

By: Phillips

H.B. No. 1623

Substitute the following for H.B. No. 1623:

By: Macias

C.S.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 \$25.

(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 \$25.

SECTION 2. Section 502.407(b), Transportation Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 5. Section 521.026(b), Transportation Code, is
24 amended to read as follows:

25 (b) The judge may assess the defendant an administrative fee
26 not to exceed \$25 [~~\$10~~] when the charge of driving with an expired
27 driver's license is dismissed under Subsection (a).

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

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

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

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

8 SECTION 7. Section 521.221, 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:

12 (1) the restriction or endorsement was imposed:

13 (A) because of a physical condition that was
14 surgically or otherwise medically corrected before the date of the
15 offense; or

16 (B) in error and that fact is established by the
17 defendant;

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

20 (3) the defendant pays an administrative fee not to
21 exceed \$25.

22 SECTION 8. Section 547.004, Transportation Code, is amended
23 by adding Subsections (c) and (d) to read as follows:

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

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

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

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

4 SECTION 9. Section 548.605(b), Transportation Code, is
5 amended to read as follows:

6 (b) The court shall:

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

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

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

13 (2) assess an administrative fee not to exceed \$25
14 [~~\$10~~] when the charge of driving with an expired inspection
15 certificate has been remedied.

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

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

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

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

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

3 SECTION 11. (a) The changes in law made by this Act apply
4 only to an offense committed on or after the effective date of this
5 Act. For the purposes of this section, an offense is committed
6 before the effective date of this Act if any element of the offense
7 occurs before that date.

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

11 SECTION 12. This Act takes effect September 1, 2007.