



DISMISSAL FEES UNDER HB 1623

By Jim Hansen

House Bill 1623 was introduced by the Texas Justice Court Judge's Association as a housecleaning measure to add clarity and uniformity to situations where a dismissal fee may be appropriate. The bill ended up attracting a wide array of amendments, including DWLI and red light cameras. In this article, we will focus only on the ten dismissal fee-related items that will take effect January 1, 2008.

You can locate any of the laws cited below at <http://tlo2.tlc.state.tx.us/statutes/tn.toc.htm>

Number 1 TC § 502.404. OPERATION OF VEHICLE WITHOUT LICENSE PLATE OR REGISTRATION INSIGNIA.

(a) A person commits an offense if the person operates on a public highway during a registration period a passenger car or commercial motor vehicle that does not display two license plates, at the front and rear of the vehicle, that have been:

- (1) assigned by the department for the period; or
- (2) validated by a registration insignia issued by the department that establishes that the vehicle is registered for the period.

(b) A person commits an offense if the person operates on a public highway during a registration period a passenger car or commercial motor vehicle, other than a vehicle assigned license plates for the registration period, that does not properly display the registration insignia issued by the department that establishes that the license plates have been validated for the period.

The new law states:

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

- (1) remedies the defect before the defendant's first court appearance; and
- (2) pays an administrative fee not to exceed \$10.

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

- (1) shows that:
 - (A) the passenger car or commercial motor vehicle was issued a registration insignia by the department that establishes that the vehicle was registered for the period during which the offense was committed; and
 - (B) the registration insignia described in Paragraph (A) was attached to the passenger car or commercial motor vehicle before the defendant's first court appearance; and
- (2) pays an administrative fee not to exceed \$10.

Number 2 TC § 502.407. OPERATION OF VEHICLE WITH EXPIRED LICENSE PLATE.

The new law states:

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 [10th] 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 [10] when the charge is dismissed.

Number 3 TC § 502.409. WRONG, FICTITIOUS, ALTERED, OR OBSCURED LICENSE PLATE.

(a) A person commits an offense if the person attaches to or displays on a motor vehicle a number plate or registration insignia that:

- (3) is assigned for a registration period other than the registration period in effect;
- (5) has letters, numbers, or other identification marks that because of blurring or reflective matter are not plainly visible at all times during daylight;
- (6) has an attached illuminated device or sticker, decal, emblem, or other insignia that is not authorized by law and that interferes with the readability of the letters or numbers on the plate or the name of the state in which the vehicle is registered; or
- (7) has a coating, covering, or protective material that:

The new law states:

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

- (1) remedies the defect before the defendant's first court appearance; and
- (2) pays an administrative fee not to exceed \$10.

Number 4 TC § 521.025. LICENSE TO BE CARRIED/EXHIBITED ON DEMAND

Subsection(d) It is a defense to prosecution under this section if the person charged produces in court a driver's license:

- (1) issued to that person;
- (2) appropriate for the type of vehicle operated; and
- (3) valid at the time of the arrest for the offense.

The new law states:

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (d).

Number 5 TC § 521.026. DISMISSAL OF EXPIRED LICENSE CHARGE.

The new law states:

A judge may dismiss a charge of driving with an expired license if the defendant remedies this defect within 20 [10] working days or before the defendant's first court appearance date, whichever is later.

(b) The judge may assess the defendant an administrative fee not to exceed \$20 [10] when the charge of driving with an expired driver's license is dismissed under Subsection (a).

Number 6 TC § 521.054. NOTICE OF CHANGE OF ADDRESS OR NAME.

The new law states:

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 not to exceed \$20. The court may waive the administrative fee if the waiver is in the interest of justice.

Number 7 TC § 521.221. IMPOSITION OF SPECIAL RESTRICTIONS/ENDORSEMENTS.

The new law states:

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 not to exceed \$10.

Number 8 TC § 547.004. GENERAL OFFENSES.

Applicable portions of law

A person commits an offense that is a misdemeanor if the person operates or moves or, as an owner, knowingly permits another to operate or move, a vehicle that:

- (1) is unsafe so as to endanger a person;
- (2) is not equipped in a manner that complies with the vehicle equipment standards and requirements established by this chapter; or
- (3) is equipped in a manner prohibited by this chapter.

The new law states:

A court may dismiss a charge brought under this section if the defendant:

- (1) remedies the defect before the defendant's first court appearance; and
 - (2) pays an administrative fee not to exceed \$10.
- (d) Subsection © does not apply to an offense involving a commercial motor vehicle.

Number 9- TC § 548.605. DISMISSAL OF CHARGE

The new law states:

The court shall:

- (1) dismiss a charge of driving with an expired inspection certificate if:
 - (A) the defendant remedies the defect within 20 [~~10~~] working days or before the defendant's first court appearance date, whichever is later; and
 - (B) the inspection certificate has not been expired for more than 60 days; and
- (2) assess an administrative fee not to exceed \$20 [~~\$10~~] when the charge of driving with an expired inspection certificate has been remedied.

Number 10: P & W § 31.127. PENALTIES.

The new law states:

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 not to exceed \$10; and
- (2) the certificate of number has not been expired for more than 60 days.