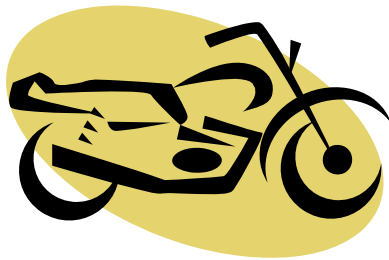


# Traffic Safety Update

Prepared by TMCEC, Marian Moseley, & John Vasquez

Presented by Marian Moseley,  
Coppell Municipal Court Judge



# Plan of Action

- Changes to driver license requirements and driver safety course eligibility
- New laws affecting lightweight vehicles and commercial driver's license
- New tow truck and towing laws
- Misc Transportation Code changes





# **Katie's Law**

**HB 84**

# Who was Katie?

- On May 30, 2006, Katie Bolka's car was struck by another vehicle traveling at 45 mph as Katie went through an intersection in North Dallas. Katie had the right of way as her light had been green for about 20 seconds. The driver of the other vehicle, a 90-year old woman, never applied her brakes.
- Katie, a 17 year old high school student, passed away 4 days later.
- Her death has spawned a movement to require older drivers to be retested to insure that all drivers have the skills needed to operate a motor vehicle.

# HB 84 Driver License Renewal

TC 521.2711, 521.274(b), 522.054, 522.029 (a)

- Upon reaching 85, drivers must renew their driver's license every two years.\*
- Drivers over 79 years of age may not renew online or by mail.

*\*Also applies to commercial driver's licenses*

# **What does HB 84 mean to municipal courts?**

- Older drivers who have not been tested or failed will lose their driver's license
- Unlicensed older drivers who are on fixed income may not be able to pay fines

# Resources for Older Drivers



AARP offers an 8-hour Driver Safety Program for older drivers. Drivers learn about the effects of aging on driving and how to adjust our driving habits as one ages. Most classes are taught in two, four-hour sessions spanning two days.

# Resources for Older Drivers



- For AARP Driver Safety program course call toll-free **1-888-227-7669** to find a course in your area.
- Visit the AARP website at **[www.aarp.org/drive](http://www.aarp.org/drive)**.
- \$10 in person or \$19.95 over the internet.



# HB 586 DSC - Art. 45.0511 CCP

Amends Art. 45.0511

- **Driving safety course available**
  - For speeding less than 25 miles an hour over the posted limit; AND
  - For speeding under 95 miles an hour
  - For military spouses and dependents without a Texas driver's license



# **What does HB 586 mean to municipal courts?**

- More DSC's granted under Art. 45.0511 CCP
- Need for new/modified DSC forms removing the requirement for a Texas DL and driving record for military spouses and dependents

# Lightweight Vehicles

# HB 1279

Creating

§ 544.0075 Tx Trans Code

- New traffic detection devices will now be required to detect light-weight vehicles



# HB 1623

Amends Sec 521.457 (f), (e), and (f-1) Tx Trans Code

## **Warning: Extremely tortured language ahead**

- Driving While License Invalid - reduced to a class C offense
  - Canceled, suspended, revoked, denied
- Will be filed in municipal court
- Class B – if previous conviction for DWLI
  - if previous suspend for DWI

# HB 2391 - Amending 14.06 CCP

- Allows “citation” be issued for certain Class A & B misdemeanors, as:
  - possession of marijuana,
  - theft,
  - theft of service,
  - graffiti,
  - criminal mischief &
  - DWLI

# HB 2391 - Amending 14.06 CCP

- Allows “citation” be issued for Class B DWLI if accused:
  - -was previously convicted of DWLI
  - -during a period of suspension of vehicle registration, knowingly permitted a person to drive such vehicle, §601.371 Tx Trans Code
  - -was previously suspended from driving due to operation of a vehicle while intoxicated
  - This DWLI is NOT FILED IN MUNICIPAL COURT

# What do HB 1623 & 2391 mean to municipal courts?

- More cases - Specifically, DWLI charges
- Development of a new deferral program for defendants charged with DWLI
- Convicted defendants subject to surcharges
- Another reason more defendants will be driving without DLs
- Different from **No DL, Expired DL, FTDDL**
- Class B “citation” for DWLI will not be filed in municipal court

# HB 3849

# Off-highway Vehicles



- Parks and Wildlife has sole authority to issue registration decals for operating off-highway vehicles
- Class C to ride on an off-highway vehicle on public property without a safety helmet and eye protection

# What does HB 3849 mean for municipal courts?

- Operators of unregistered off-highway vehicles may be charged with a class C offense, §29.009 Parks and Wildlife Code
- Operators and riders of off-road vehicles who do not wear a helmet and goggles may be charged with a class C offense, §29.011 Parks and Wildlife Code

# **Child Safety**



# HB 1045 | HCR 73

## April is *Child Safety Month*

**Creates § 662.103, GC**

Child Safety Month was created to educate the public about preventable childhood injuries and increase public awareness of:

- dangers of leaving children in unattended vehicles
- avoidable childhood injuries and death
- encouraging the correct use of helmets, seat belts, and smoke alarms



## HB 323 / HB 3190 amends Sec 545.413(a)

- Three point seat-belts required in new buses - *only if the Legislature appropriates money to reimburse schools*
- Seat belt law is expanded to include “the operator of a school bus equipped with a safety belt for the operator’s seat”



# What do HB 323 & 3190 mean for municipal courts?

- Bus drivers may now be pulled over and cited if they do not use their safety belts.
- Students in buses with belted driver may be tempted to be more disruptive meaning more charges against youth for disruption of school transportation

# SB 153

Amends §521.222 TC

- A person seated next to someone driving with an instructional driving permit may not:
  - Sleep
  - Be intoxicated or
  - Be engaged in an activity that would prevent them from observing and responding to the driver
- *Unless there was another person in the seat next to the driver who was qualified and capable to be the accompanying passenger*



# Does SB 153 affect municipal courts?

- Possibly an additional charge may be filed if the operator is stopped for another offense and then officer observes this offense.
- Difficult otherwise to determine the condition of a person seated next to the driver and the type of license held by the driver

**TOWING &  
JUNKED VEHICLES**

# HB 2094



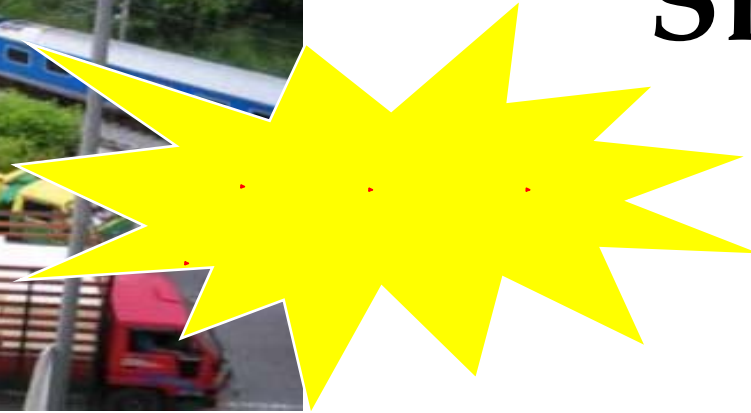
## Vehicle Storage Facilities / Tow Trucks

- Tow truck company employees must be licensed by TDLR
- Tow trucks need two permits: one for operating on public roads, one for performing non-consent tows on private property
- \$200-\$1000 per violation

**SAFETY FIRST**



**SB 500**



- Sheriff's office (in some East Texas counties) must maintain a public list of towing companies that perform non-consent tows in unincorporated areas
- If a tow truck arrives at a scene without having been contacted by the sheriff, tow truck driver may be charged with a Class C misdemeanor

# Do HB 2094 & SB 500 affect municipal courts?

- Tow truck companies may be charged with having unlicensed employees.
- Tow trucks may be charged with offenses if they lack proper permits
- SB 500 is more likely to impact Justice of the Peace courts

# SB 350 /351

T.C. 683.071, 683.074, 683.075



A 'junked vehicle':

- 1) Does not have an unexpired registration  
AND an valid inspection attached, AND is:
- 2) -wrecked, dismantled, or  
-inoperable more than 72 consecutive  
hours (public property) or 30 consecutive  
days (private property)

# Public Hearing

- Notice of abatement of an abandoned vehicle may be sent via USPS with signature confirmation service
- A public hearing for a junked vehicle is only required when a request is made no later than the deadline to abate the nuisance

# **Commercial Motor Vehicles**

# HB 1638 | SB 545 | HB 2077

Amends § 644.101(b), TC

- Municipal police officers may apply for certification to enforce CMV safety standards:
  - in a municipality less than 5,000 adjacent to a bay connected to the Gulf of Mexico and in a county adjacent to Harris County; or
  - in a municipality more than 50,000
  - in a municipality 25,000-50,000 located within a county population of at least 500,000; or
  - in a municipality in any county bordering Mexico
  - in a municipality in Harris County
  - in Texarkana



# SB 329

Amends § 547.613, TC

“Commercial motor vehicles” are not subject to Texas window tint limits. CMVs are subject to federal window tint requirements, if any.



Expands the offense of driving a commercial motor vehicle while subject to an out-of-service order, to include smaller vehicles in violation of, but not “subject to”, an out-of-service order;

- while a driver’s employer is subject to an out-of-service order; or
- while the vehicle being operated is subject to an out-of-service order

**SB 333**

**SB 1372**



# How do these bills affect municipal courts?

- More offenses filed against CMV drivers?
- Due to travel requirements, drivers may miss their court dates
- Municipal court judges must be more knowledgeable

*Municipal Traffic Safety  
Initiatives Conference*

May 21 – 23, 2008

Omni Mandalay Hotel – Las Colinas  
Irving, Texas

# SB 1260 | HB 313

- DPS may issue a temporary nonresident CDL to someone without a social security card, but who meets testing and licensing requirements
- Nonresident CDL expires on the earlier of:
  - 60 days from issuance
  - Expiration date of the driver's visa
  - Expiration date on the Form I-94
- A foreign commercial vehicle is not required to be registered if it is used solely to transport cargo across the border, and remains in Texas less than 48 hours per load



# SB 1372



- Clarifies disqualification rules:
  - A CMV disqualification for an imminent hazard runs **concurrent** to any existing imminent hazard disqualification already in effect; and
  - A CDL disqualification for serious traffic violations or a railroad crossing violation runs **consecutively** to a disqualification already in effect.
- DPS may deny renewal of a CDL after receiving information indicating the CDL license-holder failed to appear or pay a fine in a matter involving a motor vehicle traffic control violation in another state
- Exempted from CDL laws are all commercial motor vehicles used for military purposes or by military personnel

## More *SB 1372*:

- A disqualification from driving a CMV takes effect on the 40<sup>th</sup> day after the CDL holder receives notice
- If a disqualification from driving a CMV is already in effect, the disqualifications run *concurrently*
- \* DPS must respond to a request for a driving record check from another state within 30 days

# HB 1522 Overnight Parking

Amends § 545.307, Tx Trans Code

- Prohibits parking a commercial motor vehicle between 10 p.m. and 6 a.m. on:
  - residential streets; or
  - streets adjacent to the subdivision and within 1000 feet of a residence, school, church, or park



- *Does not apply to utility vehicles parked overnight at an employee's residence; or vehicles owned by a commercial establishment parked at or adjacent to that establishment*

# How do these bills affect municipal courts?

- More citations may be filed
- CMV driver may be long-haul, not local, so the CMV driver is more likely to miss court
- Company may deny liability, and drivers may not be able to pay fines
- Safety concerns if CMV has an accident
- Municipal judge needs be more knowledgeable

# DOT & Federal Motor Carrier Law Session

Track A

This afternoon 3:10 – 4:00 p.m.

**MORE NEW OFFENSES**

# SB 387 - §725.001 Tx Trans Code

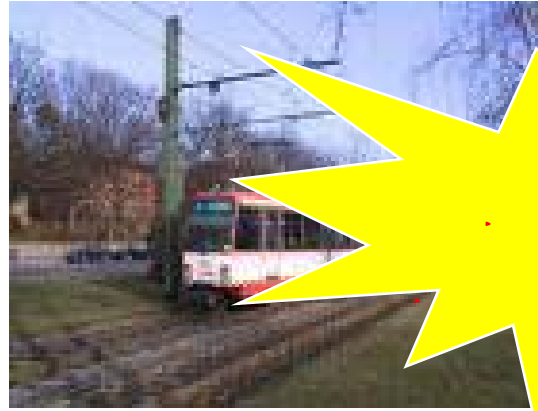
- Expands the requirement to cover a load of “loose material” being transported on a public highway to include *refuse* (garbage)
- Material not transported by a commercial vehicle doesn't need to be covered if it is completely enclosed by the load-carrying compartment or does not blow from or spill over the top of the compartment



# HB 1798

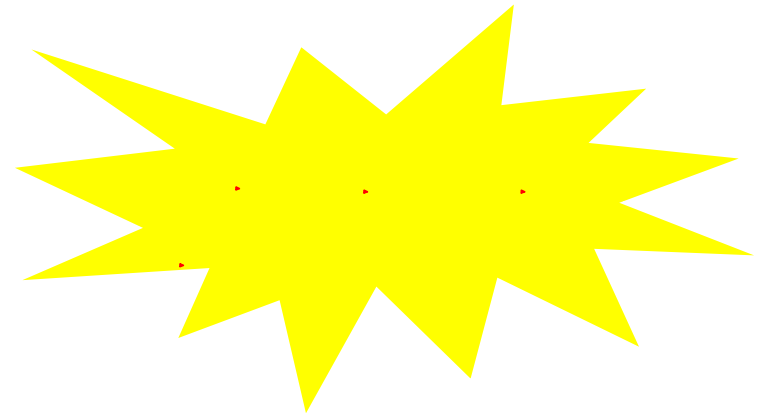
Creates § 451.113

Tx Trans Code



- Offense to operate a vehicle on or block a designated right-of-way of a metropolitan transit authority that is used in connection with a bus rapid transit system
- \* *Exempt: vehicles owned or controlled by the transit authority, emergency vehicles responding to a call, and persons authorized to drive on the right of way*

# **SB 1372 TC 545.426**



- Offense to operate a vehicle on or at a railroad crossing grade without sufficient undercarriage clearance
- Fine is between \$50-\$200

# HB 3832 §547.611(a) Tx Trans Code

A vehicle may have video equipment only when:

- the video display is not visible from the operator's seat; or
- the display is only visible when the vehicle is in park or the parking brake is engaged.





## SB 369

### Amends §502.509 Tx Trans Code

Expands the offense of obscuring a license plate to prohibit items attached to or displayed on a license plate or registration insignia that blurs or reflects light, significantly impairing the readability of the name of the state or the letters/numbers



# Photographic Traffic Enforcement System

- SB 1119 creates 707 Transportation Code
- City, by ordinance, may implement red light camera system
- Violation is *civil penalty*
- *Not exceed \$75.00 and \$25.00 late fee*
- *If defendant is found liable, the defendant may appeal to municipal court*

# Appealing a Determination of Liability

- Must appeal red light decision within 31 days of determination of liability
- Must file Appeal Petition
- Must *pay costs required by law for court*
- *Must file notarized Statement of Personal Financial Obligation*
- *Appeal is a Trial de novo*
- *Municipal judge may find person liable or not liable*

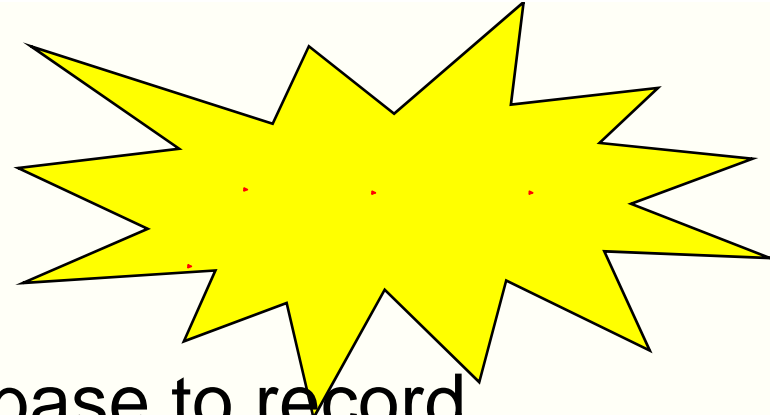
# **If defendant is found liable and fails to pay the fine**

- Arrest warrants may not be issued
- May not be reported to credit bureau
- May not be recorded on driving record
- Is not conviction and can not be used as conviction
- County assessor-collector or Texas DOT may refuse to register vehicle

# Other red light camera bills

- HB 1052 - requirement that warning signs be posted
- HB 1623 - Penalty not exceed \$75.00, late fee is \$25, civil penalties allocated
- SB 369 – Illegal to obscure license plate to avoid detection by red light cameras
- HB 922 – City may not operate a photographic device to record speed

# SB 1786 | SB 11



- TxDOT must develop a database to record temporary dealer tag information
- Temporary dealer tag numbers must be unique and accessible to law enforcement
- Dealers are required to issue a person who buys any vehicle a temporary tag
- Dealer may apply for an extended tag after 20 days have expired
- It is an offense for someone other than a dealer or converter to purchase a temporary tag

# SB 1723



# TC 708

- When someone defaults in a payment under the DPS Points & Surcharges Program, DPS may require payment of the balance immediately or reestablish a payment plan
- DPS may also:
  - enter into an additional contract for the collection of surcharges not to exceed 30% of the surcharges and related costs
  - establish a periodic amnesty program and offer incentives for compliance with the law and efforts of rehabilitation
  - establish an indigence program

# HB 3089 Charitable Contributions

## Amends §552.0071 Tx Trans Code

Definition of “roadway” is expanded to include the roadbed, shoulder, median, curb, safety zone, sidewalk, and utility easements near or adjacent to the roadway



# The End - Till next Session

