

By: Coleman

H.B. No. 3769

A BILL TO BE ENTITLED

AN ACT

relating to the ability of municipalities to authorize parking enforcement officers to issue violations; creating a civil offense.

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

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

1 Section 502.176 has been paid; and

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

4 (c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1296, Sec.
5 247(6), eff. January 1, 2012.

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

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

15 Sec. 548.602. FAILURE TO DISPLAY INSPECTION CERTIFICATE.

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

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

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

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

1 produce an inspection certificate for the vehicle.

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

7 1) fail to show an inspection certificate; or

8 2) show an expired inspection certificate.

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

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

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