

**House Bill 1623**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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.

No equivalent provision.

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Same as House version.

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

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

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

(A) remedies the defect not later than the ~~20th~~ <sup>10th</sup> working day after the date of the offense or before the defendant's first court appearance date, whichever is later; and

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(B) establishes that the fee prescribed by Section 502.176 has been paid; and  
(2) assess an administrative fee not to exceed \$20 [~~\$10~~] when the charge is dismissed.

Same as House version.

SECTION 2. Section 502.409, Transportation Code, is amended by adding Subsection (c) to read as follows:  
(c) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:  
(1) remedies the defect before the defendant's first court appearance; and  
(2) pays an administrative fee not to exceed \$10.

Same as House version.

SECTION 3. Section 521.025, Transportation Code, is amended by adding Subsection (f) to read as follows:  
(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (d).

SECTION \_\_. Section 521.026, Transportation Code, is amended to read as follows:  
Sec. 521.026. DISMISSAL OF EXPIRED LICENSE CHARGE. (a) A judge may dismiss a charge of driving with an expired license if the defendant remedies this defect within 20 [~~10~~] working days or before the defendant's first court appearance date, whichever is later.  
(b) The judge may assess the defendant an administrative fee not to exceed \$20 [~~\$10~~] when the

No equivalent provision.

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charge of driving with an expired driver's license is dismissed under Subsection (a).

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

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

- (1) remedies the defect not later than the 10th working day after the date of the offense; and
- (2) pays an administrative fee not to exceed \$10.

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

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

- (1) the restriction or endorsement was imposed:
  - (A) because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; or
  - (B) in error and that fact is established by the defendant;
- (2) the department removes the restriction or endorsement before the defendant's first court appearance; and
- (3) the defendant pays an administrative fee not to exceed \$10.

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

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

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No equivalent provision.

SECTION 6. 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

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

(e) Except as provided by Subsection (f), an offense under this section is a Class C misdemeanor ~~[punishable by:~~

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

~~[(2) confinement in county jail for a term of not less than 72 hours or more than 6 months].~~

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

(f-1) If it is shown on the trial of an offense under this section that the person has previously been convicted twice or more of an offense under this section or an offense under Section 601.371(a), as that law existed before September 1, 2003, the offense is a Class A misdemeanor.

SECTION 7. Same as House version.

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a commercial motor vehicle.

No equivalent provision.

SECTION 7. 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

SECTION \_\_. Section 548.605(b), Transportation Code, is amended to read as follows:

(b) The court shall:

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

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

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

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

SECTION 9. Same as House version.

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more than 60 days.

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

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

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

SECTION 10. Same as House version.

SECTION 11. Same as House version.