

SUBJECT: Motor vehicle insurance for off-duty law enforcement officers

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 6 ayes — R. Lewis, Kamel, Bonnen, Christian, Denny, Flores
0 nays
3 absent — Chisum, Gutierrez, G. Lewis

WITNESSES: For — None
Against — Mary Kay Misko, Bexar County Commissioners
On — Steve Lyons, Houston Police Department

BACKGROUND : Counties with populations greater than 1.4 million are required to insure sheriffs, constables and their full-time deputies against liability to third persons arising from the operation of a county-owned or leased motor vehicle.

DIGEST: CSHB 1585 would require all political subdivisions to insure motor vehicles against liability to third persons when operated by law enforcement officers authorized to do so, including while off duty.

A political subdivision could satisfy liability requirements by electing to be self-insured, entering into a risk retention group, risk management pool, or an interlocal contract with other political subdivisions, or providing coverage by an insurance company authorized to write motor vehicle insurance coverage.

The liability coverage would have to satisfy financial responsibility requirements established in the Transportation Code, including: \$20,000 for bodily injury to or death of one person in one accident, with a \$250 deductible; \$40,000 for bodily injury to or death of two or more persons in one accident, with a \$500 deductible; and \$15,000 for damage to or destruction of property of others in one accident with a \$250 deductible.

The insurance policy could exclude coverage for liability due to criminal offenses other than traffic offenses.

CSHB 1585 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

CSHB 1585 would close a gap in Texas law. Law enforcement officers frequently are encouraged to drive their patrol cars home while on call or off duty to increase police presence in a city. However, local governments are not required to provide liability insurance for these officers while they are off duty, yet insurance companies do not provide personal insurance for vehicles that officers do not own. CSHB 1585 would ensure all law enforcement officers are covered against third party liability while operating their patrol cars.

CSHB 1585 would give political subdivisions the option to cover police officers against third party liability at all times or adopt a policy to prohibit officers from driving county or city owned vehicles while off duty. Few political subdivisions would incur additional costs because, as the fiscal note points out, most already carry insurance policies that cover third person liability at all times.

**OPPONENTS
SAY:**

CSHB 1585 would be another unfunded state mandate that could be costly for municipalities and counties that do not presently provide insurance coverage against third party liability.

NOTES:

The committee deleted a provision stipulating that the minimum coverage specified in the Transportation Code would be the maximum liability amounts; added the provision on how political subdivisions could satisfy the requirements, and defined law enforcement officer.

The companion bill, SB 981 by Gallegos, has been referred to the Senate Intergovernmental Relations Committee.