

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1623
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many motor vehicle violations, such as a burnt-out tail light, are unintentional. Current law is unclear as to whether a justice of the peace has the statutory authority to dismiss such a violation, contingent on the defendant having remedied, within a specific time frame, the problem on which the violation is based.

C.S.H.B. 1623 authorizes a court to dismiss a certain motor vehicle offense if the defendant remedies the problem for which the violation is based within a certain time period and pays a certain administrative fee. The bill also increases the age and height requirements relating to the restraint of children during the operation of a motor vehicle to younger than eight years of age, unless the child is taller than four feet and nine inches in height.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 502.404, Transportation Code, by adding Subsections (f) and (g), as follows:

(f) Authorizes a court to dismiss a charge brought under Subsection (a) (operating a passenger car or commercial motor vehicle on a public highway, during a certain registration period, that does not display two license plates) if the defendant remedies the defect before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

(g) Authorizes a court to dismiss a charge brought under Subsection (b) (operating a passenger car or commercial motor vehicle on a public highway, during a certain registration period, that does not properly display the registration insignia issued by the Texas Department of Transportation (TxDOT) for that period) if the defendant shows that the passenger car or commercial motor vehicle was issued a registration insignia by TxDOT that establishes that the vehicle was registered for the period during which the offense was committed and that insignia was attached to the passenger car or commercial motor vehicle before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

SECTION 2. Amends Section 502.409, Transportation Code, by adding Subsection (c), to authorize a court to dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) (using a license plate for which the identifying letters and numbers are not plainly visible or are obstructed or that is for a registration period other than the current registration period) if the defendant remedies the defect before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

SECTION 3. Amends Section 521.025, Transportation Code, by adding Subsection (f), to authorize the court to assess a defendant an administrative fee not to exceed \$10 if a charge under this section (License to be Carried and Exhibited on Demand; Criminal Penalty) is dismissed because of the defense listed under Subsection (d) (presentation in court of a license that was valid at the time of the offense).

SECTION 4. Amends Section 521.054, Transportation Code, adding Subsection (d), to authorize a court to dismiss a charge for a violation of this section (Notice of Change of Address or Name) if 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.

SECTION 5. Amends Section 521.221, Transportation Code, by adding Subsection (d), to authorize a court to dismiss a charge for a violation of this section (Imposition of Special Restrictions and Endorsements) if the restriction or endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense or imposed in error and that fact is established by the defendant; the Department of Public Safety removes the restriction or endorsement before the defendant's first court appearance; and the defendant pays an administrative fee not to exceed \$10.

SECTION 6. Amends Section 545.412(a) and (b), Transportation Code, as follows:

(a) Provides that a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than eight years of age, unless the child is taller than four feet, nine inches, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system. Deletes existing text providing that it is an offense if the child is younger than five years of age and less than 36 inches in height.

(b) Provides that an offense under this section (Child Passenger Safety Seat Systems; Offense) is a misdemeanor punishable by a fine of not more than \$25, rather than not less than \$100 or more than \$200. Requires a municipality or county to remit each fine collected under this section to the comptroller of public accounts for deposit in a separate account in the general revenue fund that is authorized to be appropriated only by TxDOT and used to purchase child passenger safety seat systems for distribution to low-income families. Provides that Chapter 133 (Criminal and Civil Fees Payable to the Comptroller), Local Government Code, applies to a fine collected under this section.

SECTION 7. Amends Section 547.004, Transportation Code, by adding Subsections (c) and (d), as follows:

(c) Authorizes a court to dismiss a charge brought under this section (General Offenses) if the defendant remedies the vehicle defect before the defendant's first court appearance and pays an administrative fee not to exceed \$10.

(d) Provides that Subsection (c) does not apply to an offense involving a commercial motor vehicle.

SECTION 8. Amends Section 133.003, Local Government Code, to make a conforming change.

SECTION 9. Amends Section 31.127, Parks and Wildlife Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Makes a conforming change.

(f) Authorizes a court to dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 (Required Numbering) if the defendant remedies the defect not later than the 10th working day after the date of the offense, pays an administrative fee not to exceed \$10, and the certificate of number has not been expired for more than 60 days.

SECTION 10. (a) and (b) Makes application of this Act prospective, subject to Subsection (c) of this section.

(c) Provides that, for an offense under Section 545.412, Transportation Code, as amended by this Act, that would have not been an offense under that section before this

Act took effect, if the child who is the subject of the offense is secured by a safety belt, the offense is authorized only to be prosecuted as set forth in this subsection.

SECTION 11. Effective date: September 1, 2007.