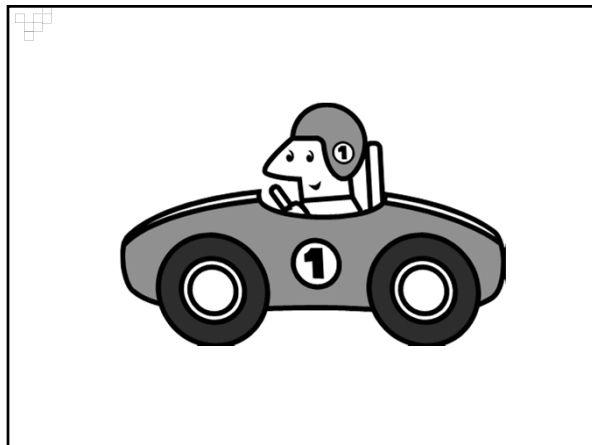



Travels Through the
Transportation Code:
Rules of the Road

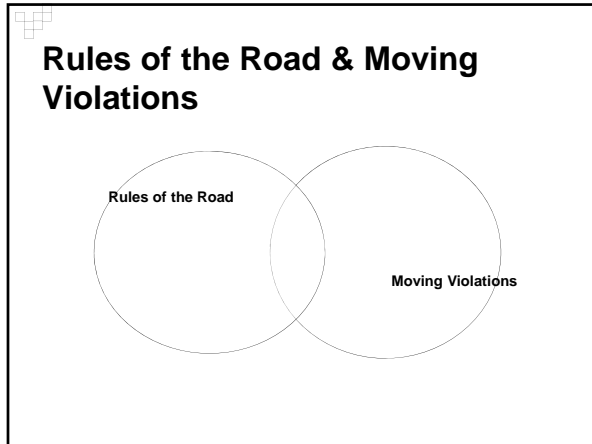
Presented by
Gilbert Hernandez







Objectives:

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



- 
- 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

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.

Classify this violation:



Chapters 543 & 544, T.C.

- **543 Arrest and Prosecution**
 - Defensive driving fees 543.115
 - Convictions 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 STT | State SRF | State IDF | State JSF*3 | Total*2 |
|--|----------|-----------|----------|-----------|-----------|-----------|-------------|---------|
| MUNICIPAL ORDINANCES | | | | | | | | |
| ■ Parking (enforced by Sections 542.202-542.203, 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 LAWS | | | | | | | | |
| ■ 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, Section 545.068 | 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 25.093 | 40.00 | NA | 20.00 | NA | 4.00 | 2.00 | 6.00 | 72.00 |
| • Failure to Attend School, Section 25.094 | 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, COChart 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 | STT |
| State Juror Reimbursement Fee | Code of Criminal Procedure, Article 102.0045 | SRF |
| 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, COChart 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 § 15.809A. 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**
_____.

Classify this violation:



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:



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Where are moving violations?


- **Texas Administrative Code (TAC)**
 - **Title 37 – Public Safety and Corrections**
 - **Part 1 – Texas Department of Public Safety**
 - **Chapter 15 – Driver License Rules**
 - **Subchapter D – Driver Improvement**
 - **Rule § 15.89 – Moving violations**

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 FMR**
 - \$250 per year

Section 708.104, T.C.

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

So, is this a violation?



<http://katmelli86.blogspot.com>

Is there a difference?

- Rules of the Road violations consist of:
 - Many laws that pertain to vehicles and traffic
 - Certain court costs apply
 - A moving violation if it involves the operation of a motor vehicle

Is there a difference?

- Moving violations consist of:
 - Act committed with the operation of a motor vehicle
 - Some violations assessed points DRP
 - Violations assessed surcharges based on points or specifically listed
 - May be a Rules of the Road violation
 - &, will incur \$.10

