

By: Phillips

H.B. No. 2136

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain penalties and fees imposed for operating a
3 motor vehicle or vessel in violation of law.

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

5 SECTION 1. Section 502.407(b), Transportation Code, is
6 amended to read as follows:

7 (b) A justice of the peace or municipal court judge having
8 jurisdiction of the offense may:

9 (1) dismiss a charge of driving with an expired motor
10 vehicle registration if the defendant:

11 (A) remedies the defect not later than the 10th
12 working day after the date of the offense; and

13 (B) establishes that the fee prescribed by
14 Section 502.176 has been paid; and

15 (2) assess an administrative fee not to exceed \$25
16 [~~\$10~~] when the charge is dismissed.

17 SECTION 2. Section 521.025, Transportation Code, is amended
18 by adding Subsection (f) to read as follows:

19 (f) The court may assess the defendant an administrative fee
20 not to exceed \$25 if a charge under this section is dismissed
21 because of a defense listed under Subsection (d).

22 SECTION 3. Section 521.026(b), Transportation Code, is
23 amended to read as follows:

24 (b) The judge may assess the defendant an administrative fee

1 not to exceed \$25 [~~\$10~~] when the charge of driving with an expired
2 driver's license is dismissed under Subsection (a).

3 SECTION 4. Section 521.054, Transportation Code, is amended
4 by adding Subsection (g) to read as follows:

5 (g) A court may dismiss a charge for a violation of this
6 section if the defendant:

7 (1) remedies the defect not later than the 10th
8 working day after the date of the offense; and

9 (2) pays an administrative fee not to exceed \$25.

10 SECTION 5. Section 542.301(b), Transportation Code, is
11 amended to read as follows:

12 (b) Except as otherwise provided, an offense under this
13 subtitle is a Class C misdemeanor.

14 SECTION 6. Section 545.412(b), Transportation Code, is
15 amended to read as follows:

16 (b) An offense under this section is a misdemeanor
17 punishable by a fine of not less than \$1 [~~\$100~~] or more than \$500
18 [~~\$200~~].

19 SECTION 7. Section 545.413(d), Transportation Code, is
20 amended to read as follows:

21 (d) An offense under this section [~~Subsection (a)~~] is a
22 misdemeanor punishable by a fine of not less than \$1 [~~\$25~~] or more
23 than \$500 [~~\$50~~. ~~An offense under Subsection (b) is a misdemeanor~~
24 ~~punishable by a fine of not less than \$100 or more than \$200~~].

25 SECTION 8. Section 548.605(b), Transportation Code, is
26 amended to read as follows:

27 (b) The court shall:

1 (1) dismiss a charge of driving with an expired
2 inspection certificate if:

3 (A) the defendant remedies the defect within 10
4 working days; and

5 (B) the inspection certificate has not been
6 expired for more than 60 days; and

7 (2) assess an administrative fee not to exceed \$25
8 [~~\$10~~] when the charge of driving with an expired inspection
9 certificate has been remedied.

10 SECTION 9. Section 31.127, Parks and Wildlife Code, is
11 amended by amending Subsection (c) and adding Subsection (f) to
12 read as follows:

13 (c) Except as provided by Subsection (f), a [A] person who
14 operates a vessel in violation of Section 31.021(b) or 31.095
15 commits an offense punishable by a fine of not less than \$100 or
16 more than \$500.

17 (f) A court may dismiss a charge of operating a vessel with
18 an expired certificate of number under Section 31.021 if:

19 (1) the defendant remedies the defect not later than
20 the 10th working day after the date of the offense and pays an
21 administrative fee not to exceed \$25; and

22 (2) the certificate of number has not been expired for
23 more than 60 days.

24 SECTION 10. Section 542.401, Transportation Code, is
25 repealed.

26 SECTION 11. (a) The changes in law made by this Act apply
27 only to an offense committed on or after the effective date of this

1 Act. For the purposes of this section, an offense is committed
2 before the effective date of this Act if any element of the offense
3 occurs before that date.

4 (b) An offense committed before the effective date of this
5 Act is governed by the law in effect when the offense was committed,
6 and the former law is continued in effect for that purpose.

7 SECTION 12. This Act takes effect September 1, 2005.