

BILL ANALYSIS

C.S.H.B. 1623
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Over the years, penalties and fees for operating a motor vehicle or vessel in violation of law have been enacted by the legislature in a piecemeal way such that there is little uniformity or consistency across the various statutes.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 amends Section 502.404 Transportation Code, to allow the court to dismiss a charge under subsection (a) if the defendant remedies the defect before the defendant's first court date and pays a dismissal fee not to exceed \$25. A charge under Section 502.404(b) may also be dismissed if the defendant shows that the vehicle was registered at the time of the citation; attaches the registration insignia to the vehicle before the first court date; and pays a fee not to exceed \$25.

SECTION 2 amends Section 502.407(b), Transportation Code, to change the maximum administrative fee that may be assessed under this section from \$10 to \$25.

SECTION 3 amends Section 502.409, Transportation Code, to allow a court to dismiss a charge brought under (a) (3), (5), (6) or (7) if the defendant remedies the defect before the first court appearance and pays a fee not to exceed \$25.

SECTION 4 amends Section 521.025, Transportation Code, to allow the court to assess an administrative fee not to exceed \$25 if the charge was dismissed due to a defense listed under Subsection (d).

SECTION 5 amends Section 521.026 (b), Transportation Code, to change the maximum administrative fee that may be assessed under this section from \$10 to \$25.

SECTION 6 amends Section 521.054, Transportation Code, to allow a court to dismiss a charge for a violation of the notice of address or name change requirements if the defendant remedies the defect not later than the 10th working day after the date of the offense and pays an administrative fee not to exceed \$25.

SECTION 7 amends Section 521.221, Transportation Code, to allow a court to dismiss a charge for a violation of an imposed restriction or endorsement on the defendant's driver's license if the restriction or endorsement was imposed due to a physical condition medically corrected before the date of the offense or was imposed in error; and the department removes the restriction or endorsement before the defendant's first court date; and the defendant pays an administrative fee not to exceed \$25.

SECTION 8 amends Section 547.004, Transportation Code, to allow a court to dismiss a charge under this section if the defendant remedies the defect before the defendant's first court appearance; pays an administrative fee not to exceed \$25; and the charge does not apply to an offense involving a commercial vehicle.

SECTION 9 amends Section 548.605(b) Transportation Code, to change the maximum administrative fee that may be assessed under this section from \$10 to \$25.

SECTION 10 amends Section 31.127, Parks and Wildlife Code, to allow a court to dismiss a charge of operating a vessel with an expired certificate of number if the defendant remedies the defect not later than the 10th working day; the certificate has not been expired for more than 60 days; and the defendant pays a fee up to \$25.

SECTION 11 provides that changes in law provided by this Act apply only to an offense committed on or after the effective date.

SECTION 12 provides that this Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute omits Sections 9 and 10 of the introduced bill, which amends Section 542.401, Transportation Code. CSHB 1623 does not increase the general penalty.