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OPINION COMMITTEE

FILE # ML-47486-13  
I.D. # 47486  
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Bandera, Texas 78003

December 20, 2013

**RQ-1176-GA**

CMRR # 7007 1490 0005 0794 0005

The Honorable Greg Abbott, Attorney General

Office of the Attorney General

PO Box 12548

Austin, Texas 78711-2548

Re: Request for Attorney General Opinion Under TEX. GOV'T CODE §402.042

Requestor: Bandera County County Auditor through Bandera County  
Attorney's office

Dear Attorney General Abbott:

Pursuant to §601.123 of the Texas Transportation Code, a Bandera County resident has requested that he establish financial responsibility by making a deposit with the county judge of Bandera County (the county in which the resident's motor vehicle is registered.)

This request has raised a number of questions which cannot be answered by review of §601.123 and/or other statutory authority. Therefore, pursuant to §402.042 of the Texas Government Code, the Bandera County Auditor respectfully requests an opinion from the Office of the Attorney General in response to the following questions.

- 1) When a person wants to establish financial responsibility under §601.123 of the Texas Transportation Code, by depositing the amount of "at least" \$55,000.00 with the county judge:<sup>1</sup>

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<sup>1</sup> § 601.123 of the Transportation Code states: (a) A person may establish financial responsibility by making a deposit with the county judge of the county in which the motor vehicle is registered.

(b) The deposit must be made in cash or a cashier's check in the amount of at least \$55,000.

(c) On receipt of the deposit, the county judge shall issue to the person making the deposit a certificate stating that a deposit complying with this section has been made. The certificate must be acknowledged by the sheriff of that county and filed with the department.

- a) is the \$55,000.00 adequate to cover more than one vehicle, or should the person be required to deposit an additional amount if the person has more than one vehicle registered in the county; and/or
  - b) is one deposit of \$55,000.00 adequate if more than one person will be driving a vehicle or should the amount be increased if more than one person will be driving a vehicle?
- 2) When a person makes a deposit pursuant to §601.123, are the funds to be deposited into a special account, or can the funds be deposited into the registry of the court, or into another existing county account?
  - 3) When a person makes a deposit pursuant to §601.123, are the funds required to be deposited into an interest bearing account?
  - 4) If the funds deposited under §601.123 are deposited into an interest bearing account:

How is the interest to be handled?

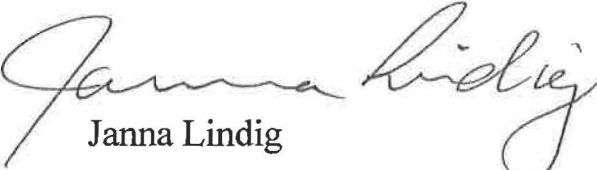
Is the interest to be paid to the person making the deposit with the county judge, or,

Is the interest the property of the County; or

If the interest is to be paid to the person making the deposit, is the County at least authorized to collect the administration fee allowed by statute before making any distribution of the interest to the person making the deposit?

Thank you for your time and consideration of this matter. If you have any questions, do not hesitate to contact me. (830) 796-4075.

Very truly yours,

  
Janna Lindig