

By: Coleman

H.B. No. 3769

Substitute the following for H.B. No. 3769:

By: Dutton

C.S.H.B. No. 3769

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a municipality to impose a civil  
3 penalty on owners of certain motor vehicles parked on a highway  
4 under the jurisdiction of the municipality that do not display a  
5 valid registration insignia or inspection certificate.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

14 (2) impose a permit fee or street rental charge for the  
15 operation of each motor vehicle used to transport passengers for  
16 compensation, other than a motor vehicle operating under a  
17 registration certificate from the department or a permit from the  
18 federal Surface Transportation Board; and

19 (3) except as provided by Subsection (b-1), impose, in  
20 addition to a criminal penalty, a civil penalty on the owner of a  
21 motor vehicle that:

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

24 (B) is parked on a highway under the jurisdiction

1 of the municipality; and

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

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

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

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

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

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

18 (3) does not display a valid inspection certificate  
19 issued under this chapter.

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

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

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