

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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