

THE BIG THREE – REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY REQUIREMENTS

	Registration	Inspection	Financial Responsibility
General Rule	Transportation Code §502.040—Motor vehicles, trailers, and semitrailers must be registered within 30 days after purchasing a vehicle or becoming a Texas resident.	Transportation Code §548.051—Those motor vehicles registered in this state must be inspected (list of vehicles not required to be inspected found at Transportation Code §548.052).	Transportation Code §601.051—Cannot operate a motor vehicle unless financial responsibility is established for that vehicle (motor vehicle defined in §601.002(5)).
“All-Terrain Vehicles”	Transportation Code §502.140(a)—Cannot be registered for operation on a public highway EXCEPT state, county, or municipality may register all-terrain vehicle for operation on any public beach or highway to maintain public safety and welfare.	Not required.	Required if all-terrain vehicle is designed for use on a highway. Not required if all-terrain vehicle is not designed for use on a highway (see definition of motor vehicle in Transportation Code §601.002(5)).
“Custom Vehicle”	Transportation Code §504.501—Special registration procedures for custom vehicles.	Not required; must instead pass initial safety inspection at time of registration.	Required.
“Electric Bicycles”	Transportation Code §502.143—Cannot be registered for operation on a public highway.	Not required.	Not required—not a motor vehicle under Transportation Code §541.201(11).
“Electric Personal Assistive Mobility Device”	Transportation Code §502.143— Cannot be registered for operation on a public highway.	Not required.	Not required—not a motor vehicle under Transportation Code §601.002(5) or §541.201(11).
“Golf Carts”	Transportation Code §551.402—Cannot be registered for operation on a public highway.	Not required; must display a slow-moving-vehicle emblem under Transportation Code §547.703.	No financial responsibility for golf carts operated only as authorized by Transportation Code §551.403.
“Moped”	Transportation Code §502.007—Registration required (treat as a motorcycle).	Required.	Required.
“Motorcycle”	Transportation Code §502.002 and §502.405—Motor vehicle, registration required.	Required.	Required.
“Motorized Mobility Device”	Transportation Code §502.143— Cannot be registered for operation on a public highway.	Not required.	Not required—not a motor vehicle.
“Neighborhood Electric Vehicle”	Transportation Code §551.302—The Texas Department of Motor Vehicles may adopt rules relating to registration. (Has not done so)	Only if required to be registered. (Not at this time)	Not required.
“Pocket Bike or Minimotorbike”	Chapter 502, Transportation Code contains no provisions for registration.	Not required.	Not required—not designed for use on highway.
“Power Sweepers”	Transportation Code §502.143— Cannot be registered for operation on a public highway.	Not required.	Unclear—sweeper implement itself might not be a motor vehicle, but the vehicle on which it is mounted would be considered a motor vehicle.
“Recreational Off-Highway Vehicles”	Transportation Code §502.140(a)—Cannot be registered for operation on a public highway EXCEPT state, county, or municipality may register recreational off-highway vehicle for operation on any public beach or highway to maintain public safety and welfare.	Not required.	Required if recreational off-highway vehicle is designed for use on a highway. Not required if recreational off-highway vehicle is not designed for use on a highway (see definition of motor vehicle in Transportation Code §601.002(5)).
“Street Rod”	Transportation Code §504.501—Special registration procedures for street rods.	Not required; must instead pass initial safety inspection at time of registration.	Required.

* Pursuant to H.B. 2357 (82nd Legislature), effective January 1, 2012



Definitions: all sections refer to the Transportation Code

All-terrain vehicle (§502.001/663.001) means a motor vehicle that is (A) equipped with a saddle for the use of: (i) the rider, and (ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger; (B) designed to propel itself with three or more tires in contact with the ground; (C) designed by the manufacturer for off-highway use by the operator only; and (D) not designed by the manufacturer for farming or lawn care.

Bicycle (§541.201) means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter.

Bus (§541.201) means a motor vehicle used to transport persons and designed to accommodate more than 10 passengers, including the operator; or a motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

Custom vehicle (§504.501) means a vehicle: that is at least 25 years old and of a model year after 1948 or manufactured to resemble a vehicle that is at least 25 years old and of a model year after 1948; and that has been altered from the manufacturer's original design or has a body constructed from materials not original to the vehicle.

Electric personal assistive mobility device (§551.201) means a two non-tandem wheeled device designed for transporting one person that is: (1) self-balancing; and (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

Electric Bicycle (§541.201) means a bicycle that: (A) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power, (B) cannot attain a speed of more than 20 miles per hour without the application of human power, and (C) does not exceed a weight of 100 pounds.

Golf cart (§502.001) means a motor vehicle designed by the manufacturer primarily for use on a golf course.

Light truck (§541.201) means a truck, including a pick-up truck, panel delivery truck, or carryall truck, that has a manufacturer's rated carrying capacity of 2,000 pounds or less.

Moped (§541.201) means a motor-driven cycle that cannot attain a speed in one mile of more than 30 miles per hour and the engine of which: (A) cannot produce more than two-brake horsepower; and (B) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

Motorcycle (§521.001) includes an enclosed three-wheeled passenger vehicle that (A) is designed to operate with three wheels in contact with the ground; (B) has a minimum unladen weight of 900 pounds; (C) has a single, completely enclosed, occupant compartment; (D) at a minimum, is equipped with a steering wheel used to maneuver the vehicle; a propulsion unit; and seats, a seat belt for each vehicle occupant, a windshield and one or more windshield wipers, and a vehicle structure, that are certified by the manufacturer to meet federal requirements; and (E) is produced by its manufacturer in a minimum quantity of 300 in any calendar year.

Motorcycle (§541.201) means a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

Motorcycle (§661.001) means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground, and having a saddle for the use of the rider. The term does not include a tractor or a three-wheeled vehicle equipped with a cab or occupant compartment, seat, and seat belt and designed to contain the operator in the cab or occupant compartment.

Motor-driven cycle (§541.201) means a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less. The term does not include an electric bicycle.

Motor assisted scooter (§551.301/551.351) means a self-propelled device with: at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor not exceeding 40 cubic centimeters; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone. The term does not include a pocket bike or minimotorbike.

Motor vehicle (§502.001) means a vehicle that is self-propelled.

Motor vehicle (§541.201) means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device.

Motor vehicle (§601.002) means a self-propelled vehicle designed for use on a highway, a trailer or semitrailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails. The term does not include: a traction engine, a road roller or grader, a tractor crane, a power shovel, a well driller, an implement of husbandry, or an electric personal assistive mobility device.

Motorized mobility device (§542.009) means a device designed for transportation of persons with physical disabilities that: (1) has three or more wheels; (2) is propelled by a battery-powered motor; (3) has not more than one forward gear; and (4) is not capable of speeds exceeding eight miles per hour. For the purposes of the Rules of the Road, a person operating a nonmotorized wheelchair or motorized mobility device is considered to be a pedestrian.

Neighborhood electric vehicle (§551.301) means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. §571.500).

Passenger car (§541.201) means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.

Passenger vehicle (§545.412) means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.

Pocket bike or minimotorbike (§551.301) means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway and is ineligible for a certificate of title under Chapter 501. The term does not include a moped or motorcycle; an electric bicycle or motor-driven cycle; a motorized mobility device; an electric personal assistive mobility device; or a neighborhood electric vehicle.

Power Sweeper (§502.001) means an implement, with or without motive power, designed for the removal by a broom, vacuum, or regenerative air system of debris, dirt, gravel, litter, or sand from asphaltic concrete or cement concrete surfaces, including surfaces of parking lots, roads, streets, highways, and warehouse floors. The term includes a vehicle on which the implement is permanently mounted if the vehicle is used only as a power sweeper.

Recreational off-highway vehicle (§502.001) means a motor vehicle that is (A) equipped with a non-straddle seat for the use of (i) the rider, and (ii) a passenger, if the vehicle is designed by the manufacturer to transport a passenger; (B) designed to propel itself with four or more tires in contact with the ground; (C) designed by the manufacturer for off-highway use by the operator only; and (D) not designed by the manufacturer primarily for farming or lawn care.

Road tractor (§502.001) means a vehicle designed for the purpose of mowing the right-of-way of a public highway or a motor vehicle designed or used for drawing another vehicle or a load and not constructed to carry an independent load or a part of the weight of the vehicle and load to be drawn.

Street rod (§504.501) means a vehicle: that was manufactured before 1949 or after 1948 to resemble a vehicle manufactured before 1949; and that has been altered from the manufacturer's original design or has a body constructed from materials not original to the vehicle.

Truck (§541.201) means a motor vehicle designed, used, or maintained primarily to transport property.

Truck tractor (§502.001/541.201) means a motor vehicle designed and used primarily for drawing another vehicle and not constructed to carry a load other than a part of the weight of the other vehicle and its load.

Utility Vehicle (§551.401) means a motor vehicle that is not a golf cart or lawn mower and is (A) equipped with side-by-side seating for the use of the operator and a passenger; (B) designed to propel itself with at least four tires in contact with the ground; (C) designed by the manufacturer for off-highway use only; and (D) designed by the manufacturer primarily for utility work and not for recreational purposes.

Vehicle (§502.001) means a device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks.

Vehicle (§541.201) means a device that can be used to transport or draw persons or property on a highway. The term does not include: (A) a device exclusively used on stationary rails or tracks; or (B) manufactured housing as that term is defined by Chapter 1201, Occupations Code.

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General Rule	Transportation Code §502.002—Motor vehicles must be registered within 30 days after purchasing a vehicle or becoming a Texas resident.	Transportation Code §548.051—Those motor vehicles registered in this state must be inspected (list of vehicles not required to be inspected found at Transportation Code §548.052).	Transportation Code §601.051—Cannot operate a motor vehicle unless financial responsibility is established for that vehicle (motor vehicle defined in §601.002(5)).
“All-Terrain Vehicles”	Transportation Code §502.006(a)—Cannot be registered for operation on a public highway EXCEPT state, county, or municipality may register all-terrain vehicle for operation on any public beach or highway to maintain public safety and welfare.	Not required.	Required if all-terrain vehicle is designed for use on a highway. Not required if all-terrain vehicle is not designed for use on a highway (see definition of motor vehicle in Transportation Code §601.002(5)).
“Custom Vehicle”	Transportation Code §504.501—Special registration procedures for custom vehicles.	Not required; must instead pass initial safety inspection at time of registration.	Required.
“Electric Bicycles”	Transportation Code §502.0075—Not required to be registered.	Not required.	Not required—not a motor vehicle under Transportation Code §541.201(11).
“Electric Personal Assistive Mobility Device”	Transportation Code §502.2862—Not required to be registered.	Not required.	Not required—not a motor vehicle under Transportation Code §601.002(5) or §541.201(11).
“Golf Carts”	Transportation Code §551.402—Cannot be registered for operation on a public highway.	Not required; must display a slow-moving-vehicle emblem under Transportation Code §547.703.	No financial responsibility for golf carts operated only as authorized by Transportation Code §551.403.
“Moped”	Transportation Code §502.007—Registration required (treat as a motorcycle).	Required.	Required.
“Motorcycle”	Transportation Code §502.002 and §502.405—Motor vehicle, registration required.	Required.	Required.
“Motorized Mobility Device”	Transportation Code §502.0074—Not required to be registered.	Not required.	Not required—not a motor vehicle.
“Neighborhood Electric Vehicle”	Transportation Code §551.302—The Texas Department of Motor Vehicles may adopt rules relating to registration. (Has not done so)	Only if required to be registered. (Not at this time)	Not required.
“Pocket Bike or Minimotorbike”	Chapter 502, Transportation Code contains no provisions for registration.	Not required.	Not required—not designed for use on highway.
“Recreational Off-Highway Vehicles”	Transportation Code §502.006(a)—Cannot be registered for operation on a public highway EXCEPT state, county, or municipality may register recreational off-highway vehicle for operation on any public beach or highway to maintain public safety and welfare.	Not required.	Required if recreational off-highway vehicle is designed for use on a highway. Not required if recreational off-highway vehicle is not designed for use on a highway (see definition of motor vehicle in Transportation Code §601.002(5)).
“Street Rod”	Transportation Code §504.501—Special registration procedures for street rods.	Not required; must instead pass initial safety inspection at time of registration.	Required.



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Bicycle (§541.201) means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter.

Bus (§541.201) means a motor vehicle used to transport persons and designed to accommodate more than 10 passengers, including the operator; or a motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

Custom vehicle (§504.501) means a vehicle: that is at least 25 years old and of a model year after 1948 or manufactured to resemble a vehicle that is at least 25 years old and of a model year after 1948; and that has been altered from the manufacturer's original design or has a body constructed from materials not original to the vehicle.

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Golf cart (§502.001) means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

Light truck (§502.001) means a commercial motor vehicle that has a manufacturer's rated carrying capacity of one ton or less.

Light truck (§541.201) means a truck, including a pick-up truck, panel delivery truck, or carryall truck, that has a manufacturer's rated carrying capacity of 2,000 pounds or less.

Moped (§541.201) means a motor-driven cycle that cannot attain a speed in one mile of more than 30 miles per hour and the engine of which: (A) cannot produce more than two-brake horsepower; and (B) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

Motorcycle (§502.001) means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground. The term does not include a tractor.

Motorcycle (§521.001) includes an enclosed three-wheeled passenger vehicle that (A) is designed to operate with three wheels in contact with the ground; (B) has a minimum unladen weight of 900 pounds; (C) has a single, completely enclosed, occupant compartment; (D) at a minimum, is equipped with a steering wheel used to maneuver the vehicle; a propulsion unit; and seats, a seat belt for each vehicle occupant, a windshield and one or more windshield wipers, and a vehicle structure, that are certified by the manufacturer to meet federal requirements; and (E) is produced by its manufacturer in a minimum quantity of 300 in any calendar year.

Motorcycle (§541.201) means a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

Motorcycle (§661.001) means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground, and having a saddle for the use of the rider. The term does not include a tractor or a three-wheeled vehicle equipped with a cab or occupant compartment, seat, and seat belt and designed to contain the operator in the cab or occupant compartment.

Motor-driven cycle (§541.201) means a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less. The term does not include an electric bicycle.

Motor assisted scooter (§551.301/551.351) means a self-propelled device with: at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor not exceeding 40 cubic centimeters; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone. The term does not include a pocket bike or minimotorbike.

Motor vehicle (§502.001) means a vehicle that is self-propelled.

Motor vehicle (§541.201) means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device.

Motor vehicle (§601.002) means a self-propelled vehicle designed for use on a highway, a trailer or semitrailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails. The term does not include: a traction engine, a road roller or grader, a tractor crane, a power shovel, a well driller, an implement of husbandry, or an electric personal assistive mobility device.

Motorized mobility device (§542.009) means a device designed for transportation of persons with physical disabilities that: (1) has three or more wheels; (2) is propelled by a battery-powered motor; (3) has not more than one forward gear; and (4) is not capable of speeds exceeding eight miles per hour. For the purposes of the Rules of the Road, a person operating a nonmotorized wheelchair or motorized mobility device is considered to be a pedestrian.

Neighborhood electric vehicle (§551.301) means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. § 571.500).

Passenger car (§502.001) means a motor vehicle, other than a motorcycle, golf cart, light truck, or bus, designed or used primarily for the transportation of persons.

Passenger car (§541.201) means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.

Passenger vehicle (§545.412) means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.

Pocket bike or minimotorbike (§551.301) means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway and is ineligible for a certificate of title under Chapter 501. The term does not include a moped or motorcycle; an electric bicycle or motor-driven cycle; a motorized mobility device; an electric personal assistive mobility device; or a neighborhood electric vehicle.

Recreational off-highway vehicle (§502.001) means a motor vehicle that is (A) equipped with a non-straddle seat for the use of (i) the rider, and (ii) a passenger, if the vehicle is designed by the manufacturer to transport a passenger; (B) designed to propel itself with four or more tires in contact with the ground; (C) designed by the manufacturer for off-highway use by the operator only; and (D) not designed by the manufacturer primarily for farming or lawn care.

Road tractor (§502.001) means a vehicle designed for the purpose of mowing the right-of-way of a public highway or a motor vehicle designed or used for drawing another vehicle or a load and not constructed to carry an independent load or a part of the weight of the vehicle and load to be drawn.

Street rod (§504.501) means a vehicle: that was manufactured before 1949 or after 1948 to resemble a vehicle manufactured before 1949; and that has been altered from the manufacturer's original design or has a body constructed from materials not original to the vehicle.

Truck (§541.201) means a motor vehicle designed, used, or maintained primarily to transport property.

Truck tractor (§502.001/541.201) means a motor vehicle designed and used primarily for drawing another vehicle and not constructed to carry a load other than a part of the weight of the other vehicle and its load.

Vehicle (§502.001) means a device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks.

Vehicle (§541.201) means a device that can be used to transport or draw persons or property on a highway. The term does not include: (A) a device exclusively used on stationary rails or tracks; or (B) manufactured housing as that term is defined by Chapter 1201, Occupations Code.

COURT COSTS

For Conviction of Offenses Committed on or after September 28, 2011



OFFENSE/DESCRIPTION	State CF	Local TFC	Local CS	State STF	State SJRF	State IDF	State JSF*3	Total*2
MUNICIPAL ORDINANCES								
■ Parking (authorized by Sections 542.202-542.203, Transportation Code)	N/A	N/A	*1	N/A	N/A	N/A	N/A	*1
■ Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
■ Other Municipal Ordinances	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
STATE LAW								
■ Transportation Code, Subtitle C, Rules of the Road								
• Parking & Pedestrian (in school crossing zone)	N/A	3.00	25.00	30.00	N/A	N/A	N/A	58.00
• Parking & Pedestrian (outside school crossing zone)	N/A	3.00	N/A	30.00	N/A	N/A	N/A	33.00
• Overtaking & Passing a School Bus, Section 545.066	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.10*2
• Other (in school crossing zone)	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00*2
• Other (outside school crossing zone)	40.00	3.00	N/A	30.00	4.00	2.00	6.00	85.00*2
■ Transportation Code, Section 601.192, Failure to Maintain Financial Responsibility	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
■ Parking and Pedestrian (Outside Subtitle C)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
■ Education Code								
• Parent Contributing to Nonattendance, Section 25.093	40.00	N/A	20.00	N/A	4.00	2.00	6.00	72.00
• Failure to Attend School, Section 25.094	40.00	N/A	20.00	N/A	4.00	2.00	6.00	72.00
■ All other fine only misdemeanors not mentioned above.	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00*2

Add applicable fees and other costs whenever they apply. See next page of chart for additional costs and fees.

For the purpose of assessing, imposing, and collecting *most* court costs and fees, a person is considered to have been convicted if - pursuant to Section 133.101, L.G.C., or other specific statutes authorizing court costs - a judgment, a sentence or both a judgment and a sentence are imposed on the person; or the person receives DSC or some form of deferred disposition (see Articles 45.051-45.053, C.C.P.). This expanded definition of "conviction" does not appear in the statute establishing the Juror Reimbursement Fee.

*1 ■ \$2-5 court cost for cities with population greater than 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).

■ Up to \$5 court cost for cities with population less than 850,000 that have adopted appropriate ordinance, regulation, or order (optional).

*2 ■ **MVF: Add 10 cent court cost on all moving violations.** Article 102.022, Code of Criminal Procedure. **Moving violations are found in 37 TAC § 15.89(b).** Note that some moving violations are in codes other than the Transportation Code. Note: overtaking and passing a school bus is a moving violation; therefore, the 10 cents has already been calculated into the total.

*3 ■ **Judicial Support Fee:** Sixty cents of this fee stays with the city to promote efficient operation of the municipal court. See Sec. 133.105(6) L.G.C.

FEES (Add the following fees whenever they apply):

- **Administrative Fee:** A court may assess up to a \$10 fee when a defendant elects to take a driving safety course (DSC) on or before the answer date on the citation (Art. 45.0511(f)(1), C.C.P.). When the court elects to obtain the defendant's driving record, rather than have defendant obtain it, the court may require defendant to pay \$10 plus the amount of the state

electronic Internet portal fee for the certified Texas DL record from DPS. The court may order an administrative fee to be paid when the court grants DSC under Article 45.0511(d), C.C.P. – court’s discretionary authority. The fee may not exceed the maximum amount of the possible fine for the particular offense charged (Art. 45.0511(f)(2), C.C.P.).

■ **Applicable fees for services of peace officers under Article 102.011, C.C.P.:**

- **Arrest Fee:** \$5 for issuing a written notice to appear in court following the defendant’s violation of a traffic law, municipal ordinance, penal law, or for making an arrest without a warrant. When service is performed by a peace officer employed by the State, 20% (\$1) is sent to the State.
- **Warrant Fee:** \$50 for executing or processing an issued arrest warrant, *capias*, or *capias pro fine*. When service is performed by a peace officer employed by the State, 20% (\$10) is sent to the State.
- **Summoning a Witness:** \$5 for serving a subpoena.
- **Summoning a Jury:** \$5 for summoning a jury.
- **Service of any other writ** (includes summons for a defendant or a child’s parents): \$35.
- **Other costs:** Costs for peace officer’s time testifying while off duty.

■ **Fees Created by City Ordinance:**

- **Juvenile Case Manager Fee:** Up to \$5 fee for every fine-only misdemeanor offense if governing body has passed required ordinance establishing a juvenile case manager fund and has hired a juvenile case manager. (Art. 102.0174, C.C.P.).
- **Municipal Court Building Security Fee:** \$3 on every conviction if governing body has passed required ordinance establishing building security fund (Art. 102.017, C.C.P.).
- **Municipal Court Technology Fee:** Up to \$4 on every conviction if governing body has passed required ordinance establishing the municipal court technology fund (Art. 102.0172, C.C.P.).

■ **Jury Fee:** \$3 fee collected upon conviction when case tried before a jury. \$3 fee collected upon conviction if defendant had requested a jury trial and then withdrew the request not earlier than 24 hours before the time of trial; fee to be paid even if case is deferred (Art. 102.004, C.C.P.).

■ **Restitution Fee:** \$12 optional fee for defendants paying restitution in installments (Art. 42.037, C.C.P.).

■ **Special Expense Fees:** 1) Under Article 45.051, C.C.P., the court may assess a special expense fee not to exceed the amount of fine that could be imposed. (Art. 45.051(c), C.C.P.); 2) An amount not to exceed \$25 that may be collected for execution of a warrant for *failure to appear* or *violate promise to appear*. City ordinance required to authorize collection (Art. 45.203, C.C.P.).

■ **Time Payment Fee:** The court shall collect a fee of \$25 from a person who has been convicted and pays any part of the fine, court costs, or restitution on or after the 31st day after the date on which the judgment is entered. One-half (\$12.50) is sent to the State. One-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10) are retained locally with no restrictions (Sec. 133.103, L.G.C.).

■ **Traffic Law Failure to Appear (FTA) (Omni Base):** \$30 for failure to appear or failure to pay or satisfy a judgment for violation of any fine-only offense **if city has contracted with the Department of Public Safety** to deny renewal of driver’s licenses. (Two-thirds (\$20) are sent to the State. One-third (\$10) is retained locally.) Applies to any violation that municipal court has jurisdiction of under Article 4.14, C.C.P. See Chapter 706, T.C.

■ **Traffic Law Failure to Appear (Scofflaw):** \$20 optional fee for failure to appear or satisfy a judgment for violation of a traffic law if the city has contracted with the county assessor-collector pursuant to Chapter 702 of the Transportation Code to deny the registration of vehicles. The optional fee goes to the county or TxDMV to reimburse expenses of the program. See Sec. 702.003 (e-1), T.C. This fee takes effect January 1, 2012.

Safety Belts & Child Safety Seat Systems: City must remit to the State 50 percent of the fines collected for failing to secure a child in a child passenger safety system or to secure a child in a safety belt (Secs. 545.412 & 545.413(b), T.C.). Remittitur must be done at the end of the city’s fiscal year.

Excess Fines: Cities with population less than 5,000 must remit all but one dollar of fines and special expenses under Article 45.051, C.C.P., for Title 7, T.C., offenses when the fines and special expenses for such offenses reach 30 percent of the city’s budget less any federal money (Section 542.402(b), T.C.).

Name of Cost/Fee	Legal Reference	Abbreviation
Consolidated Fee	Local Government Code, Section 133.102	CF
Traffic Fund	Transportation Code, Section 542.403	TFC
Child Safety Fund	Code of Criminal Procedure, Article 102.014	CS
State Traffic Fee	Transportation Code, Section 542.4031	STF
State Juror Reimbursement Fee	Code of Criminal Procedure, Article 102.0045	SJRF
Indigent Defense Fee	Local Government Code, Section 133.107	IDF
Judicial Support Fee	Local Government Code, Section 133.105	JSF
Moving Violation Fee	Code of Criminal Procedure, Article 102.022	MVF

COMPLIANCE DISMISSALS
Effective January 1, 2012

Offense	Statute	Length of Time to Comply	Other Required Conditions	Amount of Fee
Expired Motor Vehicle Registration	Section 502.407(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. Defendant must show proof of payment of late registration fee to county assessor-collector.	Not to exceed \$20. Fee Optional.
Operate Motor Vehicle Without Registration Insignia Properly Displayed	Section 502.473(a) & (d), Transportation Code	Statute does not specify.	Court may dismiss. Defendant must show that motor vehicle was issued a registration insignia that was attached to the motor vehicle establishing that the vehicle was registered for the period during which the offense was committed.	Not to exceed \$10. Fee Required.
Attaching or Displaying on a Motor Vehicle a Registration Insignia that is Assigned for a Period other than the Period in Effect	Section 502.475(a)(3) & (c), Transportation Code	Before defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Operate Motor Vehicle Without Two License Plates	Section 504.943(a) & (d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Attaching or Displaying on a Motor Vehicle a License Plate that is Obscured or Assigned for a Period Other than the Period in Effect	Section 504.945(a)(3), (5), (6), (7) & (d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Expired Driver's License	Section 521.026(a), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. None.	Not to exceed \$20. Fee Optional.
Fail to Report Change of Address or Name	Section 521.054(d), Transportation Code	20 working days after the date of the offense.	Court may dismiss. None.	Not to exceed \$20. Fee Required. Court may waive in the interest of justice.
Violate Driver's License Restriction or Endorsement	Section 521.221(d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. Driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense, or in error and that is established by the defendant; and DPS removes the restriction or endorsement before the defendant's first court appearance.	Not to exceed \$10. Fee Required.
Operate Vehicle with Defective Required Equipment (or in Unsafe Condition)*	Section 547.004(c), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. Does not apply if the offense involves a commercial motor vehicle.	Not to exceed \$10. Fee Required.
Expired Inspection (less than 60 days)	Section 548.605(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss.	Not to exceed \$20. Fee Required.
Expired Inspection (more than 60 days)	Section 548.605(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss.	No Fee Authorized.
Expired Disabled Parking Placard (less than 60 days)	Section 681.013(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss.	Not to exceed \$20. Fee Required.
Expired Disabled Parking Placard (more than 60 days)	Section 681.013(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss.	No Fee Authorized.
Expired Certificate of Number	Section 31.127(f), Parks and Wildlife Code	10 working days after the date of the offense.	Court may dismiss. Certificate of number cannot be expired more than 60 days.	Not to exceed \$10. Fee Required.



COMMON DEFENSES TO PROSECUTION

Offense	Defense	Fee
Failure to Have License in Possession While Operating a Motor Vehicle (Failure to Display Driver's License) – Section 521.025, T.C.	Defendant must produce in court a driver's license issued to that person appropriate for the type of vehicle operated and valid at the time of the arrest. Section 521.025(d), T.C.	Optional \$10 fee.
Failure to Have Commercial License in Possession While Operating a Commercial Motor Vehicle – Section 522.011, T.C.	Defendant must produce in court a commercial driver's license issued to that person appropriate for the class of vehicle being driven and valid at the time of the offense.	None.
Failure to Secure Child in Child Passenger Safety Seat System – Section 545.412, T.C.	Defendant must provide the court with satisfactory evidence that defendant possesses an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system. Section 545.4121, T.C.	None.
Use of Wireless Communication Device in a School Crossing Zone – Section 545.425, T.C.	Affirmative defense if required sign was not posted at the entrance to the school crossing zone at the time offense was committed, unless city has ordinance banning cell phone use throughout the municipality and has the appropriate signs posted.	None.
Failure to Display Valid Motor Vehicle Inspection Certificate – Section 548.602, T.C.	Defendant must show that an inspection certificate for the vehicle was in effect at the time of the arrest.	None.
Failure to Maintain Financial Responsibility – Section 601.191, T.C.	Two defenses available: <ul style="list-style-type: none"> • Defendant must provide the court satisfactory evidence of valid proof of financial responsibility under Section 601.053(a), T.C., that was valid and in effect at the time of the arrest. Section 601.193, T.C. <li style="text-align: center;">OR • Defendant possessed the vehicle for the sole purpose or maintenance or repair and did not own the vehicle. Section 601.194, T.C. 	None.



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COMPARISONS OF DEFERRED OPTIONS

(Effective September 1, 2011)



	Driving Safety Course (DSC) or Motorcycle Operator Course (MOC) Dismissal Procedures, Article 45.0511, C.C.P.	Suspension of Sentence and Deferral of Final Disposition, Article 45.051, C.C.P.
Application/Use	<p>If defendant is at least 25 years of age, applies to the following traffic offenses:</p> <ul style="list-style-type: none"> Section 472.022, T.C.; (Obeying Warning Signs) Subtitle C, Title 7, T.C.; (Rules of the Road) Section 729.001(a)(3), T.C. (Operation of Motor Vehicle by Minor) <p>If defendant is under 25, applies to offenses classified as moving violations</p> <p>Does <u>not</u> apply to:</p> <ul style="list-style-type: none"> Offenses committed in a construction work maintenance zone when workers are present, Sec. 542.404, T.C.; Art. 45.0511(p)(3), C.C.P.; Traffic offenses committed by a person with a commercial driver's license, Art. 45.0511(s), C.C.P.; Passing a school bus, Sec. 545.066, T.C.; Leaving the scene of an accident, Sec. 550.022 or 550.023, T.C.; or Speeding 25 mph or more over the limit or in excess of 95 m.p.h. Art. 45.0511(b)(5), C.C.P. <p>Court must advise person charged with offenses under Subtitle C, Rules of the Road, T.C., of right to take course.</p>	<p>Applies to all fine-only offenses except:</p> <ul style="list-style-type: none"> Traffic offenses committed in a construction work maintenance zone when workers present (Sec. 542.404, T.C.; Art. 45.051(f)(1), C.C.P.); or A violation of a state law or local ordinance relating to motor vehicle control, other than a parking violation, committed by a person who holds a commercial driver's license; or held a commercial driver's license when offense committed (Art. 45.051(f), C.C.P.).
How Often	<p>Defendant may request if the defendant has not had a driving safety course within the 12 months preceding the date of the current offense.</p> <p>Under Subsection (u), defendants may take DSC for a violation of Child Passenger Safety Seat laws even if they have taken DSC in the last 12 months, as long as the judge requires the defendant to take a specialized DSC (including 4 hours of instruction on child passenger safety seat systems) and any course the defendant has taken in the last 12 months did not include such instruction.</p> <p>If the defendant is a member, spouse, or dependent child of a member, of the US military forces serving on active duty, the defendant cannot have taken a DSC/MOC in another state within the 12 months preceding the date of the current offense.</p> <p>Under Subsection (d), the court has discretion to grant DSC/MOC even if one has been taken within the previous 12 month period, or if the request was not made timely.</p>	<p>Subject to judicial discretion.</p>
Plea Required	<p>A plea of guilty or nolo contendere is required when the request is made. Request must be made on or before answer date on citation. Judge has discretion to grant a late request under Subsection (d).</p>	<p>A plea of guilty or nolo contendere or a finding of guilt required.</p>
Proof of TX DL or on Active Military Duty	<p>Defendant must have a Texas driver's license or permit. If the defendant is on active military duty or is an active duty military spouse or dependant child, the defendant does not have to have a Texas driver's license or permit.</p>	<p>NO</p>
Proof of Financial Responsibility	<p>Defendants are required to present proof of financial responsibility as required by Chapter 601, Transportation Code.</p>	<p>NO</p>
State Court Cost Collected	<p>YES Due when request made.</p>	<p>YES Judge may allow defendant to pay out during deferral period by time payments, performing community service, or both.</p>
Time Limit	<p>Court defers imposition of the judgment for 90 days. The defendant must take the course and present evidence of completion by the 90th day. Defendant is also required to present to the court a certified copy of his or her driving record as maintained by DPS and an affidavit stating that he or she was not taking DSC or MOC at the time of the request nor has he or she taken a course that is not on his or her driving record. Under Subsection (u), the defendant's driving record and affidavit are required to show that defendant did not have specialized DSC in preceding 12 months.</p>	<p>Not to exceed 180 days. (1 to 180 days)</p>
Optional Administrative or Special Expense Fee	<p>If defendant makes request on or before answer date, the court may only assess an administrative \$10 non-refundable fee.</p> <p>If the judge grants a course before the final disposition of the case under Subsection (d), the court may assess a fee not to exceed the maximum possible penalty for the offense.</p>	<p>SPECIAL EXPENSE FEE (SEF), not to exceed amount of fine that could be imposed at the time the court grants the deferral. Court may elect not to collect for good cause shown. SEF may be collected at anytime before the date the probation ends. In the event of default, the judge shall require that the amount of the SEF be credited toward the amount of the fine imposed by the judge.</p>

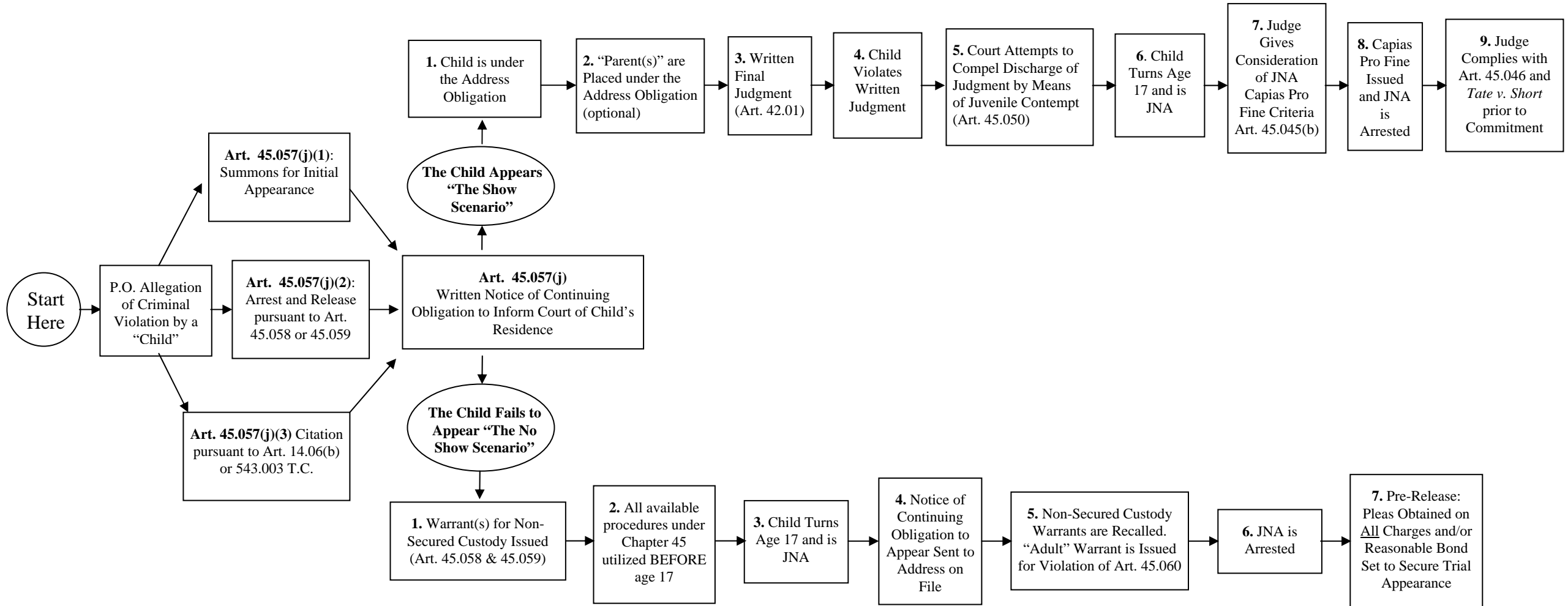
	Driving Safety Course (DSC) or Motorcycle Operator Course (MOC) Dismissal Procedures Article 45.0511, C.C.P.	Suspension of Sentence and Deferral of Final Disposition Article 45.051, C.C.P.
Fee for Driving Record	Rather than allowing the defendant to obtain his or her driving record and provide it to the court, the court may obtain the certified driving record from DPS. A \$10 fee plus the \$2 state electronic Internet portal fee may be imposed if the court chooses this option (Art. 45.0511 (c-1), C.C.P.).	Court is not required to order the defendant to obtain a driving record (it may, however, be mandated as a reasonable condition). There is no authorization for the court to collect a fee for obtaining the defendant's driving record.
Other Requirements	<p>Request may be oral or in writing. If mailed, request must be sent certified mail. (Art. 45.0511(b)(3), C.C.P.)</p> <p>When a defendant requests a course on or before the answer date on the citation, the defendant must present evidence of a valid Texas driver's license or permit, or show that he or she is on active military duty.</p> <p>On or before the 90th day after the request the defendant must present:</p> <ol style="list-style-type: none"> 1. Evidence of course completion; 2. A copy of his or her driving record as maintained by DPS, if any; 3. If the defendant is on active military duty and does not have a Texas driver's license, the affidavit must state that the defendant was not taking a DSC or MOC, as appropriate, in another state on the date of the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense. 4. An affidavit stating that he or she was not taking a course at the time of request for the current offense nor had he or she taken a course that was not yet on his or her driving record within the 12 months preceding the date of the current offense. 5. If the offense is charged under Section 545.412, T.C., (Child Passenger Safety Seat Systems), the defendant's driving record and affidavit are only required to show that they have not taken the specialized DSC in the last 12 months. <p><i>The judge may also require an additional DSC for drivers under age 25 per Sec. 1001.11, Education Code.</i></p>	<p>Requirements: Judge <u>may</u> require the defendant to do the following:</p> <ol style="list-style-type: none"> 1. Post bond in the amount of the fine assessed to secure payment of the fine; 2. Pay restitution to the victim of the offense in an amount not to exceed the fine assessed; 3. Submit to professional counseling; 4. Submit to diagnostic testing for alcohol or controlled substance or drug; 5. Submit to psychosocial assessment; 6. Participate in an alcohol or drug abuse treatment or education program; 7. Pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs; 8. Complete DSC or other course as directed by the judge; 9. Present to the court satisfactory evidence of compliance with the terms imposed by the judge; and 10. Comply with any other reasonable condition. <p>-----</p> <p>If defendant under age 25 is charged with a moving traffic offense, Subsection (b)(8) does not apply. The judge <i>shall</i> require DSC. The judge <i>may</i> also require an additional DSC for drivers under age 25 per Sec. 1001.111, Education Code. If the defendant holds a provisional license, the judge shall require the defendant to be examined by DPS under Sec. 521.161(b)(2), T.C., and pay DPS a \$10 fee.</p> <p>For Alcoholic Beverage Code Offenses and the offense of Public Intoxication (Sec. 49.02(e), P.C., defendant under the age of 21), court must require an alcohol awareness course. Sec. 106.115(a), A.B.C.</p> <p>For Alcoholic Beverage Code offenses, except DUI, and the offense of Public Intoxication (Sec. 49.02(e), P.C., defendant under the age of 21), court must require community service. Sec. 106.071(d), A.B.C.</p> <p>1st offense: eight to 12 hours. 2nd offense: 20 to 40 hours.</p>
Satisfactory Completion	Judge shall remove the judgment and dismiss the case; the dismissal must be noted in the docket. Court reports the completion date of the course after the court dismisses the case.	Judge shall dismiss and note in docket that complaint is dismissed. (Only report to DPS the order of deferred for Alcoholic Beverage Code offenses.)
Failure to Complete	<p>If defendant fails to furnish the evidence of course completion, a copy of his or her driving record as maintained by DPS that shows that he or she had not taken DSC or MOC within the 12 months preceding the date of offense, and the affidavit, the court shall set a show cause hearing and notify the person by mail. At the hearing the judge may, on a showing of good cause, allow the defendant time to present the uniform certificate of course completion. If the court does not grant more time, the court shall enter a final judgment ordering the defendant to pay the fine.</p> <p>If a defendant fails to appear at the show cause hearing, the court may, after signing a final judgment, issue a <i>capias</i> pro fine.</p>	<p>If defendant fails to comply with terms of the deferral, the court shall set a show cause hearing and notify the person by mail at the address on file. At the hearing the judge may, on a showing of good cause, allow an additional period during which the defendant may present evidence of compliance with requirements. If at the show cause hearing or by the conclusion of the additional period the defendant does not present satisfactory evidence of compliance, the judge may enter judgment and impose the fine. The judge may reduce fine previously assessed if the defendant is at least 25 years of age or older and not charged with a traffic offense. If the offense is a traffic offense, the court must report the traffic conviction to DPS.</p> <p>If a defendant fails to appear at the show cause hearing, the court may, after signing a final judgment, issue a <i>capias</i> pro fine.</p>
Appeal	The entering of the final judgment triggers the requirements for making a timely appeal (Arts. 45.042-45.043, C.C.P.).	The entering of the final judgment triggers the requirements for making a timely appeal (Arts. 45.042-45.043, C.C.P.).

EXPUNCTIONS JUVENILES AND MINORS



	Alcoholic Beverage Code Sec. 106.12	Health & Safety Code Sec. 161.255	Code of Criminal Procedure Art. 45.055	Code of Criminal Procedure Art. 45.0216
Offenses	<ul style="list-style-type: none"> • Purchase of Alcohol by a Minor (Section 106.02); • Attempt to Purchase Alcohol by a Minor (Section 106.25); • Consumption of Alcohol by a Minor (Section 106.04); • Driving or Operating Watercraft Under the Influence of Alcohol by Minor (DUI) (Section 106.041); • Possession of Alcohol by a Minor (Section 106.05); and • Misrepresentation of Age by a Minor (Section 106.07). 	Possession, Purchase, Consumption, Or Receipt of Cigarettes Or Tobacco Products By Minors Prohibited (Section 161.252).	<p>Failure to Attend School (Section 25.094, E.C.)</p> <p><i>Court must inform of right to expunction in open court and give copy of law to child and parent.</i></p>	<p>Penal Offenses Court must inform of right to expunction in open court and give copy of law to child and parent.</p> <p>Penal Code-Class C misdemeanors</p> <p>Education Code offenses:</p> <ul style="list-style-type: none"> • Rules Enacted by School Board (Section 37.102); • Trespass on School Grounds (Section 37.107); • Possession of Intoxicants on School Grounds (Section 37.122); • Disruption of Classes (Section 37.124); • Disruption of Transportation (Section 37.126); and • A Member of a Fraternity, Sorority, Secret Society, or Gang that is not Sanctioned by Higher Education (Section 37.121). <p>Possession of Drug Paraphernalia (Section 481.125, H.S.C.)</p> <p>City of ordinance penal offenses</p>
Age to Apply	At least age 21.	No age requirement.	At least age 18.	At least age 17.
Requirements	Must have had only one conviction while a minor under A.B.C.	Multiple convictions may be expunged, but must have completed tobacco awareness program or tobacco related community service.	<ul style="list-style-type: none"> • Must have had only one conviction (Section 45.055(a)) • Regardless of number of convictions, successful compliance with conditions imposed by the court under Article 45.054 (Section 45.055(e)(1)) • Regardless of number of convictions, high school diploma or equivalency certificate presented prior to age 21 (Section 45.055(e)(2)) 	<p>Only one conviction of any penal fine-only offense described in Section 8.07 (a)(4) or (5) P.C.</p> <p>While person was a child or only one conviction under section 43.261, P.C.</p> <p>Also applies to dismissals of penal offenses under Article 45.052, C.C.P. (Teen Court) or Article 45.051, C.C.P. (Deferred Disposition).</p>
Court Petitioned	Municipal court in which convicted.	Municipal court in which convicted.	Municipal court in which convicted.	Municipal court in which convicted.
Affidavit or Proof	Sworn statement that they have had only one conviction.	Sworn statement that they have completed tobacco awareness program or tobacco-related community service.	Sworn statement that they have had only one conviction. (Section 45.055(a)) Court finds the individual successfully complied with Article 45.054 conditions (Section 45.055(e)(1)) Proof presented, prior to age 21, of high school diploma or equivalency certificate (Section 45.055(e)(2))	Sworn statement that they were not convicted of any additional offense; or for expunction of a sexting offense, found to have engaged in conduct indicating a need for supervision described by Section 51.03 (b)(7), F.C.
Hearing	Optional	Optional	Optional	Optional
Fee	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required

**Juvenile Now Adult (JNA) Flowchart V.3.0
TMCEC 2003-2004**



Note: Unless noted otherwise, all references are to the Code of Criminal Procedure



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
Jurisdiction	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.) Court required to dismiss complaint for failure to attend school if not filed by 7 th day after student's last absence.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 161.256, H.S.C.)	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03(f), F.C.) All fine-only offenses.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 51.03, F.C.; and Sec. 729.001(a), T.C.) For exceptions, see section on common offenses.
Waiver of Jurisdiction - Transfer to Juvenile Court¹ Sec. 51.08, F.C.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •At age 17 or more, after two previous convictions, charge may be enhanced and filed in county court.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •At age 17 or more, after two previous convictions, charge may be enhanced and filed in county court.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •Age 17 – court retains jurisdiction.	Sec. 161.257, H.S.C May not waive jurisdiction. Title 3, Family Code (including transfer to juvenile court) does not apply to Subchapter N, H.S.C.	Sec. 51.08, F.C. Under age 17: • May waive jurisdiction over first and second violations; • Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. • Shall waive jurisdiction if there is pending Sexting (section 43.261, P.C.) complaint against a child (under 17 years of age)	Sec. 51.08, F.C. Municipal court may not waive its jurisdiction over traffic violations.
Age Art. 45.058(h), C.C.P.; Sec. 51.02, F.C. Sec. 8.07, P.C.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 25.085. Compulsory School Attendance • Municipal court has jurisdiction if child at least age 10; • Child under age 6, if previously enrolled in 1st grade, or •At least age 6 and who has not reached his or her 18th birthday. (See Sec. 25.086 for Exemptions.)	Sec. 161.252, H.S.C. Definition of a minor - Under age 18. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 8.07. Age Affecting Criminal Responsibility under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17. Defendant must be 17 for municipal court to have jurisdiction. Section 43.261	Sec. 729.001. Operation of Motor Vehicle by Minor- Under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.
Common Offenses	•Sec. 106.02. Purchase of Alcohol by Minor; •Sec. 106.025. Attempt to Purchase Alcohol by a Minor; •Sec. 106.04. Consumption of Alcohol by a Minor; •Sec. 106.05. Possession of Alcohol by a Minor; •Sec. 106.07. Misrepresentation of Age by a Minor.	•Sec. 106.041. Driving or Operating Watercraft Under the Influence of Alcohol by a Minor.	•Sec. 25.094. Failure to Attend School; •Sec. 37.102. Rules (Enacted by School Board); •Sec. 37.107. Trespass on School Grounds; •Sec. 37.122. Possession of Intoxicants on School Grounds; •Sec. 37.124. Disruption of Classes; •Sec. 37.126. Disruption of Transportation.	Sec. 161.252 •Possession of cigarettes or tobacco; •Purchase of cigarettes or tobacco; •Consumption of cigarettes or tobacco; •Acceptance of cigarettes or tobacco; •Display false proof of age.	All fine-only offenses.	Sec. 729.001(a), T.C.; Sec. 8.07(a)(2), P.C.; Sec. 51.02(16), F.C. •Ch. 502. Registration of Vehicles, except Secs. 502.282 or 502.412; •Ch. 521. Driver's Licenses, except Sec. 521.457; •Subtitle C. Rules of the Road, except offenses punishable by imprisonment or by confinement in jail; •Ch. 601. Safety Responsibility •Ch. 621. Vehicle Size & Weight; •Ch. 661. Motorcycles & All Terrain Vehicles;



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
						•Ch. 681. Parking, Towing & Storage of Vehicles.
Penalties ²	<p>Sec. 106.071 for offenses under Secs. 106.02, 106.025, 106.04, 106.05, 106.07.</p> <p>1st conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Mandatory alcohol awareness program, Sec. 106.115; •Mandatory 8-12 hours alcohol-related community service; •DL suspension or denial – 30 days; eff. 11th day after conviction. <p>2nd conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Optional alcohol awareness program; •Mandatory 20-40 hours alcohol-related community service; •DL suspension or denial – 60 days; eff. 11th day after conviction. <p>3rd conviction Under age 17:</p> <ul style="list-style-type: none"> •See waiver provisions in chart. <p>Age 17 & under 21</p> <ul style="list-style-type: none"> •Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. <p>Complete alcohol awareness program</p> <p>Court may reduce the fine to half the amount assessed.</p> <p>Failure to complete alcohol awareness program</p> <p>Court may give another 90 days to complete.</p> <ul style="list-style-type: none"> •1st conviction: court must order DPS to suspend or deny issuance of DL for up to six months. Sec. 106.115(c), A.B.C. •2nd or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year. 	<p>Sec. 106.041.</p> <p>1st conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Mandatory alcohol awareness program; •Mandatory 20 to 40 hours alcohol-related community service; •Administrative DL suspension (separate proceeding under Chapters 524 and 724, T.C.—court does not suspend). <p>2nd conviction</p> <ul style="list-style-type: none"> •Class C misdemeanor (max \$500); •Optional alcohol awareness program; •Mandatory 40 to 60 hours of alcohol-related community service; •Administrative DL suspension (separate proceeding—Chapters 524 and 724, T.C.). <p>3rd conviction Under age 17:</p> <ul style="list-style-type: none"> •See waiver provisions in chart. <p>Age 17 & under 21</p> <ul style="list-style-type: none"> •Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced. <p>Complete alcohol awareness program</p> <p>Court may reduce the fine to half the amount assessed.</p> <p>Failure to complete alcohol awareness program</p> <p>Court may give another 90 days to complete.</p> <ul style="list-style-type: none"> •1st conviction: court must order DPS to suspend or deny issuance of DL for up to six 	<p>Secs. 25.094, 37.102, 37.107, 37.122, 37.124, 37.126.</p> <p>Class C misdemeanors (max \$500)</p> <p>Sec. 25.094(c)³ – In addition to a fine, a court may order a sanction under Art. 45.054, C.C.P.:</p> <ul style="list-style-type: none"> •Attend school without unexcused absences; •Attend preparatory class for GED (older child that will not do well in classroom environment) or, if child is 16 or older, take GED exam; •Attend a special program: <ul style="list-style-type: none"> –alcohol & drug abuse program, –rehabilitation program, –counseling program, –training in self-esteem & leadership, –work and job skills training, –training in parenting, –manners training, –violence avoidance training, –sensitivity training, –advocacy, and –mentoring training; •Attend class for student at risk of dropping out of school (may require parent to attend with child); •Community service; •Participate in tutorial program; •Order DPS to suspend or deny issuance of a DL for a period of time not to exceed 365 days. <p>Court shall dismiss the complaint if individual has successfully complied with the conditions imposed.</p>	<p>Secs. 161.252 and 161.253</p> <p>1st conviction</p> <ul style="list-style-type: none"> •A fine not to exceed \$250, but court shall suspend execution of sentence (court costs must still be assessed and imposed) and order tobacco awareness program. Court dismisses charge on completion of course. •If no course available, court shall require 8-12 hours tobacco-related community service. •Failure to complete tobacco awareness course or community service, court required to order DPS to suspend or deny issuance of DL for up to 180 days after date of order. <p>Subsequent offenses (enhanced)</p> <ul style="list-style-type: none"> •A fine not to exceed \$250; •Court shall suspend execution of sentence and order tobacco awareness course; •Upon completion of course, court may reduce fine to not less than half; •Failure to complete tobacco awareness course or community service, court required to order DPS to suspend or deny issuance of DL not to exceed 180 days after date of order. 	<p>Sec. 12.23</p> <p>Class C misdemeanor (max fine \$500). Under age 17 & two prior convictions, see waiver provisions in chart.</p> <p>Public Intoxication (Sec. 49.02):</p> <p>Persons under age 21 charged with public intoxication, the penalty is under Sec. 106.071, A.B.C.: See penalties for Alcoholic Beverage Code Offenses other than DUI.</p> <p>Art. 45.061, C.C.P.</p> <p>Minor convicted of sexting may be ordered to attend a successfully complete an educational program addressing legal aspects, consequences, and effects of sexting, bullying, cyber-bullying, and harassment.</p>	<p>Secs. 729.001 and 729.002</p> <p>Penalty same as adult defendant. See general and specific penalty clauses throughout Transportation Code.</p>



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		months. Sec. 106.115(c), A.B.C. •2 nd or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year.	under 45.054, C.C.P., or if the individual presents to the court proof of a high school diploma or equivalency certificate.			
Appearance	Sec. 106.10, A.B.C. •Plea of guilty must be in open court. Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Sec. 106.10, A.B.C. •Plea of guilty must be in open court. Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.054, C.C.P. Failure to Attend School Proceedings: court required to summon parents to appear with defendant regardless of defendant's age. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Age 17 – parent's presence not required. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17, generally, or under age 18 if charged with Sexting under Section 43.261, P.C.: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.	Art. 45.0215, C.C.P. Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence. Art. 45.057, C.C.P. Court should provide notice to the child and parent of child's (under age 17) and parent's obligation to notify the court in writing of the child's current address.
Custody ³ Art. 45.058, C.C.P.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when offense committed may be handled as an adult.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. Sec. 25.094(d-1), E.C. •Order based on probable cause that individual failed to attend school: -A child may be taken into custody. •Individual may be: -released to parent, guardian,	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art.	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be	•A child at least age 10 and under age 17 may be taken into nonsecure custody. •Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours. •If a child has been referred to juvenile court under Sec. 51.08(b), F.C., or Art. 45.050, C.C.P., the child may be



MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		offense committed may be handled as an adult.	custodian, or other responsible adult; -taken before a municipal or justice court that has venue.	45.050, C.C.P., the child may be detained in a juvenile detention facility. •A minor age 17 when offense committed may be handled as an adult.	detained in a juvenile detention facility.	
Failure to Appear	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 38.10, P.C.—Failure to Appear may be charged.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Court may report failure to appear to DPS.</p>	<p>Sec. 543.009, T.C.—Violation of Promise to Appear may be charged for Subtitle C, Rules of the Road offenses.</p> <p>Sec. 38.10 P.C.—Failure to Appear may be charged for other traffic offenses.</p> <p>Art. 45.058, C.C.P. Court may issue an order for nonsecure custody.</p> <p>Art. 45.057(h), C.C.P. Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p>Sec. 521.3452, T.C. Court shall report failure to appear to DPS.</p>
Violation of a Court Order; Failure to Pay Fine: Art. 45.050, C.C.P.	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. <p>All defendants:</p>	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial 	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or 	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or 	<p>Art. 45.050, C.C.P. Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> • refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or • retain jurisdiction and hold child/person in contempt of court - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. 	



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
	<ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart. 	of DL until child/person fully complies with orders. All defendants: <ul style="list-style-type: none"> • Failure to complete alcohol awareness course, see section on penalties this chart. 	<ul style="list-style-type: none"> - order suspension or denial of DL until child/person fully complies with orders. 	<ul style="list-style-type: none"> • retain jurisdiction and hold child/person in contempt of court <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. All defendants: <ul style="list-style-type: none"> • Failure to complete tobacco awareness course, see section on penalties this chart. 	<ul style="list-style-type: none"> • retain jurisdiction and hold child/person in contempt of court <ul style="list-style-type: none"> - max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders. 	
Expunction ⁵	<p>Sec. 106.12, A.B.C. Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code.</p> <p>Sec. 106.12(d), A.B.C. Court shall charge \$30 fee for each application.</p>	<p>Sec. 106.12, A.B.C. Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code.</p> <p>Sec. 106.12(d), A.B.C. Court shall charge \$30 fee for each application.</p>	<p>Art. 45.055(a)</p> <ul style="list-style-type: none"> • Court must notify child of right; • Court must give copy of Art. 45.055, C.C.P., to defendant and parent <p>Art. 45.055(a)</p> <ul style="list-style-type: none"> • May apply to municipal court if only one conviction for offense of failure to attend school; • May apply at age 18; • Must submit written request made under oath; • Form of submission determined by applicant; • Must pay \$30 fee. <p>Art. 45.055(e)</p> <ul style="list-style-type: none"> • Regardless of number of convictions, court shall expunge if individual successfully complied with any conditions imposed under Art. 45.054. • Regardless of number of convictions, court shall expunge if individual presents proof (by age 21) of high school diploma or equivalency certificate. <p>Art. 45.0216, C.C.P. Other fine-only Education Code Offenses:</p>	<p>Sec. 161.255, H.S.C.</p> <ul style="list-style-type: none"> • May apply to municipal court to have conviction expunged; • Applicant must have completed tobacco awareness course; • May have multiple convictions expunged as long as applicant completed tobacco awareness course for each conviction. • Court shall charge \$30 fee. 	<p>Art. 45.0216, C.C.P.</p> <ul style="list-style-type: none"> • Court must notify child of right; • Court must give copy of Art. 45.0216, C.C.P., to defendant and parent; • Not more than one conviction; • Child may apply on or after age 17; • Apply to trial court; • Child makes request under oath; • Court shall charge \$30 fee. 	<p>Ch. 55, C.C.P. Expunction order must be filed in district court.</p>



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
			<ul style="list-style-type: none"> • Court must notify child of right; • Court must give copy of Art. 45.0216, C.C.P.; • Not more than one conviction; • Child may apply on or after age 17; • Apply to trial court; • Child makes request under oath; • Court shall charge \$30 fee. 			
Child Turns Age 17 after Failure to Appear	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p>Art. 45.060, C.C.P. Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>
Child Turns age 17 after Failing to Pay Fine; <i>Copias Pro Fine</i> ; Art. 45.045, C.C.P.	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P. 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P. 	<p>Art. 45.045, C.C.P. Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> • that person is age 17 or older; • that issuance of <i>capias pro fine</i> is justified (must consider sophistication & maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and • that the court has proceeded under Art. 45.050, C.C.P.



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	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
		45.050, C.C.P.	C.C.P.	and <ul style="list-style-type: none"> that the court has proceeded under Art. 45.050, C.C.P. 	by other procedures); and <ul style="list-style-type: none"> that the court has proceeded under Art. 45.050, C.C.P. 	
Reports	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. <p>Sec. 106.116, A.B.C.</p> <ul style="list-style-type: none"> Tex. Alcoholic Bev. Commission, if requested. <p>Sec. 106.117, A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, upon conviction or order of deferred. <p>Sec. 106.115(d), A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service. 	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS, when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. <p>Sec. 106.116, A.B.C.</p> <ul style="list-style-type: none"> Tex. Alcoholic Bev. Commission, if requested. <p>Sec. 106.117, A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, upon conviction, order of deferred, and acquittal under 106.041. <p>Sec. 106.115(d), A.B.C. All minors</p> <ul style="list-style-type: none"> DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service. 	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. 	<p>Sec. 161.254, H.S.C. All minors</p> <ul style="list-style-type: none"> DPS, if defendant fails to present evidence of completion of tobacco-related program or community service. <p>Court required to order DL suspended or denied for a period not to exceed 180 days.</p> <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. 	<p>Sec. 51.08(c), F.C. Under age 17</p> <ul style="list-style-type: none"> Juvenile court when case filed; Juvenile court when case disposed. <p>Secs. 521.201(8) and 521.294(6), T.C. Under age 17</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition. <p>Sec. 15.27, P.C.</p> <ul style="list-style-type: none"> Upon conviction, prosecutor required to notify school of conviction of assault and possession of drug paraphernalia. 	<p>Sec. 543.203, T.C.</p> <ul style="list-style-type: none"> Convictions reported to DPS. <p>Sec. 521.3452, T.C. Under age 17</p> <ul style="list-style-type: none"> Court required to report failure to appear. <p>Secs. 521.201(7) and 521.294(5), T.C.</p> <ul style="list-style-type: none"> DPS, if child fails to appear; DPS when case adjudicated. <p>Sec. 521.3451, T.C.</p> <ul style="list-style-type: none"> DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. & court orders suspension or denial of DL; DPS, when child makes final disposition.
Parents	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. <p>Art. 45.057(g), C.C.P.</p> <ul style="list-style-type: none"> Failure to appear with child in court is a Class C misdemeanor. 	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. <p>Art. 45.057(g), C.C.P.</p>	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Sec. 25.093, E.C.</p> <ul style="list-style-type: none"> May be charged with the offense of Parent Contributing to Nonattendance, a Class C misdemeanor. <p>Art. 45.054, C.C.P.</p>	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. 	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. 	<p>Art. 45.0215, C.C.P.</p> <ul style="list-style-type: none"> Court required to issue summons for parents. Failure to appear with child in court is a Class C misdemeanor. <p>Art. 45.057(a), C.C.P.</p> <ul style="list-style-type: none"> Parent includes a person standing in parental relation, a managing conservator, or a custodian. <p>Art. 45.057(g), C.C.P.</p> <ul style="list-style-type: none"> Failure to appear with child in court is a Class C misdemeanor.



MUNICIPAL JUVENILE/MINOR CHART

Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729	
	<p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Sec. 106.115(d), A.B.C. •Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.</p>	<p>•Failure to appear with child in court is a Class C misdemeanor.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Sec. 106.115(d), A.B.C. •Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.</p>	<p>•Order parent to attend a class for students at risk of dropping out of school.</p> <p>Art. 45.057(a), C.C.P. •Parent includes a person standing in parental relation, a managing conservator, or a custodian.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.054(d), C.C.P. •Failure to comply with summons to appear with child charged with failure to attend school is a Class C misdemeanor.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p>	<p>Art. 45.057(g), C.C.P. •Failure to appear with child in court is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p>	<p>Art. 45.057(g), C.C.P. •Failure to appear with child in court is a Class C misdemeanor.</p> <p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor. Art. 45.061, C.C.P. • Parent (or defendant) must pay for court-ordered educational program for child convicted of sexting.</p>	<p>Art. 45.057, C.C.P. Court may order: •Attend a parenting class. •Attend child’s school classes & functions. •Pay up to \$100 for special program for child. •Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</p> <p>Art. 45.057(h), C.C.P. •Failure to notify the court in writing of the child’s current address is a Class C misdemeanor.</p>



MUNICIPAL JUVENILE/MINOR CHART

¹Art. 45.056, C.C.P., provides authority for municipal courts to employ case managers for juvenile cases. Sec.51.08, F.C., provides that a court that has implemented a juvenile case manager program under Art. 45.056, C.C.P., may, but is not required to, waive its original jurisdiction under subsection (b)(1) of Section 51.08, F.C. Article 102.0174, C.C.P., provides that cities may adopt an ordinance creating a juvenile case manger fund and collect a fee of up to \$5 to fund a juvenile case manager.

²Art. 45.057, C.C.P. – When a child who is at least 10 years old and younger than age 17 is charged with a fine-only offense, the court may, in addition to a fine, order the following sanctions: 1) Refer the child or child’s parent for services under Sec. 264.302, F.C.; 2) Require child to attend a special program that is in best interest of child, including rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy or mentoring program; 3) Require parents to do an act or refrain from an act that will increase the likelihood that the child will comply with court orders, including attending a parenting class or parental responsibility program and attending the child’s school classes or functions; 4) Order the parents of a child required to attend a special program to pay an amount not greater than \$100 for the costs of the program; 5) Require both the child and parent to submit proof of attendance. (If program involves the expenditure of county funds, county must approve child’s attendance.)

Deferred Disposition

- If the court grants deferred for all Alcoholic Beverage Code offenses except DUI, the court must require the defendant to perform the community service requirements and attend an alcohol awareness course; for DUI, the court must require an alcohol awareness course.
- If defendant charged with the offense of public intoxication is under age 21, and the court grants deferred, the court must order the community service requirements under Sec. 106.071, A.B.C., and attendance at an alcohol awareness course.

³ A dispositional order under Art. 45.054, C.C.P., is effective for the period specified by the court in the order but may not extend beyond the 180th day after the date of the order or beyond the end of the school year in which the order was entered, whichever period is longer.

⁴Art. 45.059, C.C.P., Children Taken into Custody for Violation of Juvenile Curfew or Order: 1) Release person to parent, guardian or custodian; 2) Take person before a justice or municipal court; or 3) Take person to juvenile curfew processing office (similar to nonsecure custody and not held for more than six hours).

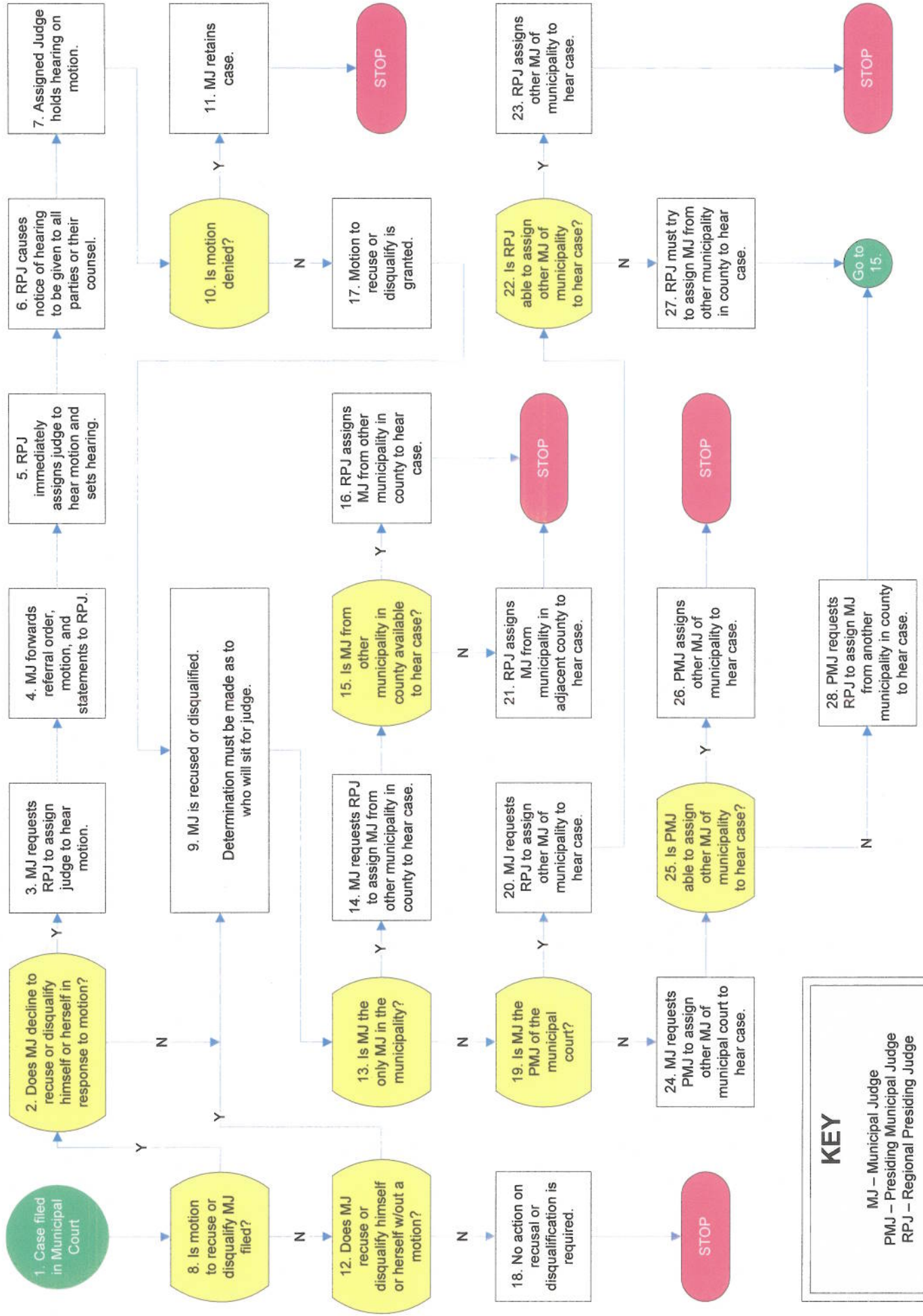
⁵Art. 45.0216, C.C.P., provides that proceedings under Art. 45.051, C.C.P. (Deferred Disposition), and proceedings under Art. 45.052, C.C.P. (Teen Court), may be expunged under Art. 45.0216, C.C.P.

⁶Under Sec. 25.093(f), E.C., when a court grants deferred disposition to a parent charged with parent contributing to nonattendance, the court may require the defendant to attend a program that provides instruction designed to assist the parent in identifying problems that contribute to his or her child’s absence from school and strategies for resolving those problems.

ATTENTION

H.B. 961, passed in the 82nd legislature, replaces procedures for nondisclosure with procedures that conditionally make particular criminal case records confidential. Article 45.0217 provides that all records and files, including those held by law enforcement and all electronically stored information, relating to a child who is convicted of an has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential. Confidential records may not be released to the public, but they can be inspected by judges, court staff, a criminal justice agency for a criminal justice purpose, DPS, the defendant, the defendant’s attorney, a prosecuting attorney, or the defendant’s parent, guardian, or managing conservator. Like nondisclosure orders, this new confidentiality protection only applies to cases in which a conviction is obtained. This means there is no confidentiality for records related to a case where a child defendant receives deferred disposition and the case is subsequently dismissed or where a child gets a dismissal from successful completion of teen court. Unlike nondisclosure, this new confidentiality does not attach to records until the judgment is satisfied. H.B. 961 applies to convictions before, on, or after the effective date of the act. All cases subject to an existing nondisclosure order will still be subject to the nondisclosure order.

Recusal/Disqualification of Municipal Court Judges



KEY

- MJ – Municipal Judge
- PMJ – Presiding Municipal Judge
- RPJ – Regional Presiding Judge

OTHER DISMISSALS

Motions	Hearing	Fee	Dismissal
Defense	Pre-trial (prosecutor notified and gets copies) or trial. (Example: motion to quash complaint - quash means to set aside and dismiss)	None	Depends on information presented at hearing. Judge may grant motion and dismiss.
State (Prosecutor - City Attorney or Deputy City Attorney)	Pre-trial or trial. Depending on motion, defense gets copy. (If motion to dismiss, court should notify defendant and attorney, if any, if charge dismissed.)	None	Depends on information presented at hearing. Article 32.02, C.C.P. provides that the attorney representing the State may, by permission of the court, dismiss a criminal action at any time, upon filing a written statement with the papers in the case setting out his/her reasons for such dismissal, which shall be incorporated in the judgment of dismissal. No case shall be dismissed without the consent of the presiding judge.

Prepared by the Texas Municipal Courts Education Center. Funded by a grant from the Texas Court of Criminal Appeals.



PASSENGER RESTRAINT LAWS

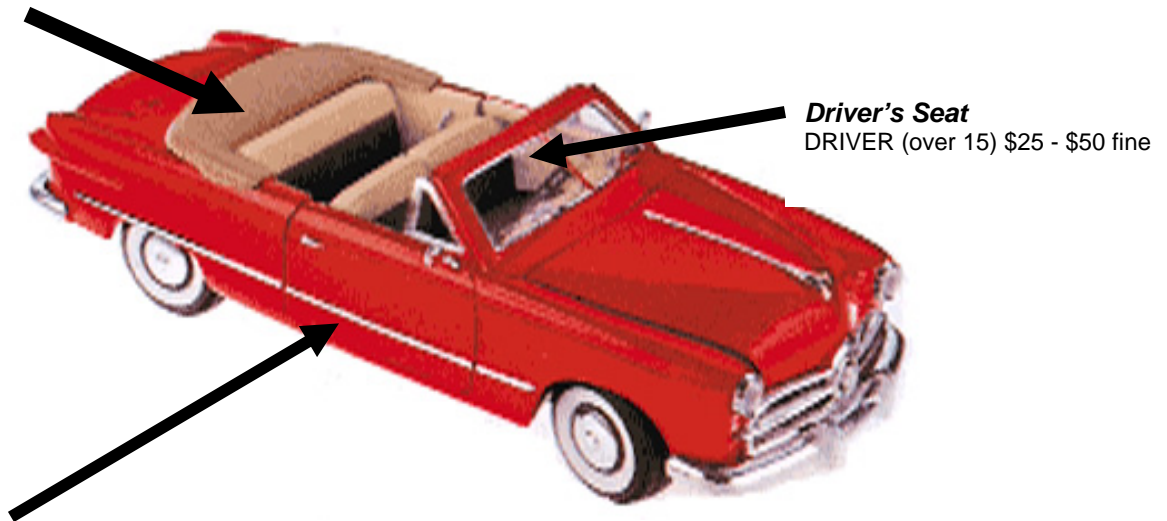
Back Seat

ADULTS (17 and over) \$25 - \$50 fine to offender

CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver

CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver

CHILDREN (under age 8, unless taller than 4'9") not to exceed \$25 for first offense, not to exceed \$250 for subsequent offense



Front Seat Passengers

ADULTS (17 and over) \$25 - \$50 to offender

CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver

CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver

CHILDREN (under age 8, unless taller than 4'9") not to exceed \$25 for first offense, not to exceed \$250 for subsequent offense

Passenger Restraint Laws

Child in safety seats

A child *under 8 years old, unless the child is taller than 4 feet 9 inches (4'9")* must be restrained in a **child passenger safety seat** in accordance with the manufacturer's instructions.

Child in safety belts

A child *age 8 and younger than age 17* must be restrained in a **safety belt** regardless of position in the vehicle. A child under 8 years old who is not required to be in a safety seat must be in a safety belt.

Adults in safety belts

A person must be restrained in a safety belt regardless of position in the vehicle.

Motorcycles

A child *under age 5* cannot ride as a passenger on a motorcycle, unless seated in a sidecar.

Pick-up trucks and trailers

A child *under age 18* cannot ride in the open bed of a pick-up or flatbed truck or open flatbed trailer on a public road.

House trailers and towed trailers

A person cannot ride in a house trailer being moved or in a trailer or semitrailer being towed.

Towed watercraft

A child *under age 18* cannot ride in a boat being towed by a vehicle.



Passenger Safety Seat Systems and Safety Belts

Effective on offenses committed on or after September 1, 2009

Age	Person Responsible	Type of Restraint	Location in vehicle	Cited for	Penalty	Eligible for Special DSC (emphasizes seatbelts & child safety seat systems)	Eligible for DSC	Eligible for Deferred Disposition
Child under age 8, unless over 4'9" tall	driver	child passenger safety seat system	front and back seats	child not in passenger safety seat system	maximum \$25 for first offense maximum \$250 for subsequent offense	yes	no	yes
Child at least age 8 and under age 17*	driver	safety belt	front and back seats	child not in safety belt	minimum \$100 maximum \$200 if in passenger vehicle minimum \$1 maximum \$200 if in passenger van	yes	no	yes
At least age 15	passenger	safety belt	front and back seats	passenger not wearing safety belt	minimum \$25 maximum \$50	no	no	yes
At least age 15	driver	safety belt	front and back seats	driver not wearing safety belt	minimum \$25 maximum \$50	no	yes	yes

*Children under age 8 that are taller than 4'9" must wear a safety belt.

Definitions

- Child passenger safety seat system means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- Passenger vehicle means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor. (*Passenger car* means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator. *Light truck* means a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's carrying capacity of 2,000 pounds or less. Since *sport utility vehicle* is not specifically defined, look to the definition of passenger vehicle. *Truck* means a motor vehicle designed, used, or maintained primarily to transport property. *Truck tractor* means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load. *Motor vehicle* means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. Section 541.201, T.C.)
- Safety belt means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- Secured in connection with use of a safety belt means using the lap belt and any shoulder straps according to the manufacturer of the vehicle, if the safety belt is original equipment, or the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Section 545.412, T.C., does not apply to:

- A person operating a vehicle transporting passengers for hire, excluding third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or
- A person transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

Defenses to prosecution under Section 545.412, T.C.:

- The person was operating the vehicle in an emergency;
- The person was operating the vehicle for a law enforcement purpose; or
- The person provides to the court satisfactory evidence that they possess an appropriate child passenger safety seat for each child required to be secured in a child passenger safety seat.

Defenses to prosecution under Section 545.413, T.C.:

- The person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- The person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- The person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
- The person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
- The person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle;
- The person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.163, T.C., that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more (Section 502.163, T.C., provides for a fee for commercial motor vehicle used primarily for farm purposes); or
- The person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

Amount Due to the State

- Fifty percent of the fines for convictions for not securing a child in a passenger safety seat system (under Section 545.412, T.C.) or a safety belt (under Section 545.413(b), T.C.) must be remitted to the State Comptroller at the end of the city's fiscal year.
- Court costs must be remitted quarterly.



“PROBATION-RELATED” DISMISSALS
Effective September 1, 2011

Court Process	Defendant Requirements	Fee/Costs	Dismissal
Deferred Disposition – Art. 45.051, C.C.P.	<ul style="list-style-type: none"> Defendant required to comply with requirements imposed during deferral period. Present evidence of compliance. 	<ul style="list-style-type: none"> Court costs required to be collected.* Court may impose special expense fee (not to exceed the amount of fine that could be imposed). Special expense fee may be collected at anytime before the date the probation ends. Court may elect not to collect for good cause shown. Art. 45.051(c), C.C.P. 	Court, on determining that defendant complied with the requirements imposed by the court, shall dismiss complaint and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.051(c), C.C.P.
Driving Safety Course/Motorcycle Operator Training Course – Art. 45.0511, C.C.P.	<ul style="list-style-type: none"> Proof of completion of driving safety course or motorcycle operator training course. Certified copy of driving record from the DPS if licensed in Texas (defendant who is active military will probably not have a Texas driving record). Affidavit stating that defendant was not taking a driving safety course or motorcycle operator training course, as applicable, on the date the request to take the course was made and had not completed a course that is not shown on the defendant’s driving record within the 12 months preceding the date of the offense. Texas driver’s license or permit (unless defendant is active military or is active military spouse or dependent child). Proof of financial responsibility. 	<ul style="list-style-type: none"> Court costs required to be collected.* Fee up to \$10 optional under mandatory provision – Art. 45.0511(f)(1), C.C.P. Fee, up to the maximum amount of fine for that offense, allowed under the discretionary provisions – Art. 45.0511(f)(2), C.C.P. 	<p>Upon presentation of evidence of completion of course, certified copy of driving record showing defendant was eligible, and affidavit, court shall remove judgment (earlier judgment on defendant’s plea, on which court deferred imposition for 90 days) and dismiss charge. Art. 45.0511(l), C.C.P.</p> <p>Court may dismiss only one charge for each completion of a course. Art. 45.0511(m), C.C.P.</p>
Teen Court – Art. 45.052, C.C.P.	<ul style="list-style-type: none"> Complete teen court program. Show court evidence of completion of teen court program. 	<ul style="list-style-type: none"> Court costs required to be collected.* Fee up to \$10 optional for administering teen court. Art. 45.052(e), C.C.P. \$10 optional fee for teen court performing its duties, paid to teen court program. Teen court program must account to court for disbursement of fee. Art. 45.052(g), C.C.P. Court may waive fees and court costs imposed by another statute. Art. 45.052(h), C.C.P. Courts in TX/LA border region may charge \$20 fee in place of the \$10 fee. 	Upon presentation of evidence that defendant completed teen court program, court shall dismiss charge. Article 45.052(c), C.C.P.
Compliance with School Attendance – related order. Art. 45.054 (i), C.C.P	<ul style="list-style-type: none"> Defendant successfully complies with conditions imposed by court under Article 45.054, C.C.P. Defendant presents proof of obtaining high school diploma or equivalency certificate. 	<p>Court costs required to be collected.*</p> <p>However, court may waive or reduce a fee or cost if it causes financial hardship. Art. 45.054(i), C.C.P.</p>	Upon compliance or presentation, court shall dismiss complaint alleging Failure to Attend School (Sec. 25.094, E.C.)
Commitment of Chemically Dependent Person – Art. 45.053, C.C.P.	<ul style="list-style-type: none"> Court finds offense resulted from or was related to defendant’s chemical dependency. Application for court-ordered treatment of defendant filed in accordance with Ch. 462, H.S.C. 	Court costs required to be collected.*	Upon presentation of satisfactory evidence that defendant was committed for and completed court-ordered treatment, court shall dismiss charge and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.053(b).
Attendance at a Tobacco Awareness Program – Sec. 161.253, H.S.C.	<ul style="list-style-type: none"> Defendant required to complete tobacco awareness program or tobacco related community service not later than 90th day after conviction. (Court required to suspend execution of sentence for 90 days—Sec. 161.253(a), H.S.C.) Defendant not previously convicted of offense under Sec. 161.252. 	Court costs required to be collected.*	Upon presentation of evidence of completion of tobacco awareness program or community service, court shall dismiss charge. Sec. 161.252(f)(2), H.S.C.

* Section 133.101, L.G.C.: For the purposes of determining criminal court costs and fees, a defendant is considered to be convicted in a case if:

- A judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- The person receives community supervision, deferred adjudication, or deferred disposition;
- The court defers final disposition of the case or imposition of the judgment and sentence.

