

## **BILL ANALYSIS**

Senate Research Center

H.B. 1623  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many motor vehicle violations, such as a burnt-out tail light, are unintentional. Current law is unclear as to whether a justice of the peace has the statutory authority to dismiss such a violation, contingent on the defendant having remedied, within a specific time frame, the problem on which the violation is based.

H.B. 1623 authorizes a court to dismiss a certain motor vehicle offense if the defendant remedies the problem for which the violation is based within a certain time period and pays a certain administrative fee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 502.404, Transportation Code, by adding Subsections (f) and (g), as follows:

(f) Authorizes a court to dismiss a charge brought under Subsection (a) (operating a passenger car or commercial motor vehicle on a public highway, during a certain registration period, that does not display two license plates) if the defendant remedies the defect before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

(g) Authorizes a court to dismiss a charge brought under Subsection (b) (operating a passenger car or commercial motor vehicle on a public highway, during a certain registration period, that does not properly display the registration insignia issued by the Texas Department of Transportation (TxDOT) for that period) if the defendant shows that the passenger car or commercial motor vehicle was issued a registration insignia by TxDOT that establishes that the vehicle was registered for the period during which the offense was committed and that insignia was attached to the passenger car or commercial motor vehicle before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

SECTION 2. Amends Section 502.409, Transportation Code, by adding Subsection (c), to authorize a court to dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) (using a license plate for which the identifying letters and numbers are not plainly visible or are obstructed or that is for a registration period other than the current registration period) if the defendant remedies the defect before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

SECTION 3. Amends Section 521.025, Transportation Code, by adding Subsection (f), to authorize the court to assess a defendant an administrative fee not to exceed \$10 if a charge under this section (License to be Carried and Exhibited on Demand; Criminal Penalty) is dismissed because of the defense listed under Subsection (d) (presentation in court of a license that was valid at the time of the offense).

SECTION 4. Amends Section 521.054, Transportation Code, adding Subsection (d), to authorize a court to dismiss a charge for a violation of this section (Notice of Change of Address or Name) if the defendant remedies the defect not later than the 10<sup>th</sup> working day after the date of the offense and pays an administrative fee not to exceed \$10.

SECTION 5. Amends Section 521.221, Transportation Code, by adding Subsection (d), to authorize a court to dismiss a charge for a violation of this section (Imposition of Special Restrictions and Endorsements) if the restriction or endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense or imposed in error and that fact is established by the defendant; the Department of Public Safety removes the restriction or endorsement before the defendant's first court appearance; and the defendant pays an administrative fee not to exceed \$10.

SECTION 6. Amends Section 547.004, Transportation Code, by adding Subsections (c) and (d), as follows:

(c) Authorizes a court to dismiss a charge brought under this section (General Offenses) if the defendant remedies the vehicle defect before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

(d) Provides that Subsection (c) does not apply to an offense involving a commercial motor vehicle.

SECTION 7. Amends Section 31.127, Parks and Wildlife Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Makes a conforming change.

(f) Authorizes a court to dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 (Required Numbering) if the defendant remedies the defect not later than the 10<sup>th</sup> working day after the date of the offense, pays an administrative fee not to exceed \$10, and the certificate of number has not been expired for more than 60 days.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2007.