

By: Phillips

H.B. No. 1623

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 502.404, Transportation Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) A court may dismiss a charge brought under Subsection (a) if the defendant:

(1) remedies the defect before the defendant's first court appearance; and

(2) pays an administrative fee not to exceed \$10.

(g) A court may dismiss a charge brought under Subsection (b) if the defendant:

(1) shows that:

(A) the passenger car or commercial motor vehicle was issued a registration insignia by the department that establishes that the vehicle was registered for the period during which the offense was committed; and

(B) the registration insignia described in Paragraph (A) was attached to the passenger car or commercial motor vehicle before the defendant's first court appearance; and

(2) pays an administrative fee not to exceed \$10.

SECTION 2. Section 502.409, Transportation Code, is amended by adding Subsection (c) to read as follows:

1 (c) A court may dismiss a charge brought under Subsection
2 (a)(3), (5), (6), or (7) if the defendant:

3 (1) remedies the defect before the defendant's first
4 court appearance; and

5 (2) pays an administrative fee not to exceed \$10.

6 SECTION 3. Section 521.025, Transportation Code, is amended
7 by adding Subsection (f) to read as follows:

8 (f) The court may assess a defendant an administrative fee
9 not to exceed \$10 if a charge under this section is dismissed
10 because of the defense listed under Subsection (d).

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

13 (d) A court may dismiss a charge for a violation of this
14 section if the defendant:

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

17 (2) pays an administrative fee not to exceed \$10.

18 SECTION 5. Section 521.221, Transportation Code, is amended
19 by adding Subsection (d) to read as follows:

20 (d) A court may dismiss a charge for a violation of this
21 section if:

22 (1) the restriction or endorsement was imposed:

23 (A) because of a physical condition that was
24 surgically or otherwise medically corrected before the date of the
25 offense; or

26 (B) in error and that fact is established by the
27 defendant;

1 (2) the department removes the restriction or
2 endorsement before the defendant's first court appearance; and

3 (3) the defendant pays an administrative fee not to
4 exceed \$10.

5 SECTION 6. Section 547.004, Transportation Code, is amended
6 by adding Subsections (c) and (d) to read as follows:

7 (c) A court may dismiss a charge brought under this section
8 if the defendant:

9 (1) remedies the defect before the defendant's first
10 court appearance; and

11 (2) pays an administrative fee not to exceed \$10.

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

14 SECTION 7. Section 31.127, Parks and Wildlife Code, is
15 amended by amending Subsection (c) and adding Subsection (f) to
16 read as follows:

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

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

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

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

1 SECTION 8. (a) The changes in law made by this Act apply
2 only to an offense committed on or after the effective date of this
3 Act. For the purposes of this section, an offense is committed
4 before the effective date of this Act if any element of the offense
5 occurs before that date.

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

9 SECTION 9. This Act takes effect September 1, 2007.