

**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**

To be submitted to the **74th Legislature**  
as part of the  
Texas Legislative Council's  
Statutory Revision Program

Austin, Texas  
March **1995**

## FOREWORD

The Texas Legislative Council is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable--all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

Under the new classification scheme adopted by the council, our statutes will eventually consist of 26 codes. To date, the council has produced and the legislature has enacted the Agriculture Code, Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Education Code, Election Code (which was a substantive revision), Government Code, Health and Safety Code, Human Resources Code, Labor Code, Local Government Code, Natural Resources Code, Parks and Wildlife Code, Property Code, Tax Code (Title 1 of which was a substantive revision), and Water Code. The council staff also assisted the state bar in the Penal Code and Family Code projects, which were substantive revisions, and revised miscellaneous criminal procedure provisions into Title 2 of the Code of Criminal Procedure.

Titles 1, 2, 3, 4, 6, and 7, Transportation Code, are a nonsubstantive revision of the Texas statutes relating to transportation. Because of the wide range of subjects that the council staff determined should be included in the code, the source law for the code is not compiled in Vernon's Texas Civil Statutes as a single group of statutes.

The code is divided into titles, subtitles, chapters, subchapters, and sections. Sections are numbered decimally, and the number to the left of the decimal point is the same as the chapter number. Gaps in chapter and section numbering are for future expansion.

The council staff encourages examination and review of the code by any interested person. Meticulous care has been taken within the staff to include in the proposed code all source law assigned to the code and to ensure that no substantive change has been made in the law. However, a complete and adequate outside review is necessary.

The revisor's report is arranged to facilitate review. The report states the Revised Law, which is the text of the proposed new language, and then provides the Source Law, which is the text of the current law from which the revised law is taken. If further explanation of either the revised law or the source law is required, a Revisor's Note is included after the source law. All substance in the source law should be revised in the revised law or the reason for its omission should be explained in a revisor's note.

Because of the extensive reorganization of many statutes, and even sentences within a statute, it may be helpful for a reviewer to refer to the source law as printed in Vernon's Texas Civil Statutes (so that the quoted source law may be seen in present context) and to the disposition table (showing where the current statutes appear, as revised, in the code). The disposition table is printed as Appendix C to the revisor's report.

The revision will require conforming amendments to several statutes not included in the code. These amendments are printed in

Appendix A to the revisor's report. Appendix A also includes a section listing the laws that will be repealed when the code takes effect and a section stating the legislature's intent that the code be a nonsubstantive revision.

Titles 1, 2, 3, 4, 6, and 7, Transportation Code, are proposed to become effective September 1, 1995.

In reviewing the proposed titles to the Transportation Code, the reader should keep in mind the following:

(1) The Code Construction Act (Chapter 311, Government Code) applies to the code. That Act sets out certain principles of statutory construction applicable to new codes and also provides some definitions. The Act is printed as Appendix B to the revisor's report.

(2) The proposed code is written in modern American English. Where possible, the present tense is used; the active rather than the passive voice is preferred; and the singular is used in preference to the plural.

(3) This is a nonsubstantive revision. The staff's authority does not include improving the substance of law. The sole purpose of this draft is to compile all the relevant law, arrange it in a logical fashion, and rewrite it without altering its meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

This project is under the direction of Jonathan Davis, Legislative Counsel, of the council staff. Questions, comments, or suggestions may be directed to him at P.O. Box 12128, Capitol Station, Austin, Texas 78711, or at telephone number (512) 463-1143.

1                   **SUBTITLE D. MOTOR VEHICLE SAFETY RESPONSIBILITY**

2                   **CHAPTER 601. TEXAS MOTOR VEHICLE SAFETY RESPONSIBILITY ACT**

3                               **SUBCHAPTER A. GENERAL PROVISIONS**

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20                   [Sections 601.024-601.050 reserved for expansion]

21                               **SUBCHAPTER C. FINANCIAL RESPONSIBILITY; REQUIREMENTS**

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23   Sec. 601.052.  EXCEPTIONS TO FINANCIAL RESPONSIBILITY

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30   Sec. 601.056.  CANCELLATION, RETURN, OR WAIVER OF EVIDENCE OF

31                               FINANCIAL RESPONSIBILITY ..... 3294

32   Sec. 601.057.  EVIDENCE THAT DOES NOT FULFILL REQUIREMENTS;

33                               SUSPENSION ..... 3297

34                   [Sections 601.058-601.070 reserved for expansion]

1 (4) Section 38, V.A.C.S. Article 6701h, enacted  
2 in 1951, specifies the manner in which disbursements to  
3 the Department are to be made under the article. In  
4 1991, this section was impliedly repealed by the  
5 enactment of Article 6252-31, Revised Statutes (now  
6 Chapter 2103, Government Code), which prescribes the  
7 procedures to be used by the comptroller in making  
8 disbursements to a state agency. The omitted law  
9 reads:

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

18 [Sections 601.024-601.050 reserved for expansion]

19 **SUBCHAPTER C. FINANCIAL RESPONSIBILITY; REQUIREMENTS**

20 Revised Law

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

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

26 (2) a surety bond filed under Section 601.121;

27 (3) a deposit under Section 601.122;

28 (4) a deposit under Section 601.123; or

29 (5) self-insurance under Section 601.124. (V.A.C.S.

30 Art. 6701h, Secs. 1A(a), (b) (part).)

31 Source Law

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

39 (b) The following vehicles are exempt from the  
40 requirement of Subsection (a) of this section:  
41 . . .

1 (3) vehicles for which a bond is on file  
2 with the Department as provided by Section 24 of this  
3 Act, or for which a certificate has been obtained from  
4 the State Treasurer stating that the owner and/or  
5 operator has deposited with the State Treasurer  
6 [Fifty-Five Thousand Dollars (\$55,000) in cash or  
7 securities] as provided by Section 25 of this Act.  
8 Such bond or deposit may be filed in lieu of carrying  
9 automobile liability insurance where proof is required;  
10 (4) vehicles that are self-insured under  
11 Section 34 of this Act;

12 . . .  
13 (6) vehicles for which a valid certificate  
14 certifying that [cash or a cashier's check in the  
15 amount of at least Fifty-Five Thousand Dollars  
16 (\$55,000)] is deposited with the county judge [of the  
17 county in which the vehicle is registered . . . .]

18 Revisor's Note

19 (1) Section 1A(a), V.A.C.S. Article 6701h,  
20 provides that it applies "[o]n and after January 1,  
21 1982." This portion of the source law is omitted from  
22 the revised law as executed.

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

29 (3) Section 1A(a), V.A.C.S. Article 6701h,  
30 refers to "evidence of financial responsibility." The  
31 revised law substitutes "financial responsibility" for  
32 the reason stated in Revisor's Note (4) under Section  
33 601.002 of this code.

34 (4) Section 1A(a), V.A.C.S. Article 6701h,  
35 refers to evidence of financial responsibility in  
36 effect "to insure against potential losses which may  
37 arise out of the operation of that vehicle." The  
38 revised law omits the quoted language because it  
39 duplicates Subdivision 10, Section 1, V.A.C.S. Article  
40 6701h, codified in part in this chapter as Section  
41 601.002(3), which more clearly specifies the purpose of

1 the required evidence of financial responsibility.

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

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

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

14 Revised Law

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

17 (1) the operation of a motor vehicle that:

18 (A) is at least 25 years old;

19 (B) is used only for exhibitions, club  
20 activities, parades, and other functions of public interest and not  
21 for regular transportation; and

22 (C) for which the owner files with the  
23 department an affidavit, signed by the owner, stating that the  
24 vehicle is a collector's item and used only as described by  
25 Paragraph (B);

26 (2) the operation of a golf cart; or

27 (3) a volunteer fire department for the operation of a  
28 motor vehicle the title of which is held in the name of a volunteer  
29 fire department.

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

33 (c) In this section, "volunteer fire department" means a