

1-1 By: Phillips (Senate Sponsor - Carona) H.B. No. 1623  
1-2 (In the Senate - Received from the House April 24, 2007;  
1-3 April 26, 2007, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 11, 2007, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 8, Nays 0; May 11, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1623 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to certain offenses and fees imposed for operating a motor  
1-11 vehicle or vessel in violation of law.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 502.404, Transportation Code, is amended  
1-14 by adding Subsections (f) and (g) to read as follows:

1-15 (f) A court may dismiss a charge brought under Subsection  
1-16 (a) if the defendant:

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

1-19 (2) pays an administrative fee not to exceed \$10.

1-20 (g) A court may dismiss a charge brought under Subsection  
1-21 (b) if the defendant:

1-22 (1) shows that:

1-23 (A) the passenger car or commercial motor vehicle  
1-24 was issued a registration insignia by the department that  
1-25 establishes that the vehicle was registered for the period during  
1-26 which the offense was committed; and

1-27 (B) the registration insignia described in  
1-28 Paragraph (A) was attached to the passenger car or commercial motor  
1-29 vehicle before the defendant's first court appearance; and

1-30 (2) pays an administrative fee not to exceed \$10.

1-31 SECTION 2. Section 502.409, Transportation Code, is amended  
1-32 by adding Subsection (c) to read as follows:

1-33 (c) A court may dismiss a charge brought under Subsection  
1-34 (a) (3), (5), (6), or (7) if the defendant:

1-35 (1) remedies the defect before the defendant's first  
1-36 court appearance; and

1-37 (2) pays an administrative fee not to exceed \$10.

1-38 SECTION 3. Section 521.025, Transportation Code, is amended  
1-39 by adding Subsection (f) to read as follows:

1-40 (f) The court may assess a defendant an administrative fee  
1-41 not to exceed \$10 if a charge under this section is dismissed  
1-42 because of the defense listed under Subsection (d).

1-43 SECTION 4. Section 521.054, Transportation Code, is amended  
1-44 by adding Subsection (d) to read as follows:

1-45 (d) A court may dismiss a charge for a violation of this  
1-46 section if the defendant:

1-47 (1) remedies the defect not later than the 10th  
1-48 working day after the date of the offense; and

1-49 (2) pays an administrative fee not to exceed \$10.

1-50 SECTION 5. Section 521.221, Transportation Code, is amended  
1-51 by adding Subsection (d) to read as follows:

1-52 (d) A court may dismiss a charge for a violation of this  
1-53 section if:

1-54 (1) the restriction or endorsement was imposed:

1-55 (A) because of a physical condition that was  
1-56 surgically or otherwise medically corrected before the date of the  
1-57 offense; or

1-58 (B) in error and that fact is established by the  
1-59 defendant;

1-60 (2) the department removes the restriction or  
1-61 endorsement before the defendant's first court appearance; and

1-62 (3) the defendant pays an administrative fee not to  
1-63 exceed \$10.

SECTION 6. Subsections (a) and (b), Section 545.412, Transportation Code, are amended to read as follows:

(a) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than eight [~~five~~] years of age, unless the child is taller than four feet, nine inches [and less than 36 inches in height], and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

(b) An offense under this section is a misdemeanor punishable by a fine of not [~~less than \$100 or~~] more than \$25 [~~\$200~~]. Notwithstanding any other law, a municipality or county shall remit each fine collected under this section to the comptroller for deposit in a separate account in the general revenue fund that may be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems and distribute them to low-income families. Chapter 133, Local Government Code, applies to a fine collected under this section.

SECTION 7. Section 547.004, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

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

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

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

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

SECTION 8. Section 133.003, Local Government Code, is amended to read as follows:

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

(1) the consolidated fee imposed under Section 133.102;

(2) the time payment fee imposed under Section 133.103;

(3) fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104;

(4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;

(5) costs on conviction imposed in certain county courts under Section 51.703, Government Code, and deposited in the judicial fund;

(6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code;

(7) fines on conviction imposed under Section 545.412 or 621.506(g), Transportation Code;

(8) the fee imposed under Article 102.0045, Code of Criminal Procedure; and

(9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund.

SECTION 9. Section 31.127, Parks and Wildlife Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

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

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

(1) 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 \$10; and

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

3-1 SECTION 10. (a) Subject to Subsection (c) of this section,  
3-2 the changes in law made by this Act apply only to an offense  
3-3 committed on or after the effective date of this Act. For the  
3-4 purposes of this section, an offense is committed before the  
3-5 effective date of this Act if any element of the offense occurs  
3-6 before that date.

3-7 (b) An offense committed before the effective date of this  
3-8 Act is governed by the law in effect when the offense was committed,  
3-9 and the former law is continued in effect for that purpose.

3-10 (c) For an offense under Section 545.412, Transportation  
3-11 Code, as amended by this Act, that would not have been an offense  
3-12 under that section before this Act took effect, if the child who is  
3-13 the subject of the offense is secured by a safety belt:

3-14 (1) the offense may be prosecuted only if the offense  
3-15 occurs on or after June 1, 2008; and

3-16 (2) before June 1, 2008, a law enforcement officer may  
3-17 not arrest or issue a notice to appear to a person committing the  
3-18 offense, but may issue to the person a warning to comply with  
3-19 Section 545.412, Transportation Code, as amended by this Act.

3-20 SECTION 11. This Act takes effect September 1, 2007.

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