

By: Rodriguez

S.B. No. 790

A BILL TO BE ENTITLED

AN ACT

relating to administrative fees assessed when certain charges are dismissed.

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

SECTION 1. 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:

(1) ~~[(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]~~

(2) ~~[(B)]~~ establishes that the fee prescribed by Section 502.045 ~~[502.176]~~ has been paid; and

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

SECTION 2. Section 502.473(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a) if the defendant:

(1) shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the

1 period during which the offense was committed; and

2 (2) pays an administrative fee of \$20 [~~not to exceed~~
3 ~~\$10~~].

4 SECTION 3. Section 502.475(c), Transportation Code, is
5 amended to read as follows:

6 (c) A court may dismiss a charge brought under Subsection
7 (a)(3) if the defendant:

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

10 (2) pays an administrative fee of \$20 [~~not to exceed~~
11 ~~\$10~~].

12 SECTION 4. Section 504.943(d), Transportation Code, is
13 amended to read as follows:

14 (d) A court may dismiss a charge brought under Subsection
15 (a)(1) if the defendant:

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

18 (2) pays an administrative fee of \$20 [~~not to exceed~~
19 ~~\$10~~].

20 SECTION 5. Section 504.945(d), Transportation Code, is
21 amended to read as follows:

22 (d) A court may dismiss a charge brought under Subsection
23 (a)(3), (5), (6), or (7) if the defendant:

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

26 (2) pays an administrative fee of \$20 [~~not to exceed~~
27 ~~\$10~~].

SECTION 6. Section 521.026(b), Transportation Code, is amended to read as follows:

(b) The judge shall ~~[may]~~ assess the defendant an administrative fee of ~~[not to exceed]~~ \$20 when the charge of driving with an expired driver's license is dismissed under Subsection (a).

SECTION 7. Section 521.054(d), Transportation Code, is amended 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 of ~~[not to exceed]~~ \$20. ~~[The court may waive the administrative fee if the waiver is in the interest of justice.]~~

SECTION 8. Section 521.221(d), Transportation Code, is amended 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 of \$20 ~~[not to exceed \$10]~~.

SECTION 9. Section 547.004(c), Transportation Code, is

1 amended to read as follows:

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

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

6 (2) pays an administrative fee of \$20 [~~not to exceed~~
7 ~~\$10~~].

8 SECTION 10. Sections 548.605(b) and (c), Transportation
9 Code, are amended to read as follows:

10 (b) The court shall:

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

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

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

18 (2) assess an administrative fee of [~~not to exceed~~]
19 \$20 when the charge of driving with an expired inspection
20 certificate has been remedied.

21 (c) Notwithstanding Subsection (b)(1)(B), the court may
22 dismiss a charge of driving with an expired inspection certificate
23 that has been expired for more than 60 days. The court shall assess
24 an administrative fee of \$20 when a charge is dismissed under this
25 subsection.

26 SECTION 11. Sections 681.013(b) and (c), Transportation
27 Code, are amended to read as follows:

(b) The court shall:

(1) dismiss a charge for an offense under Section 681.011(b)(1) if:

(A) the vehicle displayed a disabled parking placard that was not valid as expired;

(B) the defendant remedies the defect by renewing the expired disabled parking placard within 20 working days from the date of the offense or before the defendant's first court appearance date, whichever is later; and

(C) the disabled parking placard has not been expired for more than 60 days; and

(2) assess an administrative fee of ~~[not to exceed]~~ \$20 when the charge has been remedied.

(c) Notwithstanding Subsection (b)(1)(C), the court may dismiss a charge of unlawfully parking a vehicle in a space designated specifically for persons with disabilities, if at the time of the offense the defendant's vehicle displays a disabled parking placard that has been expired for more than 60 days. The court shall assess an administrative fee of \$20 when a charge is dismissed under this subsection.

SECTION 12. Section 31.127(f), Parks and Wildlife Code, is amended to read as follows:

(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 of \$20 ~~[not to exceed \$10]~~; and

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

SECTION 13. Section 103.0213, Government Code, is amended to read as follows:

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Transportation Code if ordered by the court or otherwise required:

(1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . ~~[not to exceed]~~ \$20;

(2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) . . . ~~[not to exceed]~~ \$20;

(3) administrative fee on remediation of charge of driving with an expired inspection certificate (Sec. 548.605, Transportation Code) . . . ~~[not to exceed]~~ \$20;

(4) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and

(5) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

SECTION 14. The change in law made by this Act applies only to an administrative fee assessed for an offense committed on or after the effective date of this Act. A fee assessed for an offense committed before the effective date of this Act is governed by the

1 law in effect on the date the offense was committed, and the former
2 law is continued in effect for that purpose. For purposes of this
3 section, an offense was committed before the effective date of this
4 Act if any element of the offense occurred before that date.

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