective date of the article have
been resolved in the more than 40 intervening years,
and application of this chapter to such an accident is
no longer possible under the chapter's own terms. The
omitted law reads:

Sec. 40. This Act shall not apply
with respect to any accident, or judgment
arising therefrom, or violation of the
motor vehicle laws of this State, occurring
prior to the effective date of this Act.

(5) The revised law omits as unnecessary Section
41, V.A.C.S. Article 6701h. This provision states that
the article may not be construed as preventing a
plaintiff from relying on relief available under other
law. In other words, Section 41 states that the
article is to be given cumulative effect for these
purposes. An accepted general principle of statutory
construction requires a statute to be given cumulative
effect with other statutes unless it provides otherwise
or unless the statutes are in conflict. The general
principle applies to this revision. The omitted law
reads:

Sec. 41. Nothing in this Act shall
be construed as preventing the plaintiff in
any action at law from relying for relief
upon the other processes provided by law.

(6) The revision omits Section 42, V.A.C.S.
Article 6701h, providing that the article is severable,
because that provision duplicates Section 311.032,
Government Code (Code Construction Act), applicable to
the revised law, and Section 312.013, Government Code.
These provisions state that a provision of a statute is
severable from each other provision of the statute that
can be given effect. The omitted law reads:

Sec. 42. If any part or parts of
this Act shall be held unconstitutional,
such unconstitutionality shall not affect
the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

[Chapters 602-620 reserved for expansion]

SUBTITLE E. VEHICLE SIZE AND WEIGHT

CHAPTER 621. GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT

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SUBTITLE E. VEHICLE SIZE AND WEIGHT
CHAPTER 621. GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT
SUBCHAPTER A. GENERAL PROVISIONS

Revised Law
Sec. 621.001. DEFINITIONS. In this chapter:

(1) "Commercial motor vehicle" means a motor vehicle, other than a motorcycle, designed or used for:

(A) the transportation of property; or
(B) delivery purposes.

(2) "Commission" means the Texas Transportation Commission.

(3) "Department" means the Texas Department of Transportation.

(4) "Director" means the executive director of the Texas Department of Transportation.

(5) "Motor vehicle" means a vehicle that is self-propelled.

(6) "Semitrailer" means a vehicle without motive power that is designed, or used with a motor vehicle, so that some of its weight and the weight of its load rests on or is carried by the motor vehicle.

(7) "Trailer" means a vehicle without motive power that is:
(A) designed or used to carry property or passengers on its own structure exclusively; and

(B) drawn by a motor vehicle.

(8) "Truck-tractor" means a motor vehicle designed or used primarily for drawing another vehicle:

(A) that is not constructed to carry a load other than a part of the weight of the vehicle and load being drawn; or

(B) that is engaged with a semitrailer in the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.

(9) "Vehicle" means a mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on, or by which a person or property can be transported on a public highway. The term includes a motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semitrailer but does not include manufactured housing as defined by the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6701d-11, Secs. 1, 1A; New.)

Source Law

Sec. 1. The following words and phrases, when used in this Act, shall, for the purpose of this Act, have the meanings respectively ascribed to them in this section, as follows:

(1) "Vehicle." Every mechanical device, in, upon or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, truck-tractors, trailers, and semi-trailers, severally, as hereinafter defined, but excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(2) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(3) "Commercial Motor Vehicle." Any motor vehicle other than a motorcycle, designed or used for the transportation of property, including every vehicle used for delivery purposes.

(4) "Truck-tractors." Every motor vehicle designed or used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, except that the term includes a motor vehicle that is otherwise a truck-tractor, that is engaged with a semi-trailer in the transportation of automobiles or
boats, and that transports motor vehicles or boats on part of the truck-tractor.

(5) "Trailer." Every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(6) "Semi-trailer." Every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.

(7) "Department." The State Department of Highways and Public Transportation of this State acting directly or through its duly authorized officers and agents.

Sec. 1A. "Manufactured Housing" as defined by the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) is not a "vehicle" subject to this Act.

Revisor's Note

The definitions of "commission" and "director" are added to the revised law as a drafting convenience and to eliminate unnecessary repetition of the substance of the definition.

Revised Law

Sec. 621.002. VEHICLE REGISTRATION RECEIPT FOR CERTAIN HEAVY VEHICLES. (a) A copy of the registration receipt issued under Section 502.178 for a commercial motor vehicle, truck-tractor, trailer, or semitrailer shall be:

(1) carried on the vehicle when the vehicle is on a public highway; and

(2) presented to an officer authorized to enforce this chapter on request of the officer.

(b) A copy of the registration receipt is:

(1) admissible in evidence in any cause in which the gross registered weight of the vehicle is an issue; and

(2) prima facie evidence of the gross weight for which the vehicle is registered. (V.A.C.S. Art. 6701d-11, Sec. 5(a) (part).)

Source Law

Sec. 5(a). ... A copy of said receipt shall be carried at all times on any such vehicle while same is upon the public highway.
The copy of the registration license receipt above required shall be admissible in evidence in any cause in which the gross registered weight of such vehicle is an issue, and shall be prima facie evidence of the gross weight for which such vehicle is registered. Such copy of the registration license receipt shall be displayed to any officer authorized to enforce this Act, upon request by such officer.

Revisor's Note
The provisions relating to the issuance of a registration receipt are provided by V.A.C.S. Article 6675a-3 et seq., codified in Section 502.178 of this code. The revised law is drafted accordingly.

Revised Law
Sec. 621.003. RECIPROCAL AGREEMENT WITH ANOTHER STATE FOR ISSUANCE OF PERMITS. (a) The commission by rule may authorize the director to enter into with the proper authority of another state an agreement that authorizes:

(1) the authority of the other state to issue on behalf of the department to the owner or operator of a vehicle, or combination of vehicles, that exceeds the weight or size limits allowed by this state a permit that authorizes the operation or transportation on a highway in this state of the vehicle or combination of vehicles; and

(2) the department to issue on behalf of the authority of the other state to the owner or operator of a vehicle, or combination of vehicles, that exceeds the weight or size limits allowed by that state a permit that authorizes the operation or transportation on a highway of that state of the vehicle or combination of vehicles.

(b) A permit issued by the authority of another state under an agreement entered into under this section has the same validity in this state as a permit issued by the department.

(c) The holder of a permit issued by the authority of another state under an agreement entered into under this section is subject to all applicable laws of this state and rules of the
Art. 6675a-6f
Sec. 1. In this Act:
(1) "Commission" means the Texas Transportation Commission.
(2) "Department" means the Texas Department of Transportation.
(3) "Director" means the executive director of the Texas Department of Transportation.
(4) "Permit" means:
(A) a permit issued by the department to the owner or operator of a vehicle or combination of vehicles that authorizes the operation or transportation on a highway in this state of a vehicle or combination of vehicles that exceeds the weight or size limits allowed by this state; or
(B) a permit issued by the proper authority in another state to the owner or operator of a vehicle or combination of vehicles that authorizes the operation or transportation on a highway of that state of a vehicle or combination of vehicles that exceeds the weight or size limits allowed by that state.
Sec. 2. The commission by rule may authorize the director to enter into an agreement with the proper authority of another state that authorizes that authority to issue a permit on behalf of the department and authorizes the department to issue a permit on behalf of the proper authority of the other state.
Sec. 3. The department may adopt rules to administer this Act.
Sec. 6. (a) A permit issued by the proper authority in another state under an agreement entered into by the director and that authority under this Act has the same validity in this state as a permit issued by the department.
(b) The holder of a permit issued by the proper authority in another state under this Act is subject to all applicable laws of this state and all applicable rules of the department.

Revisor's Note
(1) Definitions for "commission," "department," and "director" are provided by Section 621.001 and are applicable to the entire chapter. Those definitions have been omitted from the revised law for this section because they are unnecessary.
(2) Section 3, V.A.C.S. Article 6675a-6f, provides that "[t]he department may adopt rules to administer" Article 6675a-6f. Section 201.101 of this code provides that the commission rather than the
department adopts rules for the administration of the department, and the revised law is drafted accordingly.

Revised Law

Sec. 621.004. ADMISSIBILITY OF CERTIFICATE OF VERTICAL CLEARANCE. In each civil or criminal proceeding in which a violation of this chapter may be an issue, a certificate of the vertical clearance of a structure, including a bridge or underpass, signed by the director is admissible in evidence for all purposes. (V.A.C.S. Art. 6701d-11, Sec. 3(b) (part).)

Source Law

(b) ... In every case or proceeding, civil and criminal, in which a violation of this Act may be an issue, a certificate signed by the State Highway Engineer as to such vertical clearance shall be admissible in evidence for all purposes. . . .

Revisor's Note

The title State Highway Engineer was changed by statute several times, eventually becoming the executive director of the Texas Department of Transportation. Section 621.001 of this code defines director as the executive director of the department for this chapter.

Revised Law

Sec. 621.005. EFFECT OF INCREASED LIMITS BY UNITED STATES. If the United States prescribes or adopts vehicle size or weight limits greater than those prescribed by 23 U.S.C. Section 127 on March 18, 1975, for the national system of interstate and defense highways, the increased limits apply to the national system of interstate and defense highways in this state. (V.A.C.S. Art. 6701d-11, Sec. 5(a)(3) (part).)

Source Law

(3) ... If the federal government prescribes or adopts vehicle size or weight limits greater than those now prescribed by 23 U.S.C. Section 127 for the national system of interstate and defense highways, the increased limits shall become effective
on the national system of interstate and defense highways in this state.

Revisor's Note

Section 5(a)(3), V.A.C.S. Article 6701d-11, took effect March 18, 1975. It refers to the limits "now prescribed" by federal law. The revised law substitutes the effective date of the provision for "now."

Revised Law

Sec. 621.006. RESTRICTED OPERATION ON CERTAIN HOLIDAYS. The department by rule may impose restrictions on the weight and size of vehicles to be operated on state highways on the following holidays only:

(1) New Year's Day;
(2) Memorial Day;
(3) Independence Day;
(4) Labor Day;
(5) Thanksgiving Day; and
(6) Christmas Day. (V.A.C.S. Art. 6701a, Sec. 6.)

Source Law

Sec. 6. The State Department of Highways and Public Transportation by rule may impose reasonable restrictions regarding the weight and size of vehicles to be operated on state highways on the following holidays only:

(1) New Year's Day;
(2) Memorial Day;
(3) Independence Day;
(4) Labor Day;
(5) Thanksgiving Day; and
(6) Christmas Day.

Revisor's Note

(1) Section 6, V.A.C.S. Article 6701a, refers to the "State Department of Highways and Public Transportation." The revised law substitutes "department" for "State Department of Highways and Public Transportation" for the reason stated in the
revisor's note to Section 201.003 of this code.

(2) Section 6, V.A.C.S. Article 6701a, provides that the department may impose "reasonable" restrictions regarding the weight and size of vehicles. The revised law omits as unnecessary "reasonable" because by implication the department may not impose unreasonable restrictions.

[Sections 621.007-621.100 reserved for expansion]

SUBCHAPTER B. WEIGHT LIMITATIONS

Revised Law

Sec. 621.101. MAXIMUM WEIGHT OF LOAD. (a) A vehicle or combination of vehicles may not be operated over or on a public highway outside the territory of a municipality or over or on a state-maintained public highway inside the territory of a municipality if the vehicle or combination has:

(1) an axle that carries a load heavier than:
   (A) 16,000 pounds on high-pressure tires; or
   (B) 20,000 pounds on low-pressure tires,
   including all enforcement tolerances;
(2) a tandem axle weight heavier than 34,000 pounds, including all enforcement tolerances;
(3) an overall gross weight on a group of two or more consecutive axles heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds:

\[ W = 500 \left( \frac{L}{N - 1} \right) + 12N + 36 \]

where:
"W" is maximum overall gross weight on the group;
"L" is distance in feet between the axles of the group that are the farthest apart; and
"N" is number of axles in the group;
(4) a weight heavier than:
   (A) 600 pounds for each inch of tire width
concentrated on the surface of the highway on a wheel using high-pressure tires; or

(B) 650 pounds for each inch of tire width

concentrated on the surface of the highway on a wheel using low-pressure tires; or

(5) a wheel that carries a load heavier than:

(A) 8,000 pounds on high-pressure tires; or

(B) 10,000 pounds on low-pressure tires.

(b) Notwithstanding Subsection (a)(3), two consecutive sets of tandem axles may carry a gross load of not more than 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets is 36 feet or more. The overall gross weight on a group of two or more consecutive axles may not be heavier than 80,000 pounds, including all enforcement tolerances.

(c) This section does not:

(1) authorize size or weight limits on the national system of interstate and defense highways in this state greater than those permitted under 23 U.S.C. Section 127; or

(2) prohibit the operation of a vehicle or combination of vehicles that could be lawfully operated on a highway or road of this state on December 16, 1974.

(d) For the purposes of this section, the load carried on an axle is the total load transmitted to the road by all wheels the centers of which can be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. (V.A.C.S. Art. 6701d-11, Sec. 5(a) (part).)

Source Law

Sec. 5. (a) Except as otherwise provided by law, no vehicle, truck-tractor, trailer or semitrailer, nor combination of such vehicles, shall be operated over, on, or upon the public highways outside the limits of an incorporated city or town, or over, on, or upon the state-maintained public highways inside the limits of an incorporated city or town, having a weight in excess of one or more of the following limitations:

(1) No such vehicle nor combination of vehicles shall have a greater weight than twenty thousand (20,000) pounds carried on any one axle, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand (34,000)
pounds, including all enforcement tolerances; or with
an overall gross weight on a group of two or more
consecutive axles produced by application of the
following formula:
\[ W = \frac{500 \ln L + 12N + 36}{N-1} \]

where \( W \) = overall gross weight on any group of two or
more consecutive axles to the nearest 500 pounds, \( L \) =
distance in feet between the extreme of any group of
two or more consecutive axles, and \( N \) = number of axles
in group under consideration except that two
consecutive sets of tandem axles may carry a gross load
of 34,000 pounds each providing the overall distance
between the first and last axles of such consecutive
sets of tandem axles is thirty-six (36) feet or more;
provided, that such overall gross weight may not exceed
eighty thousand (80,000) pounds, including all
enforcement tolerances.

(2) No such vehicle nor combination of
vehicles shall have a greater weight than six hundred
(600) pounds per inch width of tire upon any wheel
concentrated upon the surface of the highway and using
high-pressure tires, and a greater weight than six
hundred and fifty (650) pounds per inch width of tire
upon any wheel concentrated upon the surface of the
highway and using low-pressure tires, and no wheel
shall carry a load in excess of eight thousand (8,000)
pounds on high-pressure tires and ten thousand (10,000)
pounds on low-pressure tires, nor any axle a load in
excess of sixteen thousand (16,000) pounds on
high-pressure tires, and twenty thousand (20,000)
pounds on low-pressure tires.

(3) Nothing in this section shall be
construed as permitting size or weight limits on the
national system of interstate and defense highways in
this state in excess of those permitted under 23 U.S.C.
Section 127. . .

(4) Nothing in this section shall be
construed to deny the operation of any vehicle or
combination of vehicles that could be lawfully operated
upon the highways and roads of this state on December
15, 1974.

(5) In this section, an axle load is
defined as the total load transmitted to the road by
all wheels whose centers may be included between two
(2) parallel transverse vertical planes forty (40)
inches apart, extending across the full width of the
vehicle. Tandem axle group is defined as two (2) or
more axles spaced forty (40) inches or more apart from
center to center having at least one (1) common point
of weight suspension.

Revisor's Note

(1) Before 1975, Section 5, V.A.C.S. Article
6701d-11, provided a maximum weight for a "tandem axle
group" and defined that term. Chapter 18, Acts of the
64th Legislature, Regular Session, 1975, removed that
limitation but left the definition. The definition has
been omitted from the revised law because that term is
no longer used in Section 5.

(2) Section 5, V.A.C.S. Article 6701d-11, refers to "an incorporated city or town." The revised law substitutes the term "municipality" for "incorporated city or town" because that is the term used in the Local Government Code.

Revised Law

Sec. 621.102. COMMISSION'S AUTHORITY TO SET MAXIMUM WEIGHTS.

(a) The commission may set the maximum gross weight of a vehicle and its load, maximum gross weight of a combination of vehicles and loads, maximum axle load, or maximum wheel load that may be moved over a farm or ranch road if the commission finds that heavier maximum weight would rapidly deteriorate or destroy the road or a bridge or culvert along the road. A maximum weight or load set under this subsection may not exceed the maximum set by statute for that weight or load.

(b) The commission must set a maximum weight under this section by order entered in its minutes.

(c) The commission must make the finding under this section on an engineering and traffic investigation and in making the finding shall consider the width, condition, and type of pavement structures and other circumstances on the road.

(d) A maximum weight or load set under this section becomes effective on a highway or road when appropriate signs giving notice of the maximum weight or load are erected on the highway or road under order of the commission.

(e) This section does not affect a law that authorizes or provides for a special permit for a weight heavier than the maximum weight provided by law.

(f) For the purpose of this section, a farm or ranch road is a state highway that is shown in the records of the commission to be a farm-to-market or ranch-to-market road. (V.A.C.S. Art. 6701d-11, Secs. 5-1/2(a), (d).)
Sec. 5-1/2. (a) The Texas Transportation Commission shall have the power and authority upon the basis of an engineering and traffic investigation to determine and fix the maximum gross weight of vehicle, or combination thereof, and load as well as the maximum axle and wheel loads, to be transported or moved on, over or upon any State highway or any road that has been classified by the Texas Transportation Commission and shown by the records of the Commission as a Farm-to-Market or Ranch-to-Market road under the jurisdiction of the Texas Transportation Commission, at less than the maximums hereinbefore fixed by law, taking into consideration the width, condition and type of pavement structures and other circumstances on such road, when it is found that greater maximum weights would tend to rapidly deteriorate or destroy the roads, bridges or culverts along the particular road or highway sought to be protected. Whenever the Texas Transportation Commission shall determine and fix the maximum gross weight of vehicle, or combination thereof, and load or maximum axle and wheel loads, which may be transported or moved on, over or upon any such State Highway or Farm-to-Market or Ranch-to-Market road at a less weight than the respective maximums hereinbefore set forth in this Act and shall declare such maximums by proper order of the Commission entered on its minutes, such gross weight of vehicle, or combination thereof, and load and maximum axles and wheel loads shall become effective and operative on said highway or road when appropriate signs giving notice thereof are erected under the order of the Commission on such State highway or Farm-to-Market or Ranch-to-Market road.

(d) Provided, however, that nothing in this Act shall in anywise alter, amend or repeal any law of this State authorizing or providing for special permits for weights in excess of those provided by law or fixed under this Act.

[Sections 621.103-621.200 reserved for expansion]

SUBCHAPTER C. SIZE LIMITATIONS

Sec. 621.201. MAXIMUM WIDTH. (a) The total width of a vehicle operated on a public highway other than a vehicle to which Subsection (b) applies, including a load on the vehicle but excluding any safety device determined by the United States Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles of that type, may not be greater than 102 inches.

(b) The total width of a passenger vehicle and its load may not be greater than eight feet. This subsection does not apply to
a motor bus or trolley bus operated exclusively in the territory of a municipality, in suburbs contiguous to the municipality, or in the county in which the municipality is located.

(c) A passenger vehicle may not carry a load extending more than three inches beyond the left side line of its fenders or more than six inches beyond the right side line of its fenders.

(V.A.C.S. Art. 6701d-11, Secs. 3(a)(1), (a)(3)(A), (e).)

Source Law

Sec. 3. (a)(1) Except as provided by Subdivision (2) of this subsection, it shall be unlawful to operate a vehicle on a public highway if the total outside width of the vehicle exceeds one hundred and two (102) inches, including any load on the vehicle, but excluding any safety device determined by the Federal Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles of that type.

(3)(A) The width of a motor bus or trolley bus operated exclusively in the limits of an incorporated city or town, in suburbs contiguous to the city or town, or in the county in which the city or town is located may not exceed one hundred and two (102) inches.

(e) No passenger vehicle shall carry any load extending more than three (3) inches beyond the line of the fenders on the left side of such vehicle, nor extending more than six (6) inches beyond the line of the fenders on the right side thereof; provided, that the total over-all width of such passenger vehicle shall in no event exceed ninety-six (96) inches, including any and all such load.

Revisor's Note

Section 3(a)(3)(A), V.A.C.S. Article 6701d-11, refers to "an incorporated city or town." The revised law substitutes the term "municipality" for "incorporated city or town" because that is the term used in the Local Government Code.

Revised Law

Sec. 621.202. COMMISSION'S AUTHORITY TO SET MAXIMUM WIDTH.

(a) To comply with safety and operational requirements of federal law, the commission by order may set the maximum width of a vehicle, including the load on the vehicle, at eight feet for a
designated highway or segment of a highway if the results of an engineering and traffic study that includes an analysis of structural capacity of bridges and pavements, traffic volume, unique climatic conditions, and width of traffic lanes support the change.

(b) An order under this section becomes effective on the designated highway or segment when appropriate signs giving notice of the limitations are erected.

(c) This section is intended to comply with the Surface Transportation Assistance Act of 1982 (23 U.S.C.A. Section 101 et seq.) and is conditioned on that Act and federal regulations implementing that Act. (V.A.C.S. Art. 6701d-11, Sec. 3-1/2.)

Source Law

Sec. 3-1/2. (a) The State Highway and Public Transportation Commission may, on the basis of an engineering and traffic study, fix a maximum vehicle width of ninety-six (96) inches, including any load thereon for a highway or segment of a highway that the commission by order may designate in order to comply with safety and operational requirements of Federal law. The study shall include an analysis of structural capacity of bridges and pavements, traffic volume, unique climatic conditions, and width of traffic lanes. An order under this Section becomes effective and operative on a designated highway when appropriate signs giving notice of the width limitations are erected.

(b) It is the intent of the Legislature to comply with the Surface Transportation Assistance Act of 1982 (Public Law 97-424), and this Section shall be and is conditioned upon the provisions of the said Federal Public Law and implementing Federal regulations as may from time to time be issued or amended.

Revised Law

Sec. 621.203. MAXIMUM LENGTH OF MOTOR VEHICLE. (a) A motor vehicle, other than a truck-tractor, may not be longer than 45 feet.

(b) A motor bus as defined by Section 502.001 that is longer than 35 feet but not longer than 45 feet may be operated on a highway if the motor bus is equipped with air brakes and has either three or more axles or a minimum of four tires on the rear axle.

(c) The limitation prescribed by Subsection (a) does not
apply to a house trailer or a combination of a house trailer and a motor vehicle if the owner of the house trailer has paid all taxes, including ad valorem taxes, and fees due and payable on the house trailer under the laws of this state. A house trailer and motor vehicle combination may not be longer than 65 feet.

(d) In this section, "house trailer" means a living quarters that is equipped and used for sleeping and eating and that may be moved over a public highway by being pulled behind a motor vehicle.

(V.A.C.S. Art. 6701d-11, Sec. 3(c)(1) (part).)

Source Law

(c)(1) No motor vehicle, other than a truck-tractor, shall exceed a length of forty-five (45) feet. ... Motor buses as defined in Section 1, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1, Vernon's Texas Civil Statutes), exceeding thirty-five (35) feet in length, but not exceeding forty-five (45) feet in length, may be lawfully operated over the highways of this state if such motor buses are equipped with air brakes and have either three or more axles or a minimum of four (4) tires on the rear axle. The limitations in this subdivision shall not apply to any house trailer or to any combination of a house trailer and a motor vehicle, but no house trailer and motor vehicle combination shall exceed a total length of sixty-five (65) feet. "House trailer" as used herein means a living quarters equipped and used for sleeping and eating and which may be moved from one location to another over a public highway by being pulled behind a motor vehicle. No house trailer, as the same is defined herein, shall be entitled to the exemption contained in this Subsection unless the owner thereof shall have paid all taxes, including ad valorem taxes, and fees due and payable under the laws of this state, levied on said house trailer.

Revisor's Note

Section 3(c)(1), V.A.C.S. Article 6701d-11, refers to "Section 1, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1, Vernon's Texas Civil Statutes)." That provision is codified as Section 502.001 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 621.204. MAXIMUM LENGTH OF SEMITRAILER OR TRAILER. (a)
A semitrailer that is operated in a truck-tractor and semitrailer combination may not be longer than 59 feet.

(b) A semitrailer or trailer that is operated in a truck-tractor, semitrailer, and trailer combination may not be longer than 28-1/2 feet.

(c) The limitations prescribed by this section do not include any safety device determined by regulation of the United States Department of Transportation or by rule of the Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles.

(d) The limitations prescribed by this section do not apply to a semitrailer or trailer that has the dimensions of a semitrailer or trailer, as appropriate, that was being operated lawfully in this state on December 1, 1982. (V.A.C.S. Art. 6701d-11, Secs. 3(c)(2)-(4).)

(2) A semi-trailer may not exceed a length of fifty-nine (59) feet when operated in a truck-tractor and semi-trailer combination. A semi-trailer or trailer may not exceed a length of twenty-eight and one-half (28 1/2) feet when operated in a truck-tractor, semi-trailer, and trailer combination.

(3) The length limitations in this subsection do not include any safety device determined by regulation of the Department of Transportation or by rule of the Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles.

(4) The length limitations in this subsection for semi-trailers and trailers do not apply to semi-trailers or trailers of such dimensions as those that were being actually and lawfully operated in this State on December 1, 1982.

Sec. 621.205. MAXIMUM LENGTH OF VEHICLE COMBINATIONS. (a) Except as provided by this section, a combination of not more than three vehicles, including a truck and semitrailer, truck and trailer, truck-tractor and semitrailer and trailer, or a truck-tractor and two trailers, may be coupled together if the combination of vehicles, other than a truck-tractor combination, is not longer than 65 feet.
(b) A passenger car or another motor vehicle that has an unloaded weight of less than 2,500 pounds may not be coupled with more than one other vehicle or towing device at one time. This subsection does not apply to the towing of a disabled vehicle to the nearest intake place for repair.

(c) A motor vehicle, including a passenger car, that has an unloaded weight of 2,500 pounds or more may be coupled with a towing device and one other vehicle.

(d) In this section:

(1) "Passenger car" means a motor vehicle designed to transport 10 or fewer persons simultaneously.

(2) "Towing device" means a device used to tow a vehicle behind a motor vehicle by supporting one end of the towed vehicle above the surface of the road and permitting the wheels at the other end of the towed vehicle to remain in contact with the road. (V.A.C.S. Art. 6701d-11, Secs. 3(c)(1) (part), (c-1).)
Revised Law

Sec. 621.206. MAXIMUM EXTENDED LENGTH OF LOAD; SAFETY INDICATOR. (a) A vehicle or combination of vehicles may not carry a load that extends more than three feet beyond its front or more than four feet beyond its rear.

(b) If the load, drawbar, or coupling on a vehicle extends beyond the rear of the bed or body of the vehicle, a red flag that is at least 12 inches long and at least 12 inches wide shall be displayed at the end of the load or extension so that the flag is clearly visible at all times from the rear of the load or extension, except that between one-half hour after sunset and one-half hour before sunrise, a red light, plainly visible under normal atmospheric conditions at least 500 feet from the rear of the vehicle, shall be displayed at the end of the load or extension. (V.A.C.S. Art. 6701d-11, Secs. 3(d), 4.)

Source Law

[Sec. 3]
(d) No train or combination of vehicles or vehicle operated alone shall carry any load extending more than three (3) feet beyond the front thereof, nor, except as hereinbefore provided, more than four (4) feet beyond the rear thereof.

Sec. 4. Wherever the load or drawbar or coupling on any vehicle shall extend beyond the rear or the bed or body thereof, there shall be displayed at the end of such load or extension, in such position as to be clearly visible at all times from the rear of such load or extension, a red flag not less than twelve (12) inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load or extensions a red light, plainly visible under normal atmospheric conditions at least five hundred (500) feet from the rear of such vehicle.

Revisor's Note

Section 3(d), V.A.C.S. Article 6701d-11, provides that "except as hereinbefore provided" a vehicle or combination of vehicles may not carry a load that extends more than four feet beyond its rear. The quoted language is omitted from the revised law because Article 6701d-11 does not provide an exception to this.
Sec. 621.207. MAXIMUM HEIGHT. (a) A vehicle and its load may not be higher than 14 feet.

(b) The operator of a vehicle that is higher than 13 feet 6 inches shall ensure that the vehicle will pass through each vertical clearance of a structure in its path without touching the structure.

(c) Any damage to a bridge, underpass, or similar structure that is caused by the height of a vehicle is the responsibility of the owner of the vehicle. (V.A.C.S. Art. 6701d-11, Sec. 3(b) (part)).

Sec. 621.301. COUNTY'S AUTHORITY TO SET MAXIMUM WEIGHTS. (a) The commissioners court of a county may establish load limits for any county road or bridge.

(b) The commissioners court may limit the maximum weights to be moved on or over a county road, bridge, or culvert by exercising its authority under this subsection in the same manner and under the same conditions provided by Section 621.102 for the commission to limit maximum weights on highways and roads to which that section applies.

(c) The commissioners court shall record an action under
Subsection (b) in its minutes.

(d) A maximum weight set under this section becomes effective on a road when appropriate signs giving notice of the maximum weight are erected on the road under order of the commissioners court.

(e) This section does not affect a law that authorizes or provides for special permits for a weight heavier than the maximum weight provided by law. (V.A.C.S. Art. 6701d-11, Secs. 5-1/2(b), (d)).

Source Law

(b) The Commissioners Court of any county shall have the same power and authority to limit the maximum weights to be transported or moved on, or upon any county road, bridge or culvert that is given by this Act to the Texas Transportation Commission with respect to State highways and State Farm-to-Market and Ranch-to-Market roads. The Commissioners Court shall exercise its authority with respect to county roads in the same manner and under the same conditions as provided herein for the Texas Transportation Commission with respect to highways and roads under its jurisdiction, and its action shall be entered on its minutes and become effective and operative on county roads when appropriate signs giving notice thereof are erected on such roads in accordance with the order of the Commissioners Court.

[(d) Provided, however, that nothing in this Act shall in anywise alter, amend or repeal any law of this State authorizing or providing for special permits for weights in excess of those provided by law or fixed under this Act.]

Revised Law

Sec. 621.302. EXCEPTION TO COUNTY'S WEIGHT LIMITATIONS. A maximum weight set under Section 621.301 does not apply to a vehicle delivering groceries or farm products to a destination requiring travel over a road for which the maximum is set. (V.A.C.S. Art. 6701d-11, Sec. 5-1/2(e) (part).)

Source Law

(e) Provided, further, that this Section shall not apply to vehicles making deliveries of groceries, farm products, or liquefied petroleum gas to destinations requiring travel over such roads, provided however that any vehicle delivering liquefied petroleum gas to destinations requiring travel over a county road, bridge, or culvert shall not exceed the maximum weight limits established under Subsection (b) of this
Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT.

The governing body of any municipality may regulate the movement and operation on a public road, other than a state highway in the territory of the municipality, of:

(1) an overweight, oversize, or overlength commodity that cannot reasonably be dismantled; and

(2) superheavy or oversize equipment for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled. (V.A.C.S. Art. 6701d-11, Sec. 2(d).)

Sec. 621.351. ESCROW ACCOUNT FOR PREPAYMENT OF PERMIT FEES.

(a) The department may establish one or more escrow accounts in the state highway fund for the prepayment of a fee for a permit issued by the department that authorizes the operation of a vehicle and its load or a combination of vehicles and load exceeding size or weight limitations.

(b) The fees and any fees established by the department for the administration of this section shall be administered in accordance with an agreement containing terms and conditions agreeable to the department.

(c) The department shall deposit each fee established under
this section to the credit of the state highway fund. The fees may be appropriated only to the department for purposes of administering this section. (V.A.C.S. Art. 6701d-11b.)

Source Law

Art. 6701d-11b. (a) Definitions. (1) "Permit" means any permit issued by the Texas Department of Transportation, in accordance with law, authorizing the transportation of a vehicle and its load or a combination of vehicles and load that exceed legal size and weight limitations.

(2) "Department" means the Texas Department of Transportation.

(b) Escrow Accounts. The department may establish escrow accounts within the state highway fund for the prepayment of permit fees which shall be administered in accordance with an agreement containing such terms and conditions as may be agreeable to the department, including, but not limited to, such fees as may be established by the department for the administration of this Act. The department shall deposit fees imposed under this section in the state treasury to the credit of the state highway fund. The fees may be appropriated only to the department for purposes of administering this Act.

Reviser's Note

The definition of department is provided by Section 621.001 of this code and has been omitted in the revised law for this section as unnecessary.

Revised Law

Sec. 621.352. FEES FOR PERMITS ISSUED UNDER RECIPROCAL AGREEMENT. (a) The commission by rule may establish fees for the administration of Section 621.003 in an amount that, when added to the other fees collected by the department, does not exceed the amount sufficient to recover the actual cost to the department of administering that section. An administrative fee collected under this section shall be sent to the state treasurer for deposit to the credit of the state highway fund and may be appropriated only to the department for the administration of Section 621.003.

(b) A permit fee collected by the department under Section 621.003 for another state shall be sent to the state treasurer for deposit to the credit of the permit distributive account in the general revenue fund. The state treasurer shall distribute money
in the permit distributive account only to the proper authorities
of other states and only as directed by the department. (V.A.C.S.
Art. 6675a-6f, Secs. 4, 5.)

Source Law

Sec. 4. (a) Permit fees collected by the
department for another state under an agreement with
another state under this Act shall be remitted to the
state treasurer for deposit to the credit of an account
in the general revenue fund to be known as the permit
distributive account.
(b) The state treasurer shall distribute money
in the account only to the proper authorities of other
states and only as directed by the department.

Sec. 5. (a) The department by rule may
establish fees for the administration of this Act.
(b) Administrative fees authorized by Subsection
(a) of this section may not exceed the amount that is
sufficient, when added to the other fees collected by
the department, to recover the actual cost to the
department of administering this Act.
(c) Administrative fees collected by the
department under this section shall be remitted to the
state treasurer for deposit in the state highway fund
and may be appropriated only to the department for the
administration of this Act.

Reviser's Note

(1) V.A.C.S. Article 6675a-6f is revised in this
section and Section 621.003 of this code. Sections 4
and 5, V.A.C.S. Article 6675a-6f, refer to "this Act,"
and the revised law substitutes references to Section
621.003 of this code for those references.
(2) The revised law shifts the responsibility
for adopting rules setting fees for the administration
of this law from the department to the commission for
the reason stated in Reviser's Note (2) to Section
621.003 of this code.

Revised Law

Sec. 621.353. DISTRIBUTION OF FEE FOR PERMIT FOR EXCESS
WEIGHT. (a) The state treasurer shall send $50 of each fee
collected under Section 623.011 for an excess weight permit to the
counties of the state, with each county receiving an amount
determined according to the ratio of the total number of miles of
county roads maintained by the county to the total number of miles
of county roads maintained by all of the counties of this state.

(b) The state treasurer shall send the amount due each
county under Subsection (a) to the county treasurer or officer
performing the function of that office at least twice each fiscal
year.

(c) The county treasurer or officer shall deposit amounts
received under this section to the credit of the county road and
bridge fund. (V.A.C.S. Art. 6701d-11, Sec. 5B(e) (part).)

Source Law

(e) . . . The state treasurer shall remit $50
of each permit fee to the counties of the state, with
such amount to be distributed among the various
counties based on the ratio of the total number of
miles of county roads maintained by a county to the
total number of miles of county roads maintained by all
of the counties of this state. The state treasurer
shall remit the sums due each county under this
subsection to the county treasurer or officer
performing the function of that office of the county at
least twice in each fiscal year. The county treasurer
or officer shall deposit such amounts in the county
depository of his county to the credit of the County
Road and Bridge Fund.

Revisor's Note

Section 5B(e), V.A.C.S. Article 6701d-11,
provides that the county treasurer or officer shall
deposit amounts received under this section "in the
county treasury." The revised law omits the quoted
phrase as unnecessary because Section 116.113(a), Local
Government Code, requires the county treasurer to
deposit any money received in the county treasury.

Revised Law

Sec. 621.354. DISPOSITION OF FEES FOR PERMIT FOR MOVEMENT OF
CYLINDRICAL HAY BALES. The department shall deposit each fee
collected under Section 623.017 in the state treasury to the credit
of the state highway fund. (V.A.C.S. Art. 6701d-11, Sec.
3(a)(3)(B) (part).)
The department shall deposit the fees in the state treasury to the credit of the state highway fund.

Sec. 621.355. DISTRIBUTION OF FEES FOR REGISTRATION OF ADDITIONAL WEIGHT. (a) If an operator or owner is required to pay for registration of additional weight under Section 621.406 in a county other than the county in which the owner resides, the assessor-collector of the county in which the payment is made shall send the amount collected to the department for deposit to the credit of the state highway fund.

(b) The department shall send the county's share of the amount collected under Section 621.406 to the county in which the owner resides. (V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part).)

Provided further that when an operator or owner is required to purchase additional registration in a county other than the county in which the owner resides, the Tax Assessor-Collector of such county shall remit the fees collected for such additional registration to the State Highway Department to be deposited in the State Highway Fund. It shall be the duty of the State Highway Department, and the necessary funds are hereby appropriated, to remit the counties' portion of such fees collected to the county of the residence of the owner.

Subdivision 1, Section 6, V.A.C.S. Article 6701d-11, refers to "Article 6675a, Section 2." That article was repealed in 1929 and the provision has been omitted from the revised law. The omitted provision reads:

... and it is provided further that the provisions of this Section will in no way conflict with Article 6675a, Section 2, of the Revised Statutes.

[Sections 621.356-621.400 reserved for expansion]
SUBCHAPTER F. ENFORCEMENT

Revised Law

Sec. 621.401. DEFINITION. In this subchapter, "weight enforcement officer" means:

(1) a license and weight inspector of the Department of Public Safety;
(2) a highway patrol officer;
(3) a sheriff or sheriff's deputy; or
(4) a municipal police officer in a municipality with a population of 100,000 or more. (V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part); New.)

Source Law

Sec. 6. Subdiv. 1. Any License and Weight inspector of the Department of Public Safety, any highway patrolman, any sheriff or his duly authorized deputy, or any municipal police officer in cities with population of 100,000 or more according to the most recent federal census . . . .

Revisor's Note

(1) The definition of "weight enforcement officer" is added as a drafting convenience to eliminate unnecessary repetition of the substance of the definition.

(2) Subdivision 1, Section 6, V.A.C.S. Article 6701d-11, describes a population number that is to be determined according to the most recent federal census. The revised law omits the reference to the federal census as unnecessary because Sections 311.005(3) (Code Construction Act) and 312.011(20), Government Code, define "population" as population according to the most recent federal decennial census, and that definition applies to the revised law.

(3) Subdivision 1, Section 6, V.A.C.S. Article 6701d-11, refers to cities. The revised law substitutes the term "municipality" for "city" because
that is the term used in the Local Government Code.

Revised Law

Sec. 621.402. WEIGHING LOADED VEHICLE. (a) A weight enforcement officer who has reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful may:

(1) weigh the vehicle using portable or stationary scales furnished or approved by the Department of Public Safety; or

(2) require the vehicle to be weighed by a public weigher.

(b) The officer may require that the vehicle be driven to the nearest available scales. (V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part).)

Source Law

[Subdiv. 1. Any License and Weight inspector of the Department of Public Safety, any highway patrolman, any sheriff or his duly authorized deputy, or any municipal police officer in cities with population of 100,000 or more according to the most recent federal census,] having reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the same by means of portable or stationary scales furnished or approved by the Department of Public Safety, or cause the same to be weighed by any public weigher, and to require that such vehicle be driven to the nearest available scales for the purpose of weighing.

Revised Law

Sec. 621.403. UNLOADING VEHICLE IF GROSS WEIGHT EXCEEDED. (a) If the gross weight of a motor vehicle weighed under Section 621.402 is heavier than the weight equal to the maximum gross weight authorized by law for that vehicle plus a tolerance allowance equal to five percent of that maximum weight, the weight enforcement officer shall require the operator or owner of the vehicle to unload a part of the load necessary to decrease the gross weight of the vehicle to a gross weight that is not heavier than the weight equal to the vehicle's maximum gross weight plus the applicable tolerance allowance.

(b) The operator or owner of the vehicle immediately shall
unload the vehicle to the extent necessary to reduce the gross
weight as required by Subsection (a), and the vehicle may not be
operated further over a public highway or road of this state until
the gross weight has been reduced as required by Subsection (a).
(V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part).)

Source Law

Subdiv. 1. ... In the event the gross weight
of such vehicle be found to exceed the maximum gross
weight authorized by law for that vehicle, plus a
tolerance allowance of five per cent (5%) of the gross
weight authorized by law for that vehicle, such license
and weight inspector, highway patrolman, sheriff or his
duly authorized deputy, or any municipal police officer
in cities with population of 100,000 or more according
to the most recent federal census, shall demand and
require the operator or owner of such motor vehicle to
unload such portion of the load as may be necessary to
decrease the gross weight of such vehicle to the
maximum authorized by law for that vehicle plus such
tolerance allowance, except as otherwise provided.
Such operator or owner shall forthwith unload such
vehicle to the extent necessary to reduce the gross
weight thereof to such lawful maximum and such vehicle
may not be operated further over the public highways or
roads of the State of Texas until the gross weight of
such vehicle has been reduced to a weight not in excess
of the maximum limit for that vehicle plus such
tolerance allowance. ...

Revised Law

Sec. 621.404. UNLOADING VEHICLE IF AXLE LOAD EXCEEDED. (a)
If the axle load of a motor vehicle weighed under Section 621.402
is heavier than the maximum axle load authorized by law for the
vehicle plus a tolerance allowance equal to five percent of that
maximum load, the weight enforcement officer shall require the
operator or owner of the vehicle to rearrange the vehicle's cargo,
if possible, to bring the vehicle's axles within the maximum axle
load allowed by law for that vehicle. If the requirement cannot be
satisfied by rearrangement of cargo, a part of the vehicle's load
shall be unloaded to decrease the axle load to a weight that is not
heavier than the maximum axle load allowed by law for the vehicle
plus the applicable tolerance allowance.

(b) The vehicle may not be operated further over the public
highways or roads of the state until the axle load of the vehicle
has been reduced as required by Subsection (a). (V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part)).

Source Law

Subdiv. 1. . . . In the event the axle load of any such vehicle be found to exceed the maximum authorized by law for that vehicle, plus a tolerance allowance of five per cent (5%) of the axle load authorized by law for that vehicle, such officer shall demand and require the operator or owner thereof to rearrange his cargo, if possible, to bring such vehicle and load within the maximum axle load authorized by law for that vehicle, and if this cannot be done by rearrangement of said cargo, then such portion of the load as may be necessary to decrease the axle load to the maximum authorized by law for that vehicle plus such tolerance allowance shall be unloaded before such vehicle may be operated further over the public highways or roads of the State of Texas . . . .

Revised Law

Sec. 621.405. UNLOADING EXCEPTIONS. (a) The operator or owner of a vehicle is not required to unload any part of the vehicle's load under Section 621.403 or 621.404 if the vehicle is:

(1) a motor vehicle loaded with timber, pulp wood, or agricultural products in their natural state being transported from the place of production to the place of marketing or first processing; or

(2) a vehicle crossing a highway as provided by Subchapter C, Chapter 623.

(b) The operator of a motor vehicle may proceed to the vehicle's destination without unloading the vehicle as required by Section 621.403 or 621.404 if:

(1) the vehicle is loaded with livestock; and

(2) the vehicle's destination is in this state.

(V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part), 6.)

Source Law

Subdiv. 1. . . . Provided, however, that if such load consists of livestock, then such operator shall be permitted to proceed to destination without being unloaded provided destination be within the State of Texas . . . .

Subdiv. 6. Notwithstanding Subdivision 1 of Section 6 of this Act, the operator or the owner of a motor vehicle loaded with timber or pulp wood or
agricultural products in their natural state being transported from the place of production to the place of market or first processing, the operator or owner of a vehicle crossing a highway as provided by Section 5 1/3 of this Act, or the operator or owner of a vehicle crossing a highway as provided by Section 5 2/3 of this Act, is not required to unload any portion of his load.

Revised Law

Sec. 621.406. ADDITIONAL GROSS WEIGHT REGISTRATION. (a) If the gross weight of the motor vehicle is not heavier than the maximum gross weight allowed for the vehicle but is heavier than the registered gross weight for the vehicle, the weight enforcement officer shall require the operator or owner of the vehicle to apply to the nearest available county assessor-collector to increase the gross weight for which the vehicle is registered to a weight equal to or heavier than the gross weight of the vehicle before the operator or owner may proceed.

(b) The vehicle may not be operated further over the public highways or roads of the state until the registered gross weight of the vehicle has been increased as required by Subsection (a) unless the load consists of livestock or perishable merchandise, in which event the operator or owner may proceed with the vehicle in the direction of the vehicle's destination to the nearest practical location at which the vehicle's load can be protected from damage or destruction before increasing the registered weight.

(c) If an operator or owner is found to be carrying a load that is heavier than the load allowed for the registered gross weight of the vehicle, the operator or owner shall pay for the registration of the additional weight for the entire period for which the vehicle is registered without regard to whether the owner or operator has been carrying similar loads from the date of purchase of the vehicle's current license registration for that registration period. (V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part).)
It is further provided that in the event the gross weight of the vehicle exceeds the registered gross weight, the License and Weight Inspector, State Highway Patrolman, Sheriff or his duly authorized Deputy, or any municipal police officer in cities with population of 100,000 or more according to the most recent federal census, shall require the operator or owner thereof to apply to the nearest available County Tax Assessor-Collector for additional registration in an amount that will cause his gross registration to be equal to the gross weight of the vehicle, provided such total registration shall not exceed gross weight allowed for such vehicle, before such operator or owner may proceed. Provided, however, that if such load consists of livestock or perishable merchandise then such operator or owner shall be permitted to proceed with his vehicle to the nearest practical point in the direction of his destination where his load may be protected from damage or destruction in the event he is required to secure additional registration before being allowed to proceed. It shall be conclusively presumed and deemed prima facie evidence that where an operator or owner is apprehended and found to be carrying a greater gross load than that for which he is licensed, permitted, or registered, he has been carrying similar loads from the date of purchase of his current license plates and will therefore be required to pay for the additional registration from the date of purchase of such license. . . .

Revisor's Note

Subdivision 1, Section 6, V.A.C.S. Article 6701d-11, provides that "[i]t shall be conclusively presumed and deemed prima facie evidence that where an operator or owner is apprehended and found to be carrying a greater gross load than that for which he is licensed, permitted, or registered, he has been carrying similar loads from the date of purchase of his current license plates and will therefore be required to pay for the additional registration from the date of purchase of such license." Black's Law Dictionary, 6th Edition, states that "no evidence, no matter how persuasive, can rebut" a conclusive presumption. Prima facie evidence is evidence that is sufficient on its face to establish a fact unless it is rebutted. The provisions concerning prima facie evidence and the conclusive presumption are omitted from the revised law as unnecessary and the consequence of a finding that a
vehicle is carrying an excessive load is stated more directly.

Revised Law
Sec. 621.407. FORMS; ACCOUNTING PROCEDURES. The department shall prescribe all forms and accounting procedures necessary to carry out Sections 621.401-621.406. (V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 1 (part).)

Source Law
Subdiv. 1. . . . It is further provided that all forms and accounting procedure necessary to carry out the provisions of this Section shall be prescribed by the State Highway Department.

Revised Law
Sec. 621.408. POWERS OF WEIGHT ENFORCEMENT OFFICERS. Except for the authority granted to a port-of-entry supervisor or inspector by Section 621.409, weight enforcement officers have exclusive authority:
(1) to enforce this subchapter in any area of this state other than in the territory of a municipality with a population of more than 100,000; and
(2) to enforce all weight limitations for a vehicle on a state-maintained public highway. (V.A.C.S. Art. 6701d-11, Sec. 6, Subdiv. 2.)

Source Law
Subdiv. 2. Except inside the limits of incorporated cities over 100,000 in population, the officers named in Subdivision 1 of this section are the only officers authorized to enforce the provisions of this Act. The officers have exclusive authority to enforce all weight limitations for a vehicle on a state-maintained public highway.

Revisor's Note
Subdivision 2, Section 6, V.A.C.S. Article 6701d-11, refers to "incorporated cities." The revised law substitutes the term "municipality" for
"incorporated city" because that is the term used in
the Local Government Code.

Revised Law

Sec. 621.409. WEIGHING OF LOADED VEHICLES BY PORT-OF-ENTRY
SUPERVISORS OR INSPECTORS. (a) A port-of-entry supervisor or
inspector employed by the Alcoholic Beverage Commission who has
reason to believe that the gross weight or axle load of a loaded
motor vehicle is unlawful may weigh the vehicle using portable or
stationary scales furnished or approved by the Department of Public
Safety.

(b) If the vehicle exceeds the maximum gross weight
authorized by law, plus the tolerance allowance provided by Section
621.403, the supervisor or inspector may prohibit the vehicle from
proceeding farther into the state. (V.A.C.S. Art. 6701d-11, Sec.
6A(a).)

Source Law

Sec. 6A. In addition to the authority
granted under Section 6 of this Act to certain officers
to weigh a loaded motor vehicle, a port-of-entry
supervisor or inspector employed by the Alcoholic
Beverage Commission who has reason to believe that the
gross weight or axle load of a loaded motor vehicle is
unlawful may weigh the vehicle by means of portable or
stationary scales furnished or approved by the Department of Public Safety. If the vehicle exceeds
the maximum gross weight authorized by law, plus the
tolerance allowance provided by Section 6, the
port-of-entry supervisor or inspector employed by the
Alcoholic Beverage Commission may prohibit the vehicle
from proceeding further into the state.

[Sections 621.410-621.500 reserved for expansion]

SUBCHAPTER G. OFFENSES AND PENALTIES

Revised Law

Sec. 621.501. FAILURE TO CARRY OR PRESENT VEHICLE LICENSE
RECEIPT. (a) A person commits an offense if the person fails in
violation of Section 621.002 to carry or present a vehicle
registration receipt.

(b) An offense under this section is a misdemeanor
punishable by a fine not to exceed $200. (V.A.C.S. Art. 6701d-11, Sec. 5(a) (part).)

Source Law

Sec. 5. (a) • • • The driver, owner operator, or other person operating or driving such vehicle, failing to comply with this provision of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding Two Hundred ($200.00) Dollars.

Revised Law

Sec. 621.502. PROHIBITIONS ON SIZE AND WEIGHT; RESTRICTIONS ON CONSTRUCTION AND EQUIPMENT. (a) A person may not operate or move a vehicle on a highway if:

(1) the vehicle's size is larger than the applicable maximum size authorized for that vehicle by this subtitle;

(2) the vehicle's weight, axle load, or wheel load is greater than the applicable weight or load authorized for that vehicle by this subtitle; or

(3) the vehicle is not constructed or equipped as required by this chapter.

(b) The owner of a vehicle the size of which or the weight, axle load, or wheel load of which is greater than the applicable maximum size, weight, or load authorized for that vehicle by this subtitle or a vehicle that is not constructed or equipped as required by this chapter may not cause or allow the vehicle to be operated or moved on a highway.

(c) A person may not transport on a vehicle a load the size or weight of which is more than the applicable maximum size, weight, or load authorized for that vehicle by this subtitle.

(d) Intent to operate a vehicle at a weight that is heavier than the weight authorized by a permit issued under Section 623.011 is presumed if:

(1) the vehicle is operated at a weight that is heavier than the applicable weight plus the tolerance allowance provided by Section 623.011(a); and
(2) a permit to operate at that weight has not been issued for the vehicle. (V.A.C.S. Art. 6701d-11, Secs. 2(a), 3(a)(4), 5-1/2(c) (part), 5B(f).)

Source Law

Sec. 2. (a) Except as otherwise provided by law, no person may drive, operate, or move, nor may the owner cause or permit to be driven, operated or moved, on any highway, any vehicle or vehicles of a size or weight exceeding the limitations stated in this Act, or any vehicle or vehicles which are not constructed or equipped as required by this Act, or transport thereon any load or loads exceeding the dimensions or weight prescribed in this Act.

[Sec. 3]

(4) No vehicle that exceeds the applicable width stated in this subsection for a particular highway shall be permitted to operate on a public highway except under a special permit issued for such movement as prescribed in Section 2 of this Act or in Chapter 41, General Laws of the Forty-first Legislature, 2nd Called Session, 1929, as amended (Article 6701a of Vernon's Texas Civil Statutes) or except as authorized in some other Statute permitting or regulating such movement.

[Sec. 5-1/2]

(c) It shall be unlawful for and constitute a misdemeanor for any person, corporation, receiver or association to drive, operate or move, or for the owner to cause or permit to be driven, operated or moved, on any such highway or road any vehicle, or combination of vehicles, which in any respect exceeds the maximum gross weight or maximum axle or wheel loads fixed for any such highway or road by the Texas Transportation Commission or a Commissioners Court in accordance with the terms of this Section.

[Sec. 5B]

(f) Operation of a vehicle for which a permit is issued under this section at a gross weight or axle weight that exceeds the amount authorized by the permit is a violation of this Act. Intent to operate at a weight that exceeds the amount authorized by the permit is presumed if the vehicle is operated at a weight that exceeds a tolerance provided by Subsection (b) of this section and a permit to operate at that weight has not been issued to the vehicle.

Reviser's Note

(1) Section 3(a)(4), V.A.C.S. Article 6701d-11, refers to "Chapter 41, General Laws of the Forty-first Legislature, 2nd Called Session, 1929, as amended (Article 6701a of Vernon's Texas Civil Statutes)." That provision is codified in Chapters 622 and 623 of
this code. This chapter of the revised law and
Chapters 622 and 623 of the code, all of which are
contained in this subtitle of the code, provide several
exceptions to the weight and size limitations provided
by this chapter and provide for special permits to
authorize the use of overweight or oversize vehicles.
Section 3(a)(4) recognizes these special cases by the
phrase "except as authorized in some other Statute"
and referring to the provisions that provide for the
special permits. The revised law recognizes the
exceptions and special authorization by substituting
references to the applicable maximum size, weight, or
load authorized for that vehicle by this subtitle, as
appropriate.

(2) Section 5-1/2(c), V.A.C.S. Article 6701d-11,
refers to "person, corporation, receiver or
association." The reference to "corporation, receiver
or association" is omitted from the revised law because
under Section 311.005(2), Government Code (Code
Construction Act), "person" is defined to include a
corporation or any other legal entity. That definition
applies to the revised law.

(3) Section 5B(f), V.A.C.S. Article 6701d-11,
refers to a permit issued "under this section" and to a
tolerance allowance provided by "Subsection (b) of this
section." Section 5B is revised in this section and
Section 623.011 of this code. Section 5B(b) is revised
as Section 623.011(a) of this code. The appropriate
citations to the revised law have been substituted for
the references to Section 5B.

Revised Law
Sec. 621.503. PROHIBITION OF LOADING MORE THAN WEIGHT
LIMITATION. (a) A person may not load a vehicle for operation on
a public highway of this state that exceeds the weight limitations
for operation of that vehicle provided by Section 621.101.

(b) Intent to violate a limitation is presumed if the weight
of the loaded vehicle is heavier than the applicable gross
vehicular weight limit or axle load limit by 15 percent or more.

(c) This section does not apply to the loading of an
agricultural or a forestry commodity before the commodity is
changed in processing from its natural state. (V.A.C.S.
Art. 6701d-11, Sec. 5(b), as amended by Chs. 488 and 1052, Acts
71st Leg., R.S., 1989.)

Source Law

[Ch. 488]
(b) No person shall load, or cause to be loaded,
a vehicle for operation on the public highways of this
state which exceeds the weight limitations for
operation of that vehicle. Intent to violate those
limitations is presumed if the loaded vehicle exceeds
the applicable weight limitation for operation of that
vehicle. This subsection does not apply to the loading
or causing to be loaded of an agricultural or a
forestry commodity prior to such point in the
processing of the commodity which changes the natural
state of the commodity.

[Ch. 1052]
(b) No person, firm, corporation, company,
co-partnership, or association shall load, or cause to
be loaded, a vehicle for operation on the public
highways of this state with the intent to violate the
weight limitations in Subsection (a) of this section.
Intent to violate those limitations is presumed if the
loaded vehicle exceeds by 15 percent or more the
applicable gross vehicular weight limit or axle load
limit. This subsection does not apply to the loading
or causing to be loaded of an agricultural or a
forestry commodity prior to the processing of the
commodity.

Revisor's Note

(1) Section 5(b), V.A.C.S. Article 6701d-11, was
amended by Section 2, Chapter 488, and Section 5,
Chapter 1052, Acts of the 71st Legislature, Regular
Session, 1989. Section 2, Chapter 488, removed the
phrase "with the intent to violate" the weight
limitations from the prohibition, while the amendment
by Section 5, Chapter 1052, was silent on that issue.
To give effect to the expression relating to intent contained in Section 2, Chapter 488, the requirement of intent is omitted from the revised law.

(2) Section 5(b), V.A.C.S. Article 6701d-11, as amended by Section 5, Chapter 1052, Acts of the 71st Legislature, Regular Session, 1989, refers to "person, firm, corporation, company, co-partnership, or association." The reference to "firm, corporation, company, co-partnership, or association" is omitted from the revised law for the reason stated in Reviser's Note (2) to Section 621.502 of this code.

Revised Law
Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE. A person may not operate or attempt to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of the department. (V.A.C.S. Art. 6701d-11, Sec. 3(b) (part).)

Source Law
(b) . . . provided, however, it shall be unlawful to operate or attempt to operate any vehicle over or on any bridge or through any underpass or similar structure unless the height of such vehicle, including load, is less than the vertical clearance of such structure as shown by the records of the Department. . . .

Revised Law
Sec. 621.505. MAXIMUM SIZE AND WEIGHT OF CONTAINERS. A person may not operate or move over a highway of this state, or an owner may not cause to be operated or moved over a highway of this state, a motor vehicle or combination of motor vehicles that has a product, commodity, good, ware, or merchandise that is in a container or binding that contains more than 30 cubic feet and weighs more than 500 pounds if:

(1) more than 14 of those containers or bindings are
being carried as a load on that vehicle or combination; or

(2) the load on the vehicle or combination exceeds

7,000 pounds. (V.A.C.S. Art. 6701d-11, Sec. 3(f) (part).)

Source Law

(f) Immediately upon the taking effect of this Act, it shall thereafter be unlawful for any person to operate or move, or for any owner to cause to be operated or moved, any motor vehicle or combination thereof over the highways of this State which shall have as a load or as a part of the load thereon any product, commodity, goods, wares or merchandise which is contained, boxed or bound in any container, box or binding containing more than thirty (30) cubic feet and weighing more than five hundred (500) pounds where there are more than fourteen (14) of such containers, boxes or bindings being carried as a load on any such vehicle or combination thereof; provided, that no number of any such containers, boxes or bindings shall be carried as the whole or part of any load exceeding seven thousand (7000) pounds on any such vehicle or combination thereof; . . . .

Reviser's Note
(1) Section 3(f), V.A.C.S. Article 6701d-11, refers to "container, box or binding." The revised law omits the term "box" because it is included within the term "container."

(2) The revision omits the part of Section 3(f), V.A.C.S. Article 6701d-11, that provides that the article is severable because that provision duplicates Section 311.032, Government Code (Code Construction Act), applicable to the revised law, and Section 312.013, Government Code. These provisions state that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted provision reads:

... and provided, that if this subsection is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that this section be declared unconstitutional; providing, further, that if this Act or any section, subsection, sentence, clause or phrase thereof is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act.
phrase thereof is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section.

Sec. 621.506. OFFENSE OF OPERATING OR LOADING OVERWEIGHT VEHICLE; PENALTY; DEFENSE. (a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section 621.101; or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) An offense under this section is a misdemeanor punishable:

(1) by a fine of not less than $100 and not more than $150;

(2) on conviction before the first anniversary of the date of a previous conviction under this section, by a fine of not less than $150 or more than $250, by confinement in a county jail for not more than 60 days, or by both the fine and confinement; or

(3) on conviction before the first anniversary of the date of a previous conviction under this section that was punishable under Subdivision (2) or this subdivision, by a fine of not less than $200 or more than $500, by confinement in the county jail for not more than six months, or by both the fine and confinement.

(c) On conviction of a violation of an axle load limitation, the court may assess a fine less than the applicable minimum amount prescribed by Subsection (b) if the court finds that when the violation occurred:

(1) the vehicle was registered to carry the maximum gross weight authorized for that vehicle under Section 621.101; and

(2) the gross weight of the vehicle did not exceed
that maximum gross weight.

(d) A judge shall promptly report to the Department of Public Safety each conviction obtained in the judge's court under this section. The Department of Public Safety shall keep a record of each conviction reported to it under this subsection.

(e) If a corporation fails to pay the fine assessed on conviction of an offense under this section, the district or county attorney in the county in which the conviction occurs may file suit against the corporation to collect the fine. (V.A.C.S. Art. 6701d-11, Historical Note, p. 423, main volume, and Historical Note, p. 98, 1994 pocket part.)

Source Law

(a) Except as provided by Subsection (c), any person, corporation, receiver or association who violates any provision of Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), (the Section fixing the gross weight of commercial motor vehicles) shall, upon conviction, be punished by a fine of not less than One Hundred Dollars ($100), nor more than One Hundred Fifty Dollars ($150); for a second conviction within one year thereafter such person, corporation, receiver, or association shall be punished by a fine of not less than One Hundred Fifty Dollars ($150) nor more than Two Hundred Fifty Dollars ($250) or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the second conviction such person, corporation, receiver, or association shall be punished by a fine of not less than Two Hundred Dollars ($200) nor more than Five Hundred Dollars ($500) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. It shall be the duty of the judge of the court to report forthwith to the Department of Public Safety any convictions obtained in his court under this Section and it shall be the duty of the Department of Public Safety to keep a record thereof.

(b) If any corporation is convicted for the violation of any provision of this Act and fails to pay the fine assessed, the district or county attorney in the county in which such conviction was had is hereby authorized to file suit in a court of competent jurisdiction against such corporation to collect such fine.

(c) The court may assess a fine less than an amount prescribed by Subsection (a) of this section to a person, corporation, receiver, or association that is convicted of a violation of the axle load limitations in Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), if the court finds that at the time the violation was committed:

(1) the person, corporation, receiver, or
association was operating a vehicle that was licensed under Section 5(a), Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), to carry the total gross weight authorized for that vehicle by this Act; and

(2) the gross weight for the vehicle did not exceed the gross weight for which it was registered under Section 5(a), Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes).

Reviser's Note

(1) The origin of the Historical Note, p. 423, main volume, and Historical Note, p. 98, 1994 pocket part, for V.A.C.S. Article 6701d-11 is Section 5, Chapter 71, Acts of the 47th Legislature, Regular Session, 1941. That section did not amend Article 6701d-11 and since its enactment West Publishing Company has printed Section 5 as a part of the Penal Code and recently as a historical note to Article 6701d-11.

(2) The Historical Note, p. 423, main volume, and Historical Note, p. 98, 1994 pocket part, for V.A.C.S. Article 6701d-11 refer to "person, corporation, receiver or association." The reference to "corporation, receiver or association" is omitted from the revised law for the reason stated in Reviser's Note (2) to Section 621.502 of this code.

(3) Subsection (b) of the Historical Note, p. 423, main volume, for V.A.C.S. Article 6701d-11 refers to a suit brought "in a court of competent jurisdiction." The revised law omits the quoted language as unnecessary because a suit may only be brought in a court, and the general laws relating to jurisdiction determine which courts have jurisdiction over the matter.

Revised Law

Sec. 621.507. GENERAL OFFENSE; PENALTY. (a) A person
commits an offense if the person violates a provision of this
subchapter for which an offense is not specified by another section
of this subchapter.

(b) An offense under this section is a misdemeanor
punishable:

(1) by a fine not to exceed $200;

(2) on conviction before the first anniversary of the
date of a previous conviction under this section:

(A) by a fine not to exceed $500, by confinement
in a county jail for not more than 60 days, or by both the fine and
confinement; or

(B) if the convicted person is a corporation, by
a fine not to exceed $1,000; or

(3) on a conviction before the first anniversary of
the date of a previous conviction under this section that was
punishable under Subdivision (2) or this subdivision:

(A) by a fine not to exceed $1,000, by
confinement in the county jail for not more than six months, or by
both the fine and confinement; or

(B) if the convicted person is a corporation, by
a fine not to exceed $2,000. (V.A.C.S. Art. 6701d-11, Secs.
5-1/2(c) (part), 15(a), (b).)

Source Law

[Sec. 5-1/2]
(c) . . . Any person, corporation, receiver or
association who commits the violation heretofore set
out shall, upon conviction, be subject to and punished
by the same fines and penalties for the first and
subsequent offenses as are set out in Section 5 of
House Bill No. 19, Chapter 71, Acts of the
Forty-seventh Legislature, Regular Session, 1941.

Sec. 15. (a) It shall be unlawful and
constitute a misdemeanor for any person to violate any
of the provisions of this Act.

(b) Any person, corporation or receiver, who
violates any provision of this Act shall, upon
conviction, be punished by a fine of not more than Two
Hundred Dollars ($200.00); for a second conviction
within one (1) year thereafter such person, corporation
or receiver, shall be punished by a fine of not more
than Five Hundred Dollars ($500.00), or by imprisonment
in the County Jail for not more than sixty (60) days,
or by both such fine and imprisonment; upon a third or
subsequent conviction within one (1) year after the second conviction such person, corporation or receiver shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Provisions hereof with respect to imprisonment shall not be applicable to corporations, but double the fines herein provided for may be imposed against them in lieu of imprisonment.

Reviser's Note
(1) Sections 5-1/2(c) and 15(b), V.A.C.S. Article 6701d-11, refer to "person, corporation, receiver or association." The references to "corporation, receiver or association" are omitted from the revised law for the reason stated in Reviser's Note (2) to Section 621.502 of this code.

(2) Section 5-1/2(c), V.A.C.S. Article 6701d-11, refers to offenses set out in "Section 5 of House Bill No. 19, Chapter 71, Acts of the Forty-seventh Legislature, Regular Session, 1941." That section was printed as Section 15, V.A.C.S. Article 6701d-11, and has been subsequently amended.

Revised Law
Sec. 621.508. AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE WITH HEAVY AXLE LOAD. It is an affirmative defense to prosecution of, or an action under Subchapter F for, the offense of operating a vehicle with an axle load heavier than the axle load authorized by law that at the time of the offense the vehicle:

(1) had an axle weight that was not heavier than the axle load authorized by law plus 12 percent;
(2) was loaded with timber, pulp wood, wood chips, cotton, or agricultural products in their natural state; and
(3) was not being operated on a portion of the national system of interstate and defense highways. (V.A.C.S. Art. 6701d-11, Sec. 15(c).)

Source Law
(c) It is an affirmative defense to prosecution
under Section 5 of this Act or any action to be taken under Section 6 of this Act for the offense of operating a vehicle with an axle load that exceeds that authorized by law that at the time of the offense the vehicle:

(1) had an axle weight that did not exceed the axle load authorized by law by more than twelve percent (12%);

(2) was loaded with timber or pulp wood, wood chips, cotton, or agricultural products in their natural state; and

(3) was not being operated on a portion of the national system of interstate and defense highways.

Revisor's Note

(End of Chapter)

Subdivisions 3-5, Section 6, V.A.C.S. Article 6701d-11, were enacted in 1953 to proscribe bribery for weight enforcement officials. Twenty years later the legislature enacted a revised Penal Code that contains Section 36.02, a general bribery provision. The practice commentary to Section 36.02 asserts that the section applies the bribery offense contained in Articles 158, 159, and 160 of the prior Penal Code uniformly for all public servants. Given that several articles of the former Penal Code that applied to bribery of specific public officials were repealed on enactment of the revised Penal Code, the commentary provides a reasonable statement of legislative intent for Section 36.02. Apparently at the time the revised Penal Code was adopted the legislature overlooked the existence of Subdivisions 3-5, failing either to repeal them or to amend the references they make to Articles 158 and 159 of the former Penal Code. Notwithstanding the failure of the legislature to expressly repeal Subdivisions 3-5, Section 6, V.A.C.S. Article 6701d-11, the enactment of Section 36.02 had the effect of impliedly repealing those provisions and, therefore, they have been omitted from the revised law. In 1987, Section 6A, V.A.C.S. Article 6701d-11, was added. Subsection (b) of that section attempted to expand the
offense contained in Subdivision 4, Section 6, V.A.C.S. Article 6701d-11, to gifts made to port-of-entry supervisors or inspectors employed by the Alcoholic Beverage Commission. The attempt to expand the repealed provision was futile and Section 6A(b) has also been omitted from the revised law. Of course, bribery of a port-of-entry supervisor or inspector is not without risk since the offense provided by Section 36.02, Penal Code, also applies to those state employees. The omitted provisions read as follows:

[Sec. 6]

Subdiv. 3. It shall be unlawful for any of the persons, officers or deputies authorized to enforce the weighing and unloading provisions of this Act, to accept or agree to accept any gift, emolument, money or thing of value, privilege or the promise of either, from any person, firm, corporation, association, partnership, or the officers, agents, servants, or employees thereof as an inducement to enforce or attempt to enforce the weighing and unloading provisions of this Act. Any person who violates the provisions of this Section shall be guilty of a felony and upon conviction shall be punished as provided in Article 159, Penal Code of Texas.

Subdiv. 4. It shall be unlawful for any person, firm, corporation, association, partnership, or the officers, agents, servants or employees thereof, to give, or offer to give or promise to give to any of the persons, officers or deputies authorized to enforce the weighing and unloading provisions of this Act, any gift, emolument, money or thing of value, privilege, or the promise of either, as an inducement to enforce or attempt to enforce the weighing and unloading provisions of this Act. Any person who violates the provisions of this Section shall be guilty of a felony and upon conviction shall be punished as provided in Article 158, Penal Code of Texas. Provided, however, if a corporation shall be convicted of a violation of any of the provisions of this Section the penalty shall be a fine of not less than One Hundred Dollars ($100) nor shall be a fine of not more than Five Thousand Dollars ($5,000) for each such offense.

Subdiv. 5. The inhibitions in Subdivisions 3 and 4 above shall not apply to the regular compensation paid to such persons or officers by the State or a county of this State.
(b) The prohibition provided by Subdivision 4 of Section 6 of this Act applies also to gifts or promises of gifts made to a port-of-entry supervisor or inspector employed by the Alcoholic Beverage Commission.

CHAPTER 622. SPECIAL PROVISIONS AND EXCEPTIONS FOR OVERSIZE OR OVERWEIGHT VEHICLES

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