

AN ACT

relating to certain offenses, fees, and penalties imposed for operating a motor vehicle or vessel in violation of law and to the use of the money collected.

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 502.407(b), Transportation Code, is

1 amended to read as follows:

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

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

6 (A) remedies the defect not later than the 20th
7 ~~[10th]~~ working day after the date of the offense or before the
8 defendant's first court appearance date, whichever is later; and

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

11 (2) assess an administrative fee not to exceed \$20
12 ~~[\$10]~~ when the charge is dismissed.

13 SECTION 3. Section 502.409, Transportation Code, is amended
14 by adding Subsection (c) to read as follows:

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

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

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

20 SECTION 4. Section 521.025, Transportation Code, is amended
21 by adding Subsection (f) to read as follows:

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

25 SECTION 5. Section 521.026, Transportation Code, is amended
26 to read as follows:

27 Sec. 521.026. DISMISSAL OF EXPIRED LICENSE CHARGE. (a) A

1 judge may dismiss a charge of driving with an expired license if the
2 defendant remedies this defect within 20 [~~10~~] working days or
3 before the defendant's first court appearance date, whichever is
4 later.

5 (b) The judge may assess the defendant an administrative fee
6 not to exceed \$20 [~~\$10~~] when the charge of driving with an expired
7 driver's license is dismissed under Subsection (a).

8 SECTION 6. Section 521.054, Transportation Code, is amended
9 by adding Subsection (d) to read as follows:

10 (d) A court may dismiss a charge for a violation of this
11 section if the defendant remedies the defect not later than the 20th
12 working day after the date of the offense and pays an administrative
13 fee not to exceed \$20. The court may waive the administrative fee if
14 the waiver is in the interest of justice.

15 SECTION 7. Section 521.221, Transportation Code, is amended
16 by adding Subsection (d) to read as follows:

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

19 (1) the restriction or endorsement was imposed:

20 (A) because of a physical condition that was
21 surgically or otherwise medically corrected before the date of the
22 offense; or

23 (B) in error and that fact is established by the
24 defendant;

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

27 (3) the defendant pays an administrative fee not to

1 exceed \$10.

2 SECTION 8. Section 521.457, Transportation Code, is amended
3 by amending Subsections (e) and (f) and adding Subsection (f-1) to
4 read as follows:

5 (e) Except as provided by Subsections [~~Subsection~~] (f) and
6 (f-1), an offense under this section is a Class C misdemeanor
7 [~~punishable by:~~

8 [~~(1) a fine of not less than \$100 or more than \$500;~~
9 ~~and~~

10 [~~(2) confinement in county jail for a term of not less~~
11 ~~than 72 hours or more than six months]~~.

12 (f) If it is shown on the trial of an offense under this
13 section that the person has previously been convicted of an offense
14 under this section or an offense under Section 601.371(a), as that
15 law existed before September 1, 2003, the offense is a Class B [~~A~~]
16 misdemeanor.

17 (f-1) If it is shown on the trial of an offense under this
18 section that the license of the person has previously been
19 suspended as the result of an offense involving the operation of a
20 motor vehicle while intoxicated, the offense is a Class B
21 misdemeanor.

22 SECTION 9. Subchapter D, Chapter 542, Transportation Code,
23 is amended by adding Sections 542.405 and 542.406 to read as
24 follows:

25 Sec. 542.405. AMOUNT OF CIVIL PENALTY; LATE PAYMENT
26 PENALTY. If a local authority enacts an ordinance to enforce
27 compliance with the instructions of a traffic-control signal by the

1 imposition of a civil or administrative penalty, the amount of:

2 (1) the civil or administrative penalty may not exceed
3 \$75; and

4 (2) a late payment penalty may not exceed \$25.

5 Sec. 542.406. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC
6 PENALTIES. (a) In this section, "photographic traffic signal
7 enforcement system" means a system that:

8 (1) consists of a camera system and vehicle sensor
9 installed to exclusively work in conjunction with an electrically
10 operated traffic-control signal;

11 (2) is capable of producing one or more recorded
12 photographic or digital images that depict the license plate
13 attached to the front or the rear of a motor vehicle that is not
14 operated in compliance with the instructions of the traffic-control
15 signal; and

16 (3) is designed to enforce compliance with the
17 instructions of the traffic-control signal by imposition of a civil
18 or administrative penalty against the owner of the motor vehicle.

19 (b) This section applies only to a civil or administrative
20 penalty imposed on the owner of a motor vehicle by a local authority
21 that operates or contracts for the operation of a photographic
22 traffic signal enforcement system with respect to a highway under
23 its jurisdiction or that operates or contracts for the operation of
24 any other type of electronic traffic law enforcement system
25 consisting of a camera system that automatically produces one or
26 more recorded photographs or digital images of the license plate on
27 a motor vehicle or the operator of a motor vehicle.

1 (c) Not later than the 60th day after the end of a local
2 authority's fiscal year, after deducting amounts the local
3 authority is authorized by Subsection (d) to retain, the local
4 authority shall:

5 (1) send 50 percent of the revenue derived from civil
6 or administrative penalties collected by the local authority under
7 this section to the comptroller for deposit to the credit of the
8 regional trauma account established under Section 782.002, Health
9 and Safety Code; and

10 (2) deposit the remainder of the revenue in a special
11 account in the local authority's treasury that may be used only to
12 fund traffic safety programs, including pedestrian safety
13 programs, public safety programs, intersection improvements, and
14 traffic enforcement.

15 (d) A local authority may retain an amount necessary to
16 cover the costs of:

17 (1) purchasing or leasing equipment that is part of or
18 used in connection with the photographic traffic signal enforcement
19 system in the local authority;

20 (2) installing the photographic traffic signal
21 enforcement system at sites in the local authority, including the
22 costs of installing cameras, flashes, computer equipment, loop
23 sensors, detectors, utility lines, data lines, poles and mounts,
24 networking equipment, and associated labor costs;

25 (3) operating the photographic traffic signal
26 enforcement system in the local authority, including the costs of
27 creating, distributing, and delivering violation notices, review

1 of violations conducted by employees of the local authority, the
2 processing of fine payments and collections, and the costs
3 associated with administrative adjudications and appeals; and

4 (4) maintaining the general upkeep and functioning of
5 the photographic traffic signal enforcement system.

6 (e) Chapter 133, Local Government Code, applies to fee
7 revenue described by Subsection (c)(1).

8 (f) If under Section 133.059, Local Government Code, the
9 comptroller conducts an audit of a local authority and determines
10 that the local authority retained more than the amounts authorized
11 by this section or failed to deposit amounts as required by this
12 section, the comptroller may impose a penalty on the local
13 authority equal to twice the amount the local authority:

14 (1) retained in excess of the amount authorized by
15 this section; or

16 (2) failed to deposit as required by this section.

17 SECTION 10. Section 547.004, Transportation Code, is
18 amended by adding Subsections (c) and (d) to read as follows:

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

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

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

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

26 SECTION 11. Section 548.605(b), Transportation Code, is
27 amended to read as follows:

1 (b) The court shall:

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

4 (A) the defendant remedies the defect within 20
5 ~~[10]~~ working days or before the defendant's first court appearance
6 date, whichever is later; and

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

9 (2) assess an administrative fee not to exceed \$20
10 ~~[\$10]~~ when the charge of driving with an expired inspection
11 certificate has been remedied.

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

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

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

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

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

26 SECTION 13. Section 133.004, Local Government Code, is
27 amended to read as follows:

1 Sec. 133.004. CIVIL FEES. This chapter applies to the
2 following civil fees:

3 (1) the consolidated fee on filing in district court
4 imposed under Section 133.151;

5 (2) the filing fee in district court for basic civil
6 legal services for indigents imposed under Section 133.152;

7 (3) the filing fee in courts other than district court
8 for basic civil legal services for indigents imposed under Section
9 133.153;

10 (4) the filing fees for the judicial fund imposed in
11 certain statutory county courts under Section 51.702, Government
12 Code;

13 (5) the filing fees for the judicial fund imposed in
14 certain county courts under Section 51.703, Government Code;

15 (6) the filing fees for the judicial fund imposed in
16 certain statutory probate courts under Section 51.704, Government
17 Code;

18 (7) fees collected under Section 118.015;

19 (8) marriage license fees for the family trust fund
20 collected under Section 118.018;

21 (9) marriage license or declaration of informal
22 marriage fees for the child abuse and neglect prevention trust fund
23 account collected under Section 118.022; ~~and~~

24 (10) the filing fee for the judicial fund imposed in
25 district court, statutory county court, and county court under
26 Section 133.154; and

27 (11) the portion of the civil or administrative

1 penalty described by Section 542.406(c)(1), Transportation Code,
2 imposed by a local authority to enforce compliance with the
3 instructions of a traffic-control signal.

4 SECTION 14. Subtitle B, Title 9, Health and Safety Code, is
5 amended by adding Chapter 782 to read as follows:

6 CHAPTER 782. REGIONAL EMERGENCY MEDICAL SERVICES

7 Sec. 782.001. DEFINITIONS. In this chapter:

8 (1) "Commission" means the Health and Human Services
9 Commission.

10 (2) "Commissioner" means the executive commissioner
11 of the Health and Human Services Commission.

12 Sec. 782.002. REGIONAL TRAUMA ACCOUNT. (a) The regional
13 trauma account is created as a dedicated account in the general
14 revenue fund of the state treasury. Money in the account may be
15 appropriated only to the commission to make distributions as
16 provided by Section 782.003.

17 (b) The account is composed of money deposited to the credit
18 of the account under Section 542.406, Transportation Code, and the
19 earnings of the account.

20 (c) Sections 403.095 and 404.071, Government Code, do not
21 apply to the account.

22 Sec. 782.003. PAYMENTS FROM THE REGIONAL TRAUMA ACCOUNT.

23 (a) The commissioner shall use money appropriated from the
24 regional trauma account established under Section 782.002 to fund
25 uncompensated care of designated trauma facilities and county and
26 regional emergency medical services located in the area served by
27 the trauma service area regional advisory council that serves the

1 local authority submitting money under Section 542.406,
2 Transportation Code.

3 (b) In any fiscal year, the commissioner shall use:

4 (1) 96 percent of the money appropriated from the
5 account to fund a portion of the uncompensated trauma care provided
6 at facilities designated as state trauma facilities by the
7 Department of State Health Services;

8 (2) two percent of the money appropriated from the
9 account for county and regional emergency medical services;

10 (3) one percent of the money appropriated from the
11 account for distribution to the 22 trauma service area regional
12 advisory councils; and

13 (4) one percent of the money appropriated from the
14 account to fund administrative costs of the commission.

15 (c) The money under Subsection (b) shall be distributed in
16 proportion to the amount deposited to the account from the local
17 authority.

18 SECTION 15. Section 542.406, Transportation Code, as added
19 by this Act, and Section 782.002, Health and Safety Code, as added
20 by this Act, apply to revenue received by a local authority unit of
21 this state from the imposition of a civil or administrative penalty
22 on or after the effective date of this Act, regardless of whether
23 the penalty was imposed before, on, or after the effective date of
24 this Act.

25 SECTION 16. Not later than December 1, 2007, the executive
26 commissioner of the Health and Human Services Commission shall
27 adopt rules to implement Chapter 782, Health and Safety Code, as

1 added by this Act.

2 SECTION 17. (a) The changes in law made by this Act apply
3 only to an offense committed on or after the effective date of this
4 Act. For the purposes of this section, an offense is committed
5 before the effective date of this Act if any element of the offense
6 occurs before that date.

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

10 SECTION 18. (a) Except as provided by Subsection (b) of
11 this section, this Act takes effect September 1, 2007.

12 (b) Sections 9, 13, 14, 15, and 16 of this Act take effect
13 only if Senate Bill No. 1119, Acts of the 80th Legislature, Regular
14 Session, 2007, is enacted and becomes law.

President of the Senate

Speaker of the House

I certify that H.B. No. 1623 was passed by the House on April 23, 2007, by the following vote: Yeas 140, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1623 on May 17, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1623 on May 27, 2007, by the following vote: Yeas 135, Nays 7, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1623

I certify that H.B. No. 1623 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1623 on May 26, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor