

**CITY OF LOG CABIN
ORDINANCE NO. 119**

AN ORDINANCE ESTABLISHING A UNIFORM STANDARD TO ALLOW FOR THE TOWING OF VEHICLES WHEN THE OWNER/OPERATOR HAS FAILED TO MAINTAIN FINANCIAL RESPONSIBILITY AS REQUIRED BY LAW.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN,
TEXAS:**

I. PURPOSE:

This order establishes a uniform standard to allow for the towing of vehicles when the owner/operator has failed to maintain financial responsibility as required by law.

II. POLICY:

It is the policy of the City of Log Cabin Police Department to conduct traffic enforcement that will provide the maximum protection to all individuals who use the roadways. As part of this strategy, the City of Log Cabin Police Department's goal is to ensure that all vehicles are operated with the financial responsibility required by law. Enforcement action should be taken when officers encounter individuals who fail to maintain the required financial responsibility. Any action taken will be applied equitably and without discrimination to any person.

III. DEFINITIONS:

- A) **Financial Responsibility** – a current motor vehicle insurance policy meeting at least the State minimum amounts of liability as described in Texas Transportation Code, Sections 601.071 through 601.088, or other forms of financial responsibility as described in Texas Transportation Code Sections 601.121 through 601.124.
- B) **Insurance/Insured** – for the purposes of this policy, the terms “insurance” and “insured” refer to motor vehicle insurance coverage on a specific motor vehicle at the level of liability insurance meeting at least the State Minimum amounts as described in Texas Transportation Code, Sections 601.071 through 601.088, or other means of coverage as described in Texas Transportation Code, Sections 601.121 through 601.124.
- C) **Proof of Financial Responsibility** –
 - 1) A valid automobile insurance policy or policy card that lists the name of the insured or authorized drivers, the insured vehicle, the name of the insuring company, the company phone number, the policy number, the beginning and expiration dates of coverage, and/or other information as required by law.

- 2) Other documents that prove financial responsibility as described in Texas Transportation Code, Section 601.121 through 601.124.

IV. CONDITIONS FOR TOWING UNINSURED VEHICLES:

Requesting proof of financial responsibility is standard procedure on traffic stops and at accident scenes. As a general rule, any operator that is found to have operated a motor vehicle on a public roadway without the financial responsibility required by law should be issued a citation for the violation. However, if the officer determines that it is appropriate to arrest the driver, this requirement will be moot and nothing in the policy prevents an officer from exercising his/her discretion and arresting the offender.

- A) When an officer stops a vehicle for a traffic violation on a public roadway or when an officer responds to the scene of a motor vehicle accident that has occurred on a public roadway, and the operator of one or more of the vehicles is unable to provide proof of financial responsibility as required by State law, the officer shall issue a citation to the operator of the vehicle(s) for failure to maintain financial responsibility unless specific facts and/or circumstances known to the officer indicates that a citation should not be issued.
- B) When an officer stops a vehicle for a traffic violation on a public roadway or when an officer responds to the scene of a motor vehicle accident that has occurred on a public roadway, and the officer is able to verify that one or more of the vehicles was operated without financial responsibility as required by State law, the officer shall have the vehicle(s) impounded unless the officer determines that impounding the vehicle is not in the public interest. In any event, the operator shall be issued a citation for lack of financial responsibility unless specific facts and/or circumstances known to the officer indicate that a citation should not be issued.
- C) For the purpose of this policy, impoundment of a vehicle for the lack of financial responsibility on traffic stops and accidents is limited to those cases in which the operator admits that he/she does not have financial responsibility to operate a motor vehicle as required by State law, or the officer is able to verify that the required coverage does not exist include, but are not limited to, the following:
 - 1) Contacting the operator's purported insurance company or insurance agent to confirm whether coverage is in effect.
 - 2) Contacting a parent or guardian (if the operator is a minor) to confirm whether coverage is in effect.

- 3) Contacting the lien holder, if any, indicated on the vehicle's title record to confirm whether coverage is in effect.
- D) If the officer, after making reasonable efforts to verify coverage, is unable to verify the existence of financial responsibility and the operator continues to claim that coverage exists, the officer may elect not to impound the vehicle.
- E) An officer may direct that a vehicle will not be impounded under this provision if the officer determines that impounding the vehicle is not in the public interest. In making that determination the officer may consider such things as:
- 1) Whether the operator and occupants appear to have an alternate means of safely leaving the location.
 - 2) The age of the operator and occupants of the vehicle (i.e.; small children, unattended minors, and the elderly).
 - 3) The physical and/or mental condition of the operator and occupants of the vehicle (i.e.; physical handicaps or disabilities, medical conditions, mental disabilities).
 - 4) The present demand for the resources of the officer(s) who would be involved in the impoundment.
 - 5) Other general, mitigating circumstances.

V. IMPOUNDMENT OF UNINSURED VEHICLES:

Motor vehicles impounded for failure to maintain financial responsibility will be towed by the rotational wrecker on call for the City of Log Cabin Police Department at the time of the impoundment. Requests for private tows or requests for specific wrecker companies made by the operator will not be honored. In addition, officers impounding a vehicle under this policy shall complete a vehicle inventory form regardless of whether the operator was arrested or only issued a citation. Motor vehicles, for which proof of financial responsibility has been verified not to exist, may not be released to another driver at the scene.

VI. PROVIDING A SAFE ENVIRONMENT FOR OPERATOR AND OCCUPANTS:

An officer impounding a motor vehicle for failure to maintain financial responsibility shall make reasonable efforts to provide for the safety of the operator and any occupants. Examples of reasonable efforts include, but are not limited to, transportation of the driver

and occupants to a residence (if local) or a safe place, calling a friend or relative of the driver to provide alternate means of transportation, or a combination of both. In any event, the officer will not strand the operator or occupants.

VII. DELAYED ENFORCEMENT:

If an officer investigates an accident where the operator shows the required proof of financial responsibility, and it is later determined that the proof was not valid and the motor vehicle was not covered at the time of the accident, the original investigating officer shall issue a citation.

The officer will provide the violator's copy of the citation to the Records Division who will mail it to the violator via certified mail. The officer must retrieve the original accident report from the Records Division and make the appropriate correction(s) indicating the lack of financial responsibility and the issuance of a citation. The officer will make a notation on the top of the report that the report has been amended. Additional charges may be filed by the investigating officer if appropriate (i.e.; Texas Transportation Code, Section 548.603, Texas Penal Code, Section 37.10, etc.).

An operator's motor vehicle will not be impounded under this policy based on a charge of failing to maintaining financial responsibility stemming from delayed enforcement actions.

VIII. PRIOR ORDERS:

From and after the effective date of issuance of this order, it shall be in full force and shall govern the operations of the City of Log Cabin Police Department with regard to its subject matter. Former orders, policies, directives, and memoranda relating to the subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.

Passed and Approved this 20 day of March, 2008.

Mayor

Attest:

Karen L. Coy
City Secretary