

(Rev 09/2010)

Commonly Used CVE Codes

Texas Transportation Code (TRC)

Title 7 – Vehicles and Traffic

Subtitle A – Certificates of Title and Registration of Vehicles

Chapter 502 – Registration of Vehicles

Texas Department of Motor Vehicles

Subtitle B – Driver’s Licenses and Personal Identification Cards

Chapter 522 – Commercial Driver’s Licenses

Texas Department of Public Safety

Subtitle C – Rules of the Road

Chapter 547 – Vehicle Equipment

Texas Department of Public Safety

Chapter 548 – Compulsory Inspection of Vehicles

Texas Department of Public Safety

Subtitle E – Vehicle Size and Weight

Chapter 621 – General Provisions Relating to Vehicle Size and Weight

Texas Department of Transportation

Chapter 622 – Special Provisions and Exceptions for Oversize or Overweight Vehicles

Texas Department of Transportation

Chapter 623 – Permits for Oversize or Overweight Vehicles

Texas Department of Transportation

Subtitle F – Commercial Motor Vehicles

Chapter 642 – Identifying Markings of Commercial Motor Vehicles

Texas Department of Motor Vehicles

Chapter 643 – Motor Carrier Registration

Texas Department of Motor Vehicles

Chapter 644 – Commercial Motor Carrier Safety Standards

Texas Department of Public Safety

Chapter 645 – Single State Registration

Texas Department of Motor Vehicles

Chapter 646 – Motor Transportation Brokers

Texas Department of Motor Vehicles

Chapter 647 – Motor Transportation of Agricultural Migrant

Workers

Administering Agency: [None Specified]

Chapter 648 – Foreign Commercial Motor Transportation

Texas Department of Motor Vehicles

Texas Department of Public Safety

Texas Department of Insurance

Subtitle J – Miscellaneous Provisions

Chapter 725 – Transportation of Loose Materials

Administering Agency: [None Specified]

**

Texas Administrative Code (TAC)

Texas Secretary of State

**

Federal Motor Carrier Safety Regulations (FMCSR)

Federal Motor Carrier Safety Administration

(Adopted rules in Texas administered by the Texas DPS)

**

Hazardous Materials Regulations (HMR)

Pipeline and Hazardous Materials Safety Administration

(Adopted rules in Texas administered by the Texas DPS)

**

Texas Natural Resources Code

Title 3 – Oil and Gas

Subtitle D – Regulations of Specific Businesses and Occupations

Chapter 113 – Liquefied Petroleum Gas

Texas Railroad Commission

**

Texas Tax Code

Title 2 – State Taxation

Subtitle E – Sales, Excise, and Use Taxes

Chapter 162 – Motor Fuel Taxes

Texas State Comptroller of Public Accounts

**

Texas Alcoholic Beverage Code

Title 1 – General Provisions

Chapter 1 – General Provisions

Texas Alcoholic Beverage Commission

Title 3 – Licenses and Permits

Subtitle A – Permits

Chapter 41 – Carrier Permit

Texas Alcoholic Beverage Commission

Chapter 42 – Private Carrier Permit

Texas Alcoholic Beverage Commission

Chapter 43 – Local Cartage Permit

Texas Alcoholic Beverage Commission

Chapter 44 – Beverage Cartage Permit

Texas Alcoholic Beverage Commission

**

Texas Occupations Code**Title 14 – Regulation of Motor Vehicles and Transportation****Subtitle A – Regulations Related to Motor Vehicles****Chapter 2308 – Vehicle Towing and Booting**

Texas Department of Licensing and Regulation

**

Notes:

Texas statutes can be located at this web address:

<http://www.statutes.legis.state.tx.us>

The Texas Administrative Code (TAC) can be located at the Texas Secretary of State's web address:

<http://www.sos.state.tx.us/tac/index.shtml>

The Federal Motor Carrier Safety Regulations can be located at the Federal Motor Carrier Safety Administration's web address:

<http://www.fmcsa.dot.gov/rules-regulations/rules-regulations.htm>

The Federal Hazardous Materials Regulations can be located at the Pipeline and Hazardous Materials Safety Administration's web address:

<http://www.phmsa.dot.gov/regulations>

Who Administers What...

Dept of Public Safety (DPS)

- CDL
- Vehicle Equipment
- MVI
- CMV Safety Standards (FMCSR and HMR)
- Foreign CMV Transportation (partial administration)

Dept of Motor Vehicles (TXDMV)

- Vehicle Registration
- CMV Markings (company name, USDOT number, etc)
- Motor Carrier Registration (company registration)

- Single State Registration (multi-state vehicle registration)
- Motor Transportation Brokers
- Foreign CMV Transportation (partial administration)

Dept of Transportation (TXDOT)

- Vehicle Size and Weight Limitations
- Size and Weight Permits

Dept of Insurance

- Foreign CMV Transportation (partial administration)

Railroad Commission (RRC)

- Motor Carrier Registration – Intrastate propane delivery

State Comptroller of Public Accounts

- Motor Fuel Taxes (including Int'l Fuel Tax Agreement IFTA)

Alcoholic Beverage Commission (TABC)

- Motor Carrier Registration – Intrastate alcoholic beverage delivery

Dept of Licensing and Regulation (TDLR)

- Motor Carrier Registration – Intrastate vehicle towing

Secretary of State (SOS)

- Compiles and maintains the Texas Administrative Code for the above listed state agencies

(Rev. 09/2010)

Commercial Vehicle Enforcement

Municipal Peace Officers

TRC 621.401. Weight Enforcement Officer

DEFINITION. In this subchapter, "weight enforcement officer" means:

- (4) a municipal police officer in a municipality with a population of:
 - (A) 100,000 or more; or
 - (B) 74,000 or more in a county with a population of more than 1.5 million;
- (5) a police officer certified under Section 644.101 [D.O.T. roadside inspector];

TRC 644.101. D.O.T. Roadside Inspector

(b) A police officer of any of the following municipalities is eligible to apply for certification under this section [as a D.O.T. roadside inspector]:

- (1) a municipality with a population of 50,000 or more;
- (2) a municipality with a population of 25,000 or more any part of which is located in a county with a population of 500,000 or more;
- (3) a municipality with a population of less than 25,000:

(A) any part of which is located in a county with a population of 2.4 million;
and

(B) that contains or is adjacent to an international port;

(4) a municipality with a population of at least 34,000 that is located in a county that borders two or more states;

(5) a municipality any part of which is located in a county bordering the United Mexican States; or

(6) a municipality with a population of less than 5,000 that is located:

(A) adjacent to a bay connected to the Gulf of Mexico; and

(B) in a county adjacent to a county with a population greater than 3.3 million.

Note: All D.O.T. roadside inspectors are, by definition, weight enforcement officers. However, NOT all weight enforcement officers are D.O.T. roadside inspectors.

(Rev. 09/2010)

Commercial Vehicle Enforcement

Weight Violations

Arrest Title	Overage (in pounds)	1st Offense in previous 12 months	Conviction in previous 12 months	City/State percentage	Code (Penalty)
Over 20000 Single Axle					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
	10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Axle Load (Zoned)					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
	10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Single Axle - Permit Violation					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
	10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Single Axle - Solid Waste					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
	10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Single Axle - Recyclable Material					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
	10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Single Axle - Shifted					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
	10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Single Axle - Cement (Surety Bond Violation)					
	1+	\$1 to \$200	County Violation	100/0	TRC 622.017
Over 34000 Tandem Axle					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
	10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Tandem Load (Zoned)					
	1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
	5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506

10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over 44000 Tandem - Solid Waste				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Tandem Axle - Recyclable Material				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Tandem Axle - Permit Violation				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Tandem Axle - Shifted				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Tandem - Cement (Surety Bond Violation)				
1+	\$1 to \$200	County Violation	100/50	TRC 622.017
Over Weight Group of Axles				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Weight Group of Axles (Permit Violation)				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Weight Group of Axles (Shifted)				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Weight Group of Axles (Bridge Law)				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Weight Group of Axles (Bridge Law)(Permit Violation)				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Weight Group of Axles (Bridge Law)(Shifted)				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Allowable Gross				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506
Over Weight Group of Axles (Permit Violation)				
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506

Over Allowable Gross (Zoned)					
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506	
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506	
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506	
Over Allowable Gross (Permit Violation)					
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506	
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506	
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506	
Over 64000 Gross - Solid Waste					
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506	
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506	
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506	
Over 69000 Gross - Cement (Surety Bond Violation)					
1+	\$1 to \$200	County Violation	100/0	TRC 622.017	
Aid and Abet - Over Gross/Axle Weight 15% and Over					
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506	
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506	
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506	
Aid and Abet - Over Gross/Axle Weight Under 15%					
1 to 5000	\$100 to \$150	\$200 to \$300	100/0	TRC 621.506	
5001 to 10000	\$300 to \$500	\$600 to \$1000	50/50	TRC 621.506	
10001+	\$500 to \$1000	\$1000 to \$2000	50/50	TRC 621.506	
Fail to Maintain Weight Record					
NA	\$1 to \$200	County Violation	100/0	TRC 621.507	
Over Registered Weight					
1+	\$1 to \$200	NA	100/0	TRC 502.412	
Tire Load - Exceeds Weight Rating (Fed Reg Viol)					
1+	\$1 to \$500	NA	100/0	TRC 644.151	

Notes:

1. The above listed arrest titles are shown as they appear in DPS's commercial vehicle enforcement database. This list is not all inclusive.
2. If a cement truck is operating with a valid surety bond, then it is subject to the penalties specified in TRC 622.017. If a cement truck is NOT operating with a valid surety bond (or no bond at all), then it is subject to the penalties specified in TRC 621.506.
3. TRC 621.506(c) specifies that a judge can assess a lower fine overweight fine than the state prescribed minimums if the vehicle is registered for the maximum it could legally carry at the time of offense and also weighed less than its allowable gross weight.

4. TRC 621.506(d) states that a judge will 'promptly' report to the DPS every overweight conviction from that court. This is to ensure that subsequent 'enhanced' overweight violations are properly fined and recorded.
5. TRC 621.506(g) states that a municipal court must remit 50% of the fine money collected for violations of 5001+ lbs above the limit to the state. (Per TRC 621.506(h), this does NOT include fine money collected by a city when the violation was within 20 miles of the US/Mexican border.)
6. Over Registered Weight is a registration violation from TRC 502.412. It is NOT a size & weight law violation.
7. Tire Load - Exceeds Weight Rating is a USDOT federal regulation (49 CFR Part 393.75(f)) adopted by the State of Texas. It is enforceable only by officers certified to do CMV roadside inspections. When accompanied by the federal cite number '393.75(f)', the violation is NOT a size and weight violation.
8. The State of Texas' portion of overweight fines is entered on Line 12 of the quarterly statement filed with the comptroller's office.
9. Violations of state size and weight limitations are reflected on a driver's CDL. However, the conviction does NOT count as points on the CDL. The conviction shows up on the driver's history only to reflect the proper grade of offense for subsequent convictions.

(Rev 09/2010)

Commercial Vehicle Enforcement

Serious Traffic Violations (CDL)

TRC 522.003(25)

"Serious traffic violation" means:

(A) a conviction arising from the driving of a motor vehicle, other than a parking, vehicle weight, or vehicle defect violation, for:

(i) excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit;

(ii) reckless driving, as defined by state or local law;

(iii) a violation of a state or local law related to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, arising in connection with a fatal accident;

(iv) improper or erratic traffic lane change;

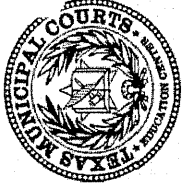
(v) following the vehicle ahead too closely; or

(vi) a violation of Sections 522.011 [Operating a CMV without a valid Texas CDL when required] or 522.042 [Operating a CMV without a required endorsement]; or

(B) a violation of Section 522.015 [Operating a CMV without a valid CDL from another state].

TRC 522.081 lists offenses that may disqualify a driver's CDL

1. Lengths of disqualification vary from 60 days to lifetime disqualification
2. Some disqualifications are triggered by a single violation while others require multiple convictions within a specified time period
3. Some disqualifying convictions must occur while operating a commercial vehicle, while others may occur while operating any type motor vehicle



COURT COSTS

For Conviction of Offenses Committed on or after January 1, 2008

OFFENSE/DESCRIPTION	State CF	Local TFC	Local CS	State STF	State SJRF	State JSF	State IDF	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	6.00	2.00	52.00
• Punishable by a fine of \$200 or less	40.00	N/A	N/A	N/A	4.00	6.00	2.00	52.00
• Punishable by a fine of \$201-\$500	40.00	N/A	N/A	N/A	4.00	6.00	2.00	52.00
• Punishable by a fine of more than \$500								
STATE LAW								
■ Transportation Code, Subtitle C, Rules of the Road	N/A	3.00	25.00	30.00	N/A	N/A	N/A	58.00
• Parking & Pedestrian (in school crossing zone)	N/A	3.00	25.00	30.00	N/A	N/A	N/A	33.00
• Parking & Pedestrian (outside school crossing zone)	40.00	3.00	25.00	30.00	4.00	6.00	2.00	110.00
• Overtaking & Passing a School Bus, Section 545.066	40.00	3.00	N/A	30.00	4.00	6.00	2.00	85.00
• Other (outside school crossing zone)	40.00	3.00	25.00	30.00	4.00	6.00	2.00	110.00
• Other (in school crossing zone)								
■ Transportation Code, Section 601.192, Failure to Maintain Financial Responsibility	40.00	N/A	N/A	N/A	4.00	6.00	2.00	52.00
• First conviction	40.00	N/A	N/A	N/A	4.00	6.00	2.00	52.00
• Subsequent convictions								
■ Education Code	40.00	N/A	20.00	N/A	4.00	6.00	2.00	72.00
• Parent Contributing to Nonattendance, Section 25.093	40.00	N/A	20.00	N/A	4.00	6.00	2.00	72.00
• Failure to Attend School, Section 25.094								
■ All other misdemeanors	40.00	N/A	N/A	N/A	4.00	6.00	2.00	52.00
• Punishable by a fine of \$500 or less	40.00	N/A	N/A	N/A	4.00	6.00	2.00	52.00
• Punishable by a fine of more than \$500								

*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 court costs and fees, a person is considered to have been convicted if:

- (1) a judgment, a sentence or both a judgment and a sentence are imposed on the person;
- (2) the person receives community supervision, deferred adjudication or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgment and sentence.

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

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

***² FEES (Add the following fees whenever they apply):**

- **Administrative Fee:** The court may order an administrative fee to be paid when the court grants DSC under Art. 45.051(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.
 - **Applicable fees for services of peace officers under Art. 102.011, Code of Criminal Procedure (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.
 - **Expunction Fee:** \$30 fee to expunge the record of an offense (except traffic) involving a minor. (Arts. 45.0216(i) & 45.055(d), C.C.P.; Sec. 106.12, A.B.C.; Sec. 161.255, H.S.C.)
 - **Fees Created by City Ordinance:**
 - **Juvenile Case Manager Fee:** Up to \$5 fee for every fine-only misdemeanor offense if governing body has passed the required ordinance establishing a juvenile case manager fund. (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 Fund:** 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) At the conclusion of the deferral period under Article 45.051, C.C.P., upon dismissal of the charge, the court may assess a special expense fee not to exceed the amount of fine assessed but not imposed at the beginning of the deferral. (Art. 45.051(c), C.C.P.); and 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. (Section 133.103, Local Government Code)
 - **Traffic Law Failure to Appear (FTA):** \$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 court has jurisdiction of under Art. 4.14, C.C.P. (Chapter 706, T.C.)
- Seat Belt & Child Safety 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.). Remittance must be done at the end of the city's fiscal year. City must remit 50 percent of the \$100 to \$200 fines.
- 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.)
- Additional Fees:** A court may assess a \$10 fee when a defendant elects to take a driving safety course (DSC) on or before the answer date on his or her citation (Art. 45.0511(f)(1), C.C.P.). The court may require the defendant to pay \$12 for the court to request the defendant's certified Texas DL record from DPS for DSC (money sent to state). When a court grants teen court, the court may collect two \$10 fees – one is kept by the city for administering teen court, the other is disbursed to the teen court program (Teen court near Louisiana border may charge two \$20 fees) (Art. 45.052(e) & (g), C.C.P.). For dismissal fees for compliance dismissals, see TMCEC Compliance Dismissal Chart.

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 Juror Reimbursement Fee	Code of Criminal Procedure, Article 102.0045	SJRF
State Traffic Fee	Transportation Code, Section 542.4031	STF
Judicial Support Fee	Local Government Code, Section 133.105	JSF
Indigent Defense Fee	Local Government Code, Section 133.107	IDF

COMPARISONS OF DEFERRED OPTIONS

(Effective September 1, 2009)



	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>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>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. 45.0511(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. 45.0511(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 dependant child of a member, of the US military forces serving on active duty, the defendant cannot have taken a driving safety course/motorcycle operator course 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 style="text-align: center;">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 style="text-align: center;">NO</p>
State Court Cost Collected	<p style="text-align: center;">YES Due when request made.</p>	<p style="text-align: center;">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 style="text-align: center;">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 TexasOnline 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 driving safety course or motorcycle operator course, 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>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>Requirements - Judge <u>must</u>:</p> <p>If defendant under age 25 is charged with a moving traffic offense, Subsection (b)(8) does not apply. The judge shall require DSC. 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 capias 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 to 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 capias 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.).