

By: Wilson

H.B. No. 3148

A BILL TO BE ENTITLED

AN ACT

relating to fines and penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 545.352, Transportation Code, is amended to read as follows:

Sec. 545.352. PRIMA FACIE SPEED LIMITS. (a) A speed in excess of the limits established by Subsection (b) or under another provision of this subchapter is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful. Fines for speeding under this section shall include a \$100 state surcharge that shall be deposited into the general revenue fund.

(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:

(1) 30 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley;

(2) 70 miles per hour in daytime and 65 miles per hour in nighttime if the vehicle is a passenger car, motorcycle, passenger car or light truck towing a trailer bearing a vessel, as defined by Section 31.003, Parks and Wildlife Code, that is less than 26 feet in length, passenger car or light truck towing a trailer or semitrailer used primarily to transport a motorcycle, or passenger car or light truck towing a trailer or semitrailer designed and used primarily to transport dogs or livestock, on a

1 highway numbered by this state or the United States outside an urban  
2 district, including a farm-to-market or ranch-to-market road;

3 (3) 60 miles per hour in daytime and 55 miles per hour  
4 in nighttime if the vehicle is a passenger car or motorcycle on a  
5 highway that is outside an urban district and not a highway numbered  
6 by this state or the United States;

7 (4) 60 miles per hour outside an urban district if a  
8 speed limit for the vehicle is not otherwise specified by this  
9 section; or

10 (5) outside an urban district:

11 (A) 60 miles per hour if the vehicle is a school  
12 bus that has passed a commercial motor vehicle inspection under  
13 Section 548.201 and is on a highway numbered by the United States or  
14 this state, including a farm-to-market road;

15 (B) 50 miles per hour if the vehicle is a school  
16 bus that:

17 (i) has not passed a commercial motor  
18 vehicle inspection under Section 548.201; or

19 (ii) is traveling on a highway not numbered  
20 by the United States or this state; or

21 (C) 60 miles per hour in daytime and 55 miles per  
22 hour in nighttime if the vehicle is a truck, other than a light  
23 truck, or if the vehicle is a truck tractor, trailer, or  
24 semitrailer, or a vehicle towing a trailer other than a trailer  
25 described by Subdivision (2), semitrailer, another motor vehicle or  
26 towable recreational vehicle.

27 (b) Unless a special hazard exists that requires a slower

1 speed for compliance with Section 545.351(b), the following speeds  
2 are lawful:

3 (1) 30 miles per hour in an urban district on a street  
4 other than an alley and 15 miles per hour in an alley;

5 (2) 70 miles per hour in daytime and 65 miles per hour  
6 in nighttime if the vehicle is on a highway numbered by this state  
7 or the United States outside an urban district, including a  
8 farm-to-market or ranch-to-market road, except as provided by  
9 Subdivision (4);

10 (3) 60 miles per hour in daytime and 55 miles per hour  
11 in nighttime if the vehicle is on a highway that is outside an urban  
12 district and not a highway numbered by this state or the United  
13 States;

14 (4) outside an urban district:

15 (A) 60 miles per hour if the vehicle is a school  
16 bus that has passed a commercial motor vehicle inspection under  
17 Section 548.201 and is on a highway numbered by the United States or  
18 this state, including a farm-to-market road;

19 (B) 50 miles per hour if the vehicle is a school  
20 bus that:

21 (i) has not passed a commercial motor  
22 vehicle inspection under Section 548.201; or

23 (ii) is traveling on a highway not numbered  
24 by the United States or this state; or

25 (C) 60 miles per hour in daytime and 55 miles per  
26 hour in nighttime if:

27 (i) the vehicle is a truck, other than a

1 light truck, or if the vehicle is a truck tractor, trailer, or  
2 semitrailer; and

3 (ii) the vehicle is on a farm-to-market or  
4 ranch-to-market road;

5 (5) on a beach, 15 miles per hour; or

6 (6) on a county road adjacent to a public beach, 15  
7 miles per hour, if declared by the commissioners court of the  
8 county.

9 SECTION 2. Chapter 544.044, Transportation Code, is amended  
10 to read as follows:

11 Sec. 544.004. COMPLIANCE WITH TRAFFIC-CONTROL DEVICES. (a)  
12 The operator of a vehicle or streetcar shall comply with an  
13 applicable official traffic-control device placed as provided by  
14 this subtitle unless the person is:

15 (1) otherwise directed by a traffic or police officer;

16 or

17 (2) operating an authorized emergency vehicle and is  
18 subject to exceptions under this subtitle.

19 (b) A provision of this subtitle requiring an official  
20 traffic-control device may not be enforced against an alleged  
21 violator if at the time and place of the alleged violation the  
22 device is not in proper position and sufficiently legible to an  
23 ordinarily observant person. A provision of this subtitle that  
24 does not require an official traffic-control device is effective  
25 regardless of whether a device is in place.

26 (c) Fines for under this section shall include a \$100 state  
27 surcharge that shall be deposited into the general revenue fund.

1 SECTION 3. Chapter 543.009, Transportation Code, is amended  
2 to read as follows:

3 Sec. 543.009. COMPLIANCE WITH OR VIOLATION OF PROMISE TO  
4 APPEAR. (a) A person may comply with a written promise to appear in  
5 court by an appearance by counsel.

6 (b) A person who willfully violates a written promise to  
7 appear in court, given as provided by this subchapter, commits a  
8 misdemeanor regardless of the disposition of the charge on which  
9 the person was arrested.

10 (c) An offense under this section is a misdemeanor  
11 punishable by a fine of not less than \$200 or more than \$1,000 and  
12 shall include a \$100 state surcharge that shall be deposited into  
13 the general revenue fund.

14 SECTION 4. Chapter 481.125, Health and Safety Code, is  
15 amended to read as follows:

16 Sec. 481.125. OFFENSE: POSSESSION OR DELIVERY OF DRUG  
17 PARAPHERNALIA. (a) A person commits an offense if the person  
18 knowingly or intentionally uses or possesses with intent to use  
19 drug paraphernalia to plant, propagate, cultivate, grow, harvest,  
20 manufacture, compound, convert, produce, process, prepare, test,  
21 analyze, pack, repack, store, contain, or conceal a controlled  
22 substance in violation of this chapter or to inject, ingest,  
23 inhale, or otherwise introduce into the human body a controlled  
24 substance in violation of this chapter.

25 (b) A person commits an offense if the person knowingly or  
26 intentionally delivers, possesses with intent to deliver, or  
27 manufactures with intent to deliver drug paraphernalia knowing that

1 the person who receives or who is intended to receive the drug  
2 paraphernalia intends that it be used to plant, propagate,  
3 cultivate, grow, harvest, manufacture, compound, convert, produce,  
4 process, prepare, test, analyze, pack, repack, store, contain, or  
5 conceal a controlled substance in violation of this chapter or to  
6 inject, ingest, inhale, or otherwise introduce into the human body  
7 a controlled substance in violation of this chapter.

8 (c) A person commits an offense if the person commits an  
9 offense under Subsection (b), is 18 years of age or older, and the  
10 person who receives or who is intended to receive the drug  
11 paraphernalia is younger than 18 years of age and at least three  
12 years younger than the actor.

13 (d) An offense under Subsection (a) is a Class C misdemeanor  
14 and shall include a \$250 state surcharge that shall be deposited  
15 into the general revenue fund.

16 (e) An offense under Subsection (b) is a Class A  
17 misdemeanor, unless it is shown on the trial of a defendant that the  
18 defendant has previously been convicted under Subsection (b) or  
19 (c), in which event the offense is punishable by confinement in jail  
20 for a term of not more than one year or less than 90 days.

21 (f) An offense under Subsection (c) is a state jail felony.

22 SECTION 5. Chapter 601.008, Transportation Code, is amended  
23 to read as follows:

24 Sec. 601.008. VIOLATION OF CHAPTER; OFFENSE. (a) A person  
25 commits an offense if the person violates a provision of this  
26 chapter for which a penalty is not otherwise provided.

27 (b) An offense under this section is a misdemeanor

1 punishable by:

2 (1) a fine not to exceed \$500 including a \$100 state  
3 surcharge that shall be deposited into the general revenue fund.;

4 (2) confinement in county jail for a term not to exceed  
5 90 days; or

6 (3) both the fine and the confinement.

7 SECTION 6. Section 49.04, Penal Code, is amended to read as  
8 follows:

9 Sec. 49.04. DRIVING WHILE INTOXICATED. (a) A person  
10 commits an offense if the person is intoxicated while operating a  
11 motor vehicle in a public place.

12 (b) Except as provided by Subsection (c) and Section 49.09,  
13 an offense under this section is a Class B misdemeanor, with a  
14 minimum term of confinement of 72 hours.

15 (c) If it is shown on the trial of an offense under this  
16 section that at the time of the offense the person operating the  
17 motor vehicle had an open container of alcohol in the person's  
18 immediate possession, the offense is a Class B misdemeanor, with a  
19 minimum term of confinement of six days.

20 (d) Fines for under this section shall include a \$100 state  
21 surcharge that shall be deposited into the general revenue fund.

22 SECTION 7. (a) This Act takes effect September 1, 2003.

23 (b) The change in law made by this Act applies only to an  
24 offense committed on or after September 1, 2003.

25 (c) An offense committed before September 1, 2003, is  
26 covered by the law in effect when the offense was committed, and the  
27 former law is continued in effect for that purpose. For purposes of

1 this section, an offense was committed before September 1, 2003, if  
2 any element of the offense was committed before that date.

3 (d) The change in law made by this Act does not affect taxes  
4 or fees imposed before the effective date of this Act, and the  
5 former law is continued in effect for purposes of the liability for  
6 and collection of those taxes and fees.

7 (e) All surcharge funds specified in this Act shall be  
8 placed in the general revenue fund.