

**TYLER POLICE DEPARTMENT  
GENERAL ORDER**

**IMPOUNDMENT FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY 07.500**

**REVISED 02/28/12**

**EFFECTIVE 09/09/06**

**07.501 PURPOSE**

As authorized by Tyler City Code Section 4-73, the purpose of this policy is to establish guidelines and procedures for Tyler Police Department officers who encounter individuals operating a motor vehicle without the financial responsibility required by State law, Texas Transportation Code, Chapter 601.

**07.502 POLICY**

It is the policy of the Tyler Police Department to conduct traffic enforcement that will provide maximum protection to all individuals who use the roadways within the city. As part of this strategy, the Tyler Police Department's goal is to ensure that all motor vehicles are operated with the financial responsibility required by law. Enforcement action shall be taken when officers encounter individuals who fail to maintain the required financial responsibility unless mitigating circumstances discussed in this policy exist. Any action taken will be applied equitably and without discrimination to any person.

**07.503 FINANCIAL RESPONSIBILITY DEFINITION**

For the purposes of this policy, the term "financial responsibility" refers to the financial responsibility on a specific motor vehicle at the level of coverage meeting, or surpassing, State requirements (Texas Transportation Code, Sections 601.051 – 601.124). Financial responsibility is required whether the vehicle is operated on a public roadway or private property. Evidence of this financial responsibility is set forth in Texas Transportation Code, Section 601.053. Enforcement action taken on private property will be with supervisor approval.

**07.504 TRAFFIC STOPS**

- A. As part of a normal traffic stop, officers shall ask the driver for the required proof of financial responsibility on the vehicle.
- B. If the driver is unable to produce the required documentation, the officer shall generally issue a citation for the appropriate offense.
- C. If the officer, either through a driver's license check or through personal contacts, determines that the driver has previously been convicted for operating a motor vehicle with no financial responsibility, the officer shall impound the vehicle. Before the officer impounds a vehicle under this policy, the officer shall comply with the requirements in subsections B. – F. under "Accidents" in this policy.
- D. If the driver's license check return indicates that the driver does not possess a driver's license or the license is suspended for not having insurance and the driver is unable to show proof of financial responsibility on the vehicle being operated, the officer shall impound the vehicle. No prior conviction for failing to maintain financial responsibility is necessary when the driver does not possess a driver's license. Prior to impounding a vehicle under this policy, the officer shall comply with the same requirements as listed in subsections B through F as listed under "Accidents" in this policy.

**07.505 ACCIDENTS**

- A. If, during the investigation of a motor vehicle accident, an officer determines that one or more of the involved vehicles was operated without the required financial responsibility the officer shall impound the vehicle(s). No prior conviction for failure to maintain financial responsibility is necessary in order to tow a vehicle involved in an accident.
- B. Impoundment should generally be restricted to those cases where the driver admits to not having financial responsibility or the officer is able to verify that no coverage exists.
- C. Before impounding a vehicle, when the operator claims to have financial responsibility but fails to show the required proof of coverage, an officer shall make reasonable efforts to determine if the vehicle is covered. Steps to verify coverage may include but are not limited to:
  - a. Contacting the driver's insurance company
  - b. Contacting the driver's insurance agent.
  - c. Contacting a parent or guardian if dealing with a minor.
  - d. Contacting the lien holder.
  - e. Checking through TexSure database.
- D. If the officer, after making reasonable efforts to verify coverage, is unable to get a definitive answer, and the driver continues to claim that coverage exists, the officer may elect not to impound the vehicle. Officers should note on the accident report under "officer summary" the steps taken to verify coverage.
- E. If the vehicle is impounded, the officer shall issue a citation for the failure to maintain or show proof of financial responsibility, unless the offense is classified as a class B Misdemeanor.
- F. If it is determined or verified that the driver does not have the required financial responsibility but the officer believes that there are mitigating circumstances not to impound the vehicle, a supervisor will be contacted.
- G. Delayed Enforcement
 

If an officer investigates an accident where the driver(s) show the required proof of financial responsibility, and it is later determined that the coverage was not valid; the original investigating officer shall issue a citation.

  - 1. The officer must retrieve the original accident report from Data Management, make the appropriate correction indicating no financial responsibility and the issuance of the citation, and submit a supplemental CRB-3 if the original has already been sent to DPS Austin. The officer will make a notation that the report was amended at the top of the report.
  - 2. Additional charges may be filed by the investigating officer if appropriate (e.g. Texas Transportation Code Section 548.603, Texas Penal Code Section 37.10, etc.).

07.506 IMPOUNDMENT PROCEDURES

- A. Before impounding a vehicle under this policy, officers should consider the mitigating circumstances surrounding the situation including:
  - 1. Time of day.
  - 2. Location.
  - 3. Ability of operator to safely leave the location.
  - 4. Availability of other units to assist with the safe removal of occupants.
  - 5. Call demand.
  - 6. Weather conditions.
  - 7. Lighting.

8. Traffic volume, conditions, and speed.
- B. An officer impounding a vehicle for failure to maintain or show proof of financial responsibility will make reasonable efforts to provide for the safety of the driver(s) and any occupant(s). Examples of reasonable efforts include, but are not limited to, transportation of the driver(s) and occupant(s) to a safe place or calling a friend or relative for a ride. If there is no reasonable way to avoid placing the driver(s) and occupant(s) in an unsafe situation, the officer shall contact a supervisor for review to not impound the car.
- C. A vehicle impounded under this policy will be taken to the wrecker company lot.
  1. Tows will be made by the on-call wrecker from the normal Rotation List.
  2. Officers will write the words “no financial responsibility” on the TPD Form 3 (Vehicle Release Page) under the “Reason” category.
  3. A vehicle inventory will be completed on any vehicle that is towed.
  4. The towing officer is to complete the ‘Towed Vehicle Instruction’ form and provide a copy of the form to the operator of the vehicle. The original form is to be attached to the report for routing to Data Management. This form will also be made available in Spanish.
- D. The Shift Commander has the authority to suspend these measures based on workload or weather conditions.

07.507 RELEASING VEHICLES FROM IMPOUND

- A. Proof of financial responsibility, in the form of a ‘Financial Responsibility Verification’ form obtained from the Police Department, will be required by the wrecker company prior to the release of any vehicle being removed from the wrecker lot. In order to obtain a ‘Financial Responsibility Verification’ form, proof of current financial responsibility must be presented to the Police Department, which shall issue the form upon verification of the policy, and the payment of a \$5.00 administrative fee, see Tyler City Code Section 4-73.
- B. A vehicle impounded for a violation of this policy will not be released from the wrecker company until the ‘Financial Responsibility Verification’ form obtained from the Police Department is provided.
- C. To allow for the verification of coverage, releases related to this policy should generally occur during normal business hours (Monday – Friday, 8:00 a.m. – 5:00 p.m.) at the downtown police department. If the carrier has an after-hour contact and the coverage can be verified, then a Patrol Supervisor may authorize that the vehicle may be released. The Supervisor will have to complete the verification form from Data Management. Copies of the completed verification form and the proof of financial responsibility, and a supplemental report will be submitted to Data Management for attachment to the original case.
- D. A Customer Service Representative in the Data Management Unit will take the proof of financial responsibility presented by the person that appears at the Police Department seeking verification to get the vehicle released from impound. The Customer Service Representative will attempt to make contact with the insurance agency/agent listed on the received information and attempt to verify that the proof is legitimate. If the Customer Service Representative is able to verify proof of financial responsibility and upon receipt of the \$5.00 administrative fee, the Representative shall complete and then issue the ‘Financial Responsibility Verification’ form. The Representative shall stamp the lower right of the form to authenticate the form. A copy of the form will be attached to the original report along with a copy of the proof of financial responsibility.

1. If the Representative is unable to verify proof of financial responsibility from the presented information, the person will be asked to obtain the required information and return to the Police Department at that time for verification.
  2. If for some reason, the Representative believes that the proof that has been presented is not legitimate or is fictitious; the Data Management Supervisor will be notified. If the Data Management Supervisor determines it is necessary, an officer may be called to investigate whether criminal charges may need to be filed.
- E. After-hour exceptions may be made by an on-duty patrol supervisor.
- F. If it is determined that a vehicle impounded under this policy was towed in error, the shift commander has the discretion to authorize a no-fee release. The wrecker company shall be notified to send the bill to the Police Department with the authorizing supervisor's signature.

Approved: 02/28/12

A handwritten signature in black ink, appearing to read "Anthony M. Scindler". The signature is written in a cursive style with a large initial 'A'.