

## **BILL ANALYSIS**

C.S.H.B. 3769  
By: Coleman  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that expired inspection and registration certificates are handled as moving violations under current law and that misdemeanor citations for moving violations may be issued only by peace officers. The parties further note that parking enforcement officers patrol public highways on a daily basis and that it may benefit law enforcement efforts for municipalities to have the authority to allow these officers to issue civil parking citations to vehicles parked in public highways with expired registration or inspection decals. The goal of C.S.H.B. 3769 is to amend the current law relating to the authority of a municipality to impose a civil penalty for certain parking violations.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3769 amends the Transportation Code to establish that the prohibition against a political subdivision of the state requiring an owner of a motor vehicle to register the vehicle, pay a motor vehicle registration fee, or pay an occupation tax or license fee in connection with a motor vehicle does not affect a municipality's authority to impose a civil penalty, as well as a criminal penalty, on the owner of a motor vehicle that displays a license plate issued by the Texas Department of Motor Vehicles (TxDMV), is parked on a highway under the municipality's jurisdiction, and does not display a valid TxDMV-issued registration insignia.

C.S.H.B. 3769 authorizes the governing body of a municipality to enact an ordinance that allows the municipality to impose a civil penalty, as well as a criminal penalty, on the owner of a motor vehicle that displays a TxDMV-issued license plate, is parked on a highway under the municipality's jurisdiction, and does not display a valid TxDMV-issued registration insignia. The bill establishes a defense to the imposition of a civil penalty for failure to display an inspection certificate if an inspection certificate for the vehicle is in effect at the time of the arrest.

C.S.H.B. 3769 limits the authority to enforce these civil penalties to a person designated by the municipality specifically to enforce parking violations.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3769 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

83R 26777

13.122.815

Substitute Document Number: 83R 24064

INTRODUCED

SECTION 1. Section 502.407, Transportation Code, is amended by amending Subsection (c) to read as follows:  
Sec. 502.407. OPERATION OF VEHICLE WITH EXPIRED LICENSE PLATE.

(a) A person commits an offense if, after the fifth working day after the date the registration for the vehicle expires:

(1) the person operates on a public highway during a registration period a motor vehicle, trailer, or semitrailer that has attached to it a license plate for the preceding period; and

(2) the license plate has not been validated by the attachment of a registration insignia for the registration period in effect.

(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 working day after the date of the offense or before the defendant's first court appearance date, whichever is later; and

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

(2) assess an administrative fee not to exceed \$20 when the charge is dismissed.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1296, Sec. 247(6), eff. January 1, 2012.

(d) Municipalities may authorize parking enforcement officers to issue civil parking violations to vehicles parked on the public right-of-way for an expired license plate as described by this section. This subsection shall not be construed as to replace or modify the criminal violation currently issued by peace officers.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Section 502.003, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) This section does not affect the authority of a municipality to:

(1) license and regulate the use of motor vehicles for compensation within the municipal limits; ~~and~~

(2) impose a permit fee or street rental charge for the operation of each motor vehicle used to transport passengers for

compensation, other than a motor vehicle operating under a registration certificate from the department or a permit from the federal Surface Transportation Board; and (3) except as provided by Subsection (b-1), impose, in addition to a criminal penalty, a civil penalty on the owner of a motor vehicle that:

(A) displays a license plate issued by the department;

(B) is parked on a highway under the jurisdiction of the municipality; and

(C) does not display a valid registration insignia issued by the department.

(b-1) A civil penalty under Subsection (b)(3) may be enforced only by a person designated by the municipality specifically to enforce parking violations.

SECTION 2. Sec. 548.602, Transportation Code, is amended by adding amending subsection (c) and adding subsection (d) as follows:

Sec. 548.602. FAILURE TO DISPLAY INSPECTION CERTIFICATE.

(a) After the fifth day after the date of expiration of the period designated for inspection, a person may not operate:

(1) a motor vehicle registered in this state unless a current and appropriate inspection certificate is displayed on the vehicle; or

(2) a commercial motor vehicle registered in this state unless it is equipped as required by federal motor carrier safety regulations and displays an inspection certificate issued under the program established under Section 548.201.

(b) A peace officer who exhibits a badge or other sign of authority may stop a vehicle not displaying an inspection certificate on the windshield and require the owner or operator to produce an inspection certificate for the vehicle.

**No equivalent provision.**

SECTION 2. Section 548.602, Transportation Code, is amended by adding Subsections (b-1) and (b-2) and amending Subsection (c) to read as follows:

(b-1) The governing body of a municipality may enact an ordinance that allows the municipality to impose, in addition to a criminal penalty, a civil penalty on the owner of a motor vehicle that:

(1) displays a license plate issued by the Texas Department of Motor Vehicles;

(2) is parked on a highway under the jurisdiction of the municipality; and

(3) does not display a valid inspection

No equivalent provision.

~~(c) [It is a defense to prosecution under Subsection (a)(1) that an inspection certificate for the vehicle is in effect at the time of the arrest]~~ Municipalities may authorize parking enforcement officers to issue civil parking violations to vehicles parked on the public right-of-way that:

- 1) fail to show an inspection certificate; or
- 2) show an expired inspection certificate.

This Subsection shall not be construed as to replace or modify the criminal violation currently issued by peace officers under this Section.

(d) It is a defense to prosecution under Subsection (a)(1) and Subsection (c) that an inspection certificate for the vehicle is in effect at the time of the arrest.

SECTION 3. This Act takes effect September 1, 2013.

certificate issued under this chapter.

(b-2) A civil penalty under Subsection (b-1) may be enforced only by a person designated by the municipality specifically to enforce parking violations.

No equivalent provision.

(c) It is a defense to prosecution under Subsection (a)(1) ~~or to the imposition of a civil penalty~~ that an inspection certificate for the vehicle is in effect at the time of the arrest.

SECTION 3. Same as introduced version.