

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 \$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 542.301(b), Transportation Code, is  
23 amended to read as follows:

24 (b) Except as otherwise provided, an offense under this  
25 subtitle is a Class C misdemeanor.

26 SECTION 9. Section 542.401, Transportation Code, is amended  
27 to read as follows:

1           Sec. 542.401. GENERAL PENALTY. A person convicted of an  
2 offense that is a misdemeanor under this subtitle for which another  
3 penalty is not provided shall be punished by a fine of not less than  
4 \$1 or more than \$500. [~~\$200~~]

5           SECTION 10. Section 547.004, Transportation Code, is  
6 amended 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 \$25.

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

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

16           (b) The court shall:

17                   (1) dismiss a charge of driving with an expired  
18 inspection certificate if:

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

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

23                   (2) assess an administrative fee not to exceed \$25  
24 [~~\$10~~] when the charge of driving with an expired inspection  
25 certificate has been remedied.

26           SECTION 12. Section 31.127, Parks and Wildlife Code, is  
27 amended by amending Subsection (c) and adding Subsection (f) to

1 read as follows:

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

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

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

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

13 SECTION 13. (a) The changes in law made by this Act apply  
14 only to an offense committed on or after the effective date of this  
15 Act. For the purposes of this section, an offense is committed  
16 before the effective date of this Act if any element of the offense  
17 occurs before that date.

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

21 SECTION 14. This Act takes effect September 1, 2007.