

SUBJECT: Motor vehicle liability for county law enforcement officers

COMMITTEE: County Affairs — favorable, with amendment

VOTE: 7 ayes — R. Lewis, Kamel, Bonnen, Christian, Denny, Flores, G. Lewis
0 nays
2 absent — Chisum, Gutierrez

WITNESSES: For — Charlie Campos, Jr., and Jose A. Moreno, Jr., Bexar County; Jerry Connell; Mark Hodgkinson; Matthew Marshall
Against — Mary Kay Misco, Bexar County Commissioners Court

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. The law applies to Harris and Dallas counties.

DIGEST: HB 2059, as amended, would expand the population bracket of this law to include counties with populations greater than 1.185 million, which would include Bexar County.

These counties also would be required to insure sheriffs, constables and full-time deputies against liability arising from the operation of privately owned motor vehicles to the extent they were used to perform county business or law enforcement duties.

CSHB 2059 would take effect September 1, 1997.

SUPPORTERS SAY: CSHB 2059 would close a gap in Texas law. Some law enforcement officers are required use their own personal cars as patrol cars for county business, but the jurisdictions are not required to provide liability insurance for these officers. CSHB 1585 would establish equity under the law by ensuring that county law enforcement officers were covered against third party liability while operating their own personal cars to conduct county business.

The bill also would equitably expand the reach of this law to include Bexar County, which operates under similar conditions as Harris and Dallas counties.

**OPPONENTS
SAY:**

CSHB 1585 would be another unfunded state mandate that would be costly for municipalities and counties that do not currently provide motor vehicle insurance coverage. In addition, because officers use their personal cars for a variety of tasks, it would be difficult to discern if an officer was off duty or on duty when involved in a motor vehicle accident.

NOTES:

The committee amendment would change the population bracket from 1 million to 1.185 million, excluding Tarrant County.

The companion bill, SB 1181 by Madla, has been referred to the Senate Intergovernmental Relations Committee.

A related bill, HB 1585 by Hirschi, requiring political subdivisions to provide liability insurance for law enforcement officers using county vehicles while off duty, passed the House on April 30 and has been referred to the Senate Intergovernmental Relations Committee.