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RESOLUTION NO. 4-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, URGING THE TEXAS LEGISLATURE TO AMEND ARTICLE 6701h, VERNON'S ANNOTATED CIVIL STATUTES BY REQUIRING THOSE HAVING PROOF OF FINANCIAL RESPONSIBILITY BUT FAILING TO MAKE SAME AVAILABLE WHILE OPERATING A MOTOR VEHICLE TO PAY THE EXPENSE OF THE ENFORCEMENT RESPONSE.

WHEREAS, the Texas Legislature has enacted Article 6701h, Vernon's Annotated Civil Statutes, providing a penalty for operating a motor vehicle without proof of financial responsibility; and

WHEREAS, it is the duty of an officer upon determining that a motor vehicle operator does not have proof of financial responsibility present to issue a citation; that issuance of a citation creates additional paper work including the preparation of a complaint and placing the case on the docket of the Municipal Court, and,

WHEREAS, the Statute provides that after a citation has been issued, a complaint prepared and all paper work completed, together with the summons of the police officer to testify, sometimes on his off-work day, the defendant may show his proof of financial responsibility and have the charge dismissed; and

WHEREAS, carelessness on the part of drivers that fail to carry proof of financial responsibility increases the cost of enforcement of said Act and creates a hardship for courts and governmental entities due to unnecessary time and effort expended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City Council of the City of Mesquite urges the Legislators to modify Article 6701h, Vernon's Annotated Civil Statutes to place the expense of enforcement of the Act in cases wherein the driver has insurance or other acceptable financial responsibility but fails to carry proof of same upon that party whose carelessness creates the need for enforcement response by amending Section 1D of the Act to read as follows:

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 upon the payment of a reasonable fee.

SECTION 2. That a copy of this resolution be transmitted to Representative Bill Blackwood with the request for any assistance

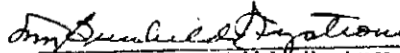
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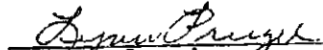
he may be able to provide in this important matter.

SECTION 3. That this resolution shall take effect immediately from and after its passage as the law in such cases provides.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 19th day of January, A.D., 1987.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:


Lynn Prugel
City Secretary