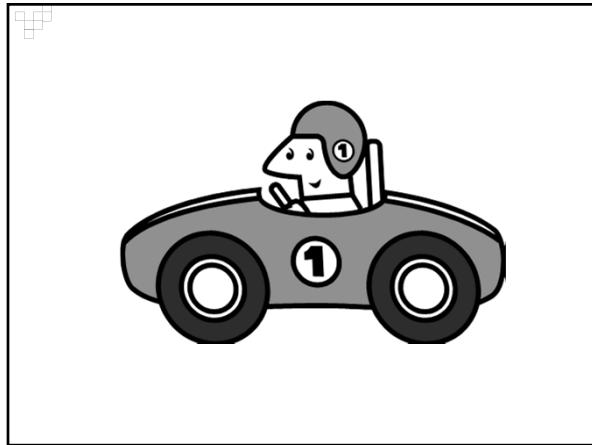


Travels Through the
Transportation Code:
Rules of the Road

Presented by
Gilbert Hernandez





Objectives:

- Describe the Rules of the Road
- Determine why these are important to know
- Explain moving violations
- Distinguish some of their differences

Rules of the Road & Moving Violations

Rules of the Road

Moving Violations

Transportation Code

- Title 3 Aviation
- Title 6 Roadways
- Title 7 Vehicles and Traffic

Title 7 Vehicles and Traffic


- Subtitles A – J
- Subtitle C Rules of the Road
 - Chapters 541-600
 - Chapters 554-599 reserved for expansion

Chapter 542, T.C.

- General Provisions
- Punishable fine \$1 - \$200, 542.401
- \$3 Traffic Fund (TF), 542.403
- \$30 State Traffic Fee (STF), 542.4031
 - 5% to municipality = \$1.50

542.404, T.C.

- Construction Zone Workers Present
 - Twice the minimum fine
 - Twice the maximum fine



542.4045, T.C.

- **Failure to YROW and Accident**
 - **Bodily injury: \$500 - \$2,000**
 - **Serious bodily injury: \$1,000 - \$4,000**
- **542.405, TC Amount of Civil Penalty**
 - **Penalty \$75 (Red light camera)**
 - **Late payment \$25**

FYROW

- Chap 1. Sec 1.07 Penal Code
- (8) "**Bodily injury**" means physical pain, illness, or any impairment of physical condition.
- (46) "Serious **bodily injury**" means **bodily injury** that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any **bodily** member or organ.

Chapters 543 & 544, T.C.

- **543 Arrest and Prosecution**
 - **Arrest without warrant**
 - **Driving Safety Course fees 543.115**
 - **Convictions Reported to DPS 543.201**
- **544 Traffic, Signs, Signals, & Markings**
 - **Traffic lights in general 544.007**
 - **Stop signs and Yield signs 544.010**



Chapter 545, T.C.

- **Operation and movement of vehicles**
 - Passing to the right 545.057
 - Signaling turns; Use if turn signals 545.104
 - Passing authorized emergency vehicle 545.157
 - Maximum speed requirement 545.351
 - Child safety seat system 545.412

Chapters 546 & 547, T.C.

- **546 Operation of authorized emergency vehicles & certain other vehicle**
- **547 Vehicle equipment**
 - Headlamps 547.321
 - Stoplamps 547.323
 - Brakes required 547.401

Chapter 548, T.C.

- **Compulsory inspection of vehicles**
 - Vehicles & equipment subject to inspection 548.051
 - Failure to display inspection certificate 548.602
 - Dismissal of charge; admin fee 548.605

Other Rules of the Road Chapters

- **550 Accidents and accident reports**
- **551 Operation of bicycles, mopeds, & play vehicles**
- **552 Pedestrians**
- **553 Enactment and enforcement of certain traffic laws in certain municipalities**
- **600 Miscellaneous provisions**

Court Costs and Fees

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 542.301-542.303, Transportation Code)	NA	NA	#1	NA	NA	NA	NA	#1
■ Pedestrian	NA	NA	NA	NA	NA	NA	NA	NA
■ Other Municipal Ordinances	40.00	NA	NA	NA	4.00	2.00	6.00	52.00
STATE LAW								
■ Transportation Code, Subtitle C, Rules of the Road	NA	3.00	25.00	30.00	NA	NA	NA	58.00
• Parking & Pedestrian (in school crossing zone)	NA	3.00	NA	30.00	NA	NA	NA	33.00
• Parking & Pedestrian (outside school crossing zone)	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00*
• Overtaking & Passing a School Bus, Sections 542.069	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00*
• Other (in school crossing zone)	40.00	3.00	NA	30.00	4.00	2.00	6.00	85.00*
• Other (outside school crossing zone)	40.00	3.00	NA	30.00	4.00	2.00	6.00	85.00*
■ Transportation Code, Section 601.192, Failure to Maintain Financial Responsibility	40.00	NA	NA	NA	4.00	2.00	6.00	52.00
■ Parking and Pedestrian (Outside Subtitle C)	NA	NA	NA	NA	NA	NA	NA	NA
■ Education Code								
• Parent Contributing to Nonattendance, Section 25.103	40.00	NA	20.00	NA	4.00	2.00	6.00	72.00
• Failure to Attend School, Section 25.104	40.00	NA	20.00	NA	4.00	2.00	6.00	72.00
■ All other fine only misdemeanors not mentioned above	40.00	NA	NA	NA	4.00	2.00	6.00	52.00*

Court Costs, Texas Municipal Courts, CCHarr 2011-2013

Court Costs and Fees		
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

Court Costs - Texas Municipal Courts: ODCart 2011-2013.

■ MVF: Add 10 cent court cost on all moving violations. Article 102.022, Code of Criminal Procedure. Moving violations are found in 37 TAC § 15.80(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.

- **“Overtaking a school bus” is a moving violation and as of 2009 Article 102.022, C.C.P.,**
- **imposes a ten cent fee on all convictions of moving violations**
- **Fund the Statewide Repository of data related to Civil Justice**

What does this mean for you?

- **If it is a moving violation then _____.**



So far we know:

- Rules of the Road
- Certain Court Costs apply
- \$40 State CF, \$3 Local TFC, \$25 Local CS, \$30 State STF, \$4 State SJRF, \$2 State IDF State, and \$6 JSF*3.
- ALL Moving violations incur \$.10

We can also determine that:

- If No Driver's License falls under Sec. 521.021 T.C.
- Rules of the Road are Sec. 541-600
- If Failure to Maintain Financial Responsibility (No insurance) falls under Sec. 601.191 T.C.
- Then TFC & STF do not apply to NOL & FMFR

Classify this violation:




<http://www.flickr.com>

What are moving violations?


- Article 102.022, C.C.P.,
- (a)(1) a moving violation involves the operation of a motor vehicle and
- (2) is classified as a moving violation by the DPS under 708.052, T.C.

Section 708.052, T.C.


- (a) The driver's license accumulates points,
- (b) for each conviction shall assign points as follows:
 - (1) two points for moving violations
 - (2) three points for a moving violation that resulted in an accident.

 **Section 708.053, T.C.**

- Annual Surcharge for points
 - Accumulation of 6 points
 - Preceding 36-month period

 **Section 708.054, T.C.**

- Amount of Points Surcharge
 - \$100 for the first 6 points
 - \$25 for each point thereafter

 **Section 708.102, T.C.**

- Surcharge for Conviction of Certain Intoxicated Driver Offenses
 - Section 49.09 P.C.
 - \$1,000 per year for three years
 - \$1,500 per year for second or subsequent
 - \$2,000 for 1st or subsequent if level 0.16 at trial

Section 708.103, T.C.


- **Surcharge for Conviction of Driving While License Invalid or Without FMFR**
 - \$250 per year

Section 708.104, T.C.

- **Surcharge for Conviction of Driving Without Valid License**
 - \$100 for not more than three years

Where do moving violations live?

- **Texas Secretary of State**
 - **State Rules & Open Meetings Tab**
 - **Texas Administrative Code**



http://images3.wikia.nocookie.net/__cb20080623113636/uncategorized/images/6/cc/Bad-driving.jpg

Texas Administrative Code (TAC)

- TAC is a compilation of all state agency rules in Texas.
- There are 16 titles in the TAC.
- Each title represents a category and related agencies are assigned to the appropriate title.


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

Texas Administrative Code


- TITLE 1 - ADMINISTRATION
- TITLE 4 - AGRICULTURE
- TITLE 7 - BANKING AND SECURITIES
- TITLE 10 - COMMUNITY DEVELOPMENT
- TITLE 13 - CULTURAL RESOURCES
- TITLE 16 - ECONOMIC REGULATION
- TITLE 19 - EDUCATION
- TITLE 22 - EXAMINING BOARDS
- TITLE 25 - HEALTH SERVICES
- TITLE 28 - INSURANCE
- TITLE 30 - ENVIRONMENTAL QUALITY
- TITLE 31 - NATURAL RESOURCES AND CONSERVATION
- TITLE 34 - PUBLIC FINANCE
- **TITLE 37 - PUBLIC SAFETY AND CORRECTIONS**
- TITLE 40 - SOCIAL SERVICES AND ASSISTANCE
- TITLE 43 - TRANSPORTATION

Title 37 Public Safety and Corrections


- **PART 1 - TEXAS DEPARTMENT OF PUBLIC SAFETY**
- PART 3 - TEXAS YOUTH COMMISSION
- PART 4 - ADJUTANT GENERAL'S DEPARTMENT
- PART 5 - TEXAS BOARD OF PARDONS AND PAROLES
- PART 6 - TEXAS DEPARTMENT OF CRIMINAL JUSTICE
- PART 7 - TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION
- PART 9 - TEXAS COMMISSION ON JAIL STANDARDS
- PART 11 - TEXAS JUVENILE PROBATION COMMISSION
- PART 13 - TEXAS COMMISSION ON FIRE PROTECTION
- PART 14 - INDEPENDENT OMBUDSMAN
- PART 16 - OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT

 **Part 1 Texas DPS**

- CHAPTER 1 - ORGANIZATION AND ADMINISTRATION
- CHAPTER 2 - CAPITOL ACCESS PASS
- CHAPTER 3 - TEXAS HIGHWAY PATROL
- CHAPTER 4 - COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES
- CHAPTER 5 - CRIMINAL LAW ENFORCEMENT
- CHAPTER 6 - LICENSE TO CARRY HANDGUNS
- CHAPTER 7 - DIVISION OF EMERGENCY MANAGEMENT
- CHAPTER 9 - PUBLIC SAFETY COMMUNICATIONS
- CHAPTER 13 - CONTROLLED SUBSTANCES
- CHAPTER 14 - SCHOOL BUS SAFETY STANDARDS
- **CHAPTER 15 - DRIVER LICENSE RULES**

 **Chap 15. Driver License Rules**

- SUBCHAPTER A - LICENSING REQUIREMENTS
- SUBCHAPTER B - APPLICATION REQUIREMENTS--ORIGINAL RENEWAL, DUPLICATE, IDENTIFICATION CERTIFICATES
- SUBCHAPTER C - EXAMINATION REQUIREMENTS
- **SUBCHAPTER D - DRIVER IMPROVEMENT**
- SUBCHAPTER E - RECIPROCITY IN DRIVER LICENSING
- SUBCHAPTER F - REGULATIONS IN MAINTAINING DRIVER RECORDS
- SUBCHAPTER G - DENIAL OF RENEWAL OF DRIVER LICENSE FOR FAILURE TO APPEAR FOR TRAFFIC VIOLATION
- SUBCHAPTER H - ADVERTISING
- SUBCHAPTER I - RELEASE OF DRIVER RECORD INFORMATION
- SUBCHAPTER J - DRIVER RESPONSIBILITY PROGRAM
- SUBCHAPTER L - ELECTION IDENTIFICATION CERTIFICATE

 **Subchapter D Driver Improvement**

- § 15.81 - Definition of Terms
- § 15.82 - Notice of Suspension, Disqualification or Revocation, Order of Suspension, Disqualification and Revocation
- § 15.83 - Hearing Requests
- § 15.84 - Hearing
- § 15.85 - Appeals
- § 15.86 - Driver License Denials
- § 15.87 - Cancellation of Driver License
- § 15.88 - Demand for Surrender of Driver License
- **§ 15.89 - Moving Violations**

What is a moving violation – TAC?

- (a) Moving violations are defined as an act committed in connection with the operation of a motor vehicle on a public street or highway, which constitutes a hazard to traffic and is prohibited by state law or city ordinance.



TAC Rule 15.89 cont'd

- (b) A list of traffic offenses that constitute a moving violation is available in Table 1.
- Table 1 also indicates the moving violations that will be assessed points
- (1) Not all moving violations are assessed points

TAC Rule 15.89 cont'd

- (2) Moving violation convictions that are assessed specific surcharges,
 - Intoxicated driver offenses,
 - Driving while license invalid or without financial responsibility,
 - Driving without valid license, no commercial driver license, driving without the proper commercial license endorsement, and driving without the proper motorcycle endorsement,
- Will not be assessed points under the Driver Responsibility Program.

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pi=1&ch=15&rl=89](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pi=1&ch=15&rl=89)

How do points work?

- Two points for a moving violation conviction
- Points will not be assigned for speeding less than 10% over the posted limit or seat belt convictions.
- Three points for a moving violation conviction that resulted in a vehicle crash.

Points cont'd

- Points remain on the driver record for a period of three years.
- DPS will assess a surcharge when the driver accumulates a total of six points or more on their record during a three-year period.
- The driver must pay a \$100 surcharge for the first six points and \$25 for each additional point.

Annual Charges

- Year 1: 1 stop sign + acc = 3 points
- Year 2: 1 speeding, 1 red light = 4 points
- Year 2: Driver owes \$125
- Year 3: No ticket
- Year 3: Driver owes \$125
- Year 4: FYROW = 2 points
- Year 4: Y1 drops, driver owes \$100

Is there a difference?

■ Rules of the Road violations consist of:

- Many laws that pertain to vehicles and traffic governed by the T.C.
- Certain court costs apply
- A moving violation if it involves the operation of a motor vehicle



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