

Municipal Court Recorder

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Rules of the Road Offense Chart

Subtitle C: Rules of the Road - Chapters 541-600, Texas Transportation Code

The introduction of the State Traffic Fine makes it all the more important that municipal courts know which offenses are and are not included in Subtitle C: the Rules of the Road.

The \$30 State Traffic Fine/Fee is collected on all Subtitle C offenses, but should not be collected on any other offense. There are too many offenses in the Rules of the Road to memorize. Additionally, some of the offenses included and excluded are counterintuitive (e.g., a registration violation is not a Subtitle C violation; an inspection violation, however, is a violation). To make the task easier, TMCEC has compiled the following chart of fine-only Subtitle C offenses.

<i>Title</i>	<i>Traffic Code Section (unless otherwise noted)</i>
Bicycle Offenses	
Carried Articles so as to Interfere with Handling of Bicycle, Moped, or Electric Personal/Assistive Mobility Device	551.102(c)
Clung to Vehicle on Bicycle, Coaster, Roller Skates, Sled, or Toy Vehicle	551.102(d)
Failure to Keep Bicycle on Right Side of Roadway (Moped and Electric Personal/Assistive Mobility Device)	551.103(a)
Failure to Ride in Single Lane when Riding Two Abreast (Bicycle, Moped, or Electric Personal/Assistive Mobility Device)	551.103(c)
No Brake or Defective Brake on Bicycle, Moped, or Electric Personal/Assistive Mobility Device	551.104(a)
No Red Reflector or Red Light or Defective Reflector or Red Light on Rear of Bicycle, Moped, or Electric Personal/ Assistive Mobility Device—Nighttime	551.104(b)
No White Light or Defective Light on Front of Bicycle, Moped, or Electric Personal/Assistive Mobility Device—Nighttime ..	551.104(b)
Rider Commit Any Applicable Traffic Violation (specify application violation)	551.101
Rode Improperly (Bicycle, Moped, or Electric Personal/Assistive Mobility Device)	551.102
Under 18: Operate Motor Vehicle with Restrictions	545.424
Drivers—Miscellaneous Violations	
Backed so as to Interfere or without Safety	545.415(a)
Backed upon Shoulder or Roadway of Controlled Access Highway	545.415(b)
Bus Failed to Stop at RR Crossing	545.253
Bus Shifting Gears while Crossing RR Track	545.253(b)
Coasting (any vehicle, in neutral)	545.406(a)
Coasting (truck, truck tractor, or bus, specify) with Clutch Disengaged	545.406(b)

Offense Chart continued on page 2

INSIDE THIS ISSUE

Rules of the Road Offense Chart	1	Parking Violations	3	Turning Movements	4
Bicycle Offenses	1	Pedestrians—Miscellaneous	3	Vehicle—Brakes	5
Drivers—Miscellaneous Violations	1	Right of Way	4	Vehicle Lights, Signal Lamps, & Reflectors ..	5
Following	3	Signal Intention	4	Vehicle—Miscellaneous	5
Highway	3	Speeding	4	Vehicle—Miscellaneous Equipment	6
Miscellaneous Violations	3	Traffic Signals—Pedestrians	4	Violations Against Pedestrians	6
Oversize Violations	3	Traffic Signs, Signals, & Road Markings ..	4	Wrong Side or Wrong Way	6
Overtaking	3	Traffic Violations—Miscellaneous	4		

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Offense Chart continued from page 1

Crossed RR with Heavy Equipment without Notice	545.255(b)
Crossed RR with Heavy Equipment without Stop or Safety	545.255(c)
Disregard Police Officer	542.501(1)
Disregard School Crossing Guard	542.501(2)
Drawbar over 15 Feet	545.409(a)(2)
Drive around, under, or through Crossing Gate	545.251(d)
Drive on Improved Shoulder	545.058
Drive on Sidewalk	545.422
Drive Controlled Access Highway	545.064
Driver Opened Door (or leave door open) in Moving Lane of Traffic	545.418
Drove on or across Streetcar Tracks where Prohibited	545.203
Drove without Being Secured by Safety Belt	545.413(a)
Drove without Lights—when Required	547.302(a)
Electric Vehicle, Operation	551.202
Failed to Dim Headlights—Following	547.333(c)(2)
Failed to Dim Headlights—Meeting	547.333(c)(1)
Failed to Give Way when Overtaken	545.053(b)
Failed to Give Way when Overtaken by Streetcar	545.203(a)
Failed to Keep Right on Mountain Road	545.405
Failed to Stop—Emerging from Alley, Driveway, or Building (specify)	545.256
Failed to Stop for Approaching Train—Hazardous Proximity	545.251(a)(4)
Failed to Stop for Approaching Train—Whistled	545.251(a)(3)
Failed to Use Designated Lane (Slow or Direction)	545.060(c)
Failed to Use Proper Headlight Beam	547.333(c)
Improper Use of Auxiliary Driving Lamps	547.330
Improper Use of Auxiliary Passing Lamps	547.329
Improper Use of Fog Lamps	547.328
Improper Use of Spot Lamps	547.327
Increased Speed while Being Overtaken	545.053(b)
More than Four Driving Lamps Lighted	547.302(d)
Motor-Assisted Scooters; Operation	551.303
No White Flag on Tow Chain or Cable	545.409(b)
Operate Vehicle with Child under 18 Years of Age in Open Bed	545.414
Operate Motor Vehicle by Person under 18 Years of Age—Provisional Restrictions	545.424
Parked with Head Lamps Not Dimmed	547.383(d)
Parked without Lights	547.383(b)
Passengers (exceeding 3) or Load Obstructed Driver's View or Control	545.417
Persons Riding in Trailer or Semitrailer	545.4191
Prohibited Motor Vehicle on Controlled Access Highway	545.0651
Riding in Open Bed	545.414
Safety Belt, Violations	545.413
School Bus Fail to Stop at Railroad Crossing	545.2535
Slower Vehicle Failed to Keep Right	545.051(b)
Too Many Auxiliary Driving Lamps	547.330
Too Many Auxiliary Passing Lamps	547.329
Too Many Fog Lamps	547.328
Too Many Spot Lamps	547.327
Turn so as to Impede or Interfere with Streetcar	545.203(c)
Unauthorized Use of Siren, Whistle, or Bell	547.501(b)
Unrestrained Child	545.412(a)
Vehicle Hauling Explosives or Flammable Materials Failed to Reduce Speed at RR Crossing	545.254(a)
Vehicle Hauling Explosives or Flammable Materials Failed to Stop at RR Crossing Inside Incorporated City or Town	545.254(b)
Warning Devices Not Displayed (flags, flares, fuses, reflectors)	547.503; 547.504; 547.505; 547.506; 547.507

Following

Following Too Closely	545.062(a)
Following Too Closely—Caravan	545.062(c)
Following Too Closely—Truck (or combination)	545.062(b)

Highway

Flashing Light or Sign within 1,000 Feet of Intersection	544.006(c)
Obscuring or Interfering with Official Traffic Control Device or RR Sign	544.006(a); 544.005
Place or Maintain Unauthorized Sign, Signal, or Device	544.006(a)

Miscellaneous Violations

Display Traffic Sign or Signal Bearing Advertising	544.006(b)
Erect Tent, Shelter, Booth, or Structure at Rest Area where Prohibited	545.411(a)
Fail to Secure Child in Safety Seat System	545.412
Judge or Clerk Fail to Report Convictions	543.203
Operate Motorcycle/Moped by Person Less than 17 Years of Age with Restrictions	545.424
Owner (parent or guardian) Permit Violation	542.302
Owner Permit Violation (not hazardous)	542.302
Passenger Interfered with Driver's View or Control	545.206; 545.417(b)
Permit Display of Unauthorized Traffic Control Device (local authorities)	544.002(c)
Person (other than driver) Opened Door or Leave Door Open in Moving Lane of Traffic	545.418
Ride—Not Secured by Safety Belt (when required)	545.413(a)
Riding in House Trailer	545.419
Stay at Rest Area Longer than Permitted	545.411
Too Many Riders	545.416

Oversize Violations

Pull More than One Trailer or Other Vehicle (when not authorized to do so)	545.409
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Overtaking

Cut in after Passing	545.053
Failed to Pass to Left Safely	545.053
Failed to Pass to Right Safely	545.057
Failed to Stop or Remain Stopped for School Bus (specify)	545.066
Failed to Stop for Streetcar or Stop at Wrong Location	545.202
Illegal Pass on Right	545.057
Passed—Insufficient Clearance	545.054
Passed Streetcar on Left (in motion or stopped)	545.201(a)
Passed Streetcar on Left without Reducing Speed or without Caution	545.201(b)
Passed Vehicle Stopped for Pedestrian	552.003(c)

Parking Violations

Park, Stand, or Stop in Prohibited Area (signs by Highway Department)	545.303(d)
Parked and Failed to Set Brakes	545.404
Parked at Angle (where not permitted)	545.303(c)
Parked Facing Traffic	545.303(b)
Parked in Block where Fire Engine Stopped	545.407(a)
Parked in Prohibited Area	545.302(c)(2)
Parked on Grade—Failed to Turn Wheels	545.404
Parked where Ambulance Summoned	545.407(b)(2)
Parked with Wheels over 18" from Curb or Edge of Roadway	545.303(a), (b)
Parked within 50 Feet of RR Crossing	545.302(c)(1)
Parked without Locking Ignition and/or Removing Key	545.404
Parked without Stopping Engine	545.404
Parking Unlawfully, Unauthorized	545.304
Pulling Away—Unsafe Start from Parked Position	545.402
Stand or Park in Front of Public or Private Driveway	545.302(b)(1)
Stand or Park in a Prohibited Area	545.302(b)(6)
Stand or Park within 15 Feet of Fire Hydrant	545.302(b)(2)
Stand or Park within 20 Feet of Crosswalk (at intersection)	545.302(b)(3)
Stand or Park within 20 Feet of Driveway or Opposite Entrance to Fire Station	545.302(b)(5)
Stand or Park within 30 Feet of Traffic Control Device	545.302(b)(4)
Stop, Stand, or Park Alongside or Opposite Street Excavation or Obstruction	545.302(a)(6)
Stop, Stand, or Park between Safety Zone and Curb	545.302(a)(5)
Stop, Stand, or Park—Double	545.302(a)(1)
Stop, Stand, or Park in Prohibited Area	545.302(a)(9)
Stop, Stand, or Park on Crosswalk	545.302(a)(4)
Stop, Stand, or Park on Sidewalk	545.302(a)(2)
Stop, Stand, or Park on Main Traveled Way	545.301
Stop, Stand, or Park on Railroad Track	545.302(a)(8)
Stop, Stand, or Park upon Bridge or in Tunnel	545.302(a)(7)
Stop, Stand, or Park within an Intersection	545.302(a)(3)

Pedestrians—Miscellaneous

Crossed between Intersections where Prohibited	552.005(b)
Disobeyed Police Officer	542.501
Jaywalking	552.005(c)
Non-Motorized Vehicle on Prohibited Roadway	545.065
Pedestrian Entering Path of Vehicle	552.003(b)
Pedestrian Failed to Yield ROW to Vehicle	552.005(a)(2)
Pedestrian Failed to Yield ROW to Vehicle not at Crosswalk	552.005(a)(1)
Pedestrian on Prohibited Roadway	545.065
Stood in Roadway to Solicit Ride, Contributions, Employment, or Business	552.007(a)
Stood on or near Street or Highway to Solicit Guarding Vehicle	552.007(b)
Use Left Half of Crossway	552.004
Walked on Highway with Traffic (no sidewalks)	552.006(b)
Walked on Roadway where Sidewalks Provided	552.006(a)

Right of Way	
Failed to Yield at Stop Intersection	545.151(a); 545.153
Failed to Yield at Yield Intersection	545.151(a); 545.153(c)
Failed to Yield ROW—Alley, Private Drive, Building	545.155; 545.256
Failed to Yield ROW—Changing Lanes	545.061
Failed to Yield ROW—Green Arrow Signal	544.007(c); 552.001(b)
Failed to Yield ROW—Green Signal	544.007(b); 552.001(b)
Failed to Yield ROW—Emergency Vehicle	545.156; 545.204
Failed to Yield ROW—Entering or Leaving Limited or Controlled Access Highway	545.154
Failed to Yield ROW—Left at Obstruction	545.051(a)(2)
Failed to Yield ROW—Open Intersection	545.151
Failed to Yield ROW—Turning Left at Intersection, Alley, Private Road, or Driveway	545.152
Failed to Yield ROW—Turning on Red Signal	544.007(d)
Passed Stationary Emergency Vehicle	545.157

Signal Intention	
Failed to Signal for Stop	545.105
Failed to Signal Lane Change	545.104
Failed to Signal Required Distance before Turning	545.104
Failed to Signal Start from Parked Position	545.104
Failed to Signal Turn (including moving right or left)	454.103; 545.104
Failed to Signal with Turn Indicator	545.106(b)
Failed to Sound Horn—Mountain Road	545.405
Improper Turn or Stop Signal	545.106; 545.107
Improper Use of Turn Indicator	545.104
School Bus Driver Failed to Activate All Flashing Warning Signal Lights (or other equipment)	547.701

Speeding	
Fail to Control Speed	545.351
Impeding Traffic	545.363
Speeding (exceed prima facie limit at time and place for that type vehicle)	545.351; 545.352
Speeding on Beach	545.352(b)(5)
Speeding Motor-Driven Cycle (over 35)	545.361
Speeding—Zoned	545.353; 545.354; 545.355; 545.356; 545.357; 545.358; 545.359; 545.360
Speeding—Zoned (inclement weather, signs posted)	545.353
Speeding—10 m.p.h. Maximum for Solid Tire	545.361
Speed under Minimum	545.363
Unsafe Speed	545.351

Traffic Signals—Pedestrians	
Disregarded Green Turn Signal Arrow	552.001(b)
Disregarded Pedestrian Control Signal	552.002
Disregarded Red Signal	552.001(c)
Disregarded Yellow Signal	552.001(c)

Traffic Signs, Signals, and Road Markings	
Changed Lane when Unsafe	545.060
Disregarded Flashing Red Signal (at stop sign, etc.)	544.008
Disregarded Flashing Yellow Signal	544.008
Disregarded Lane Control Signal	544.009
Disregarded No Lane Change Device	545.060
Disregarded No Passing Zone	545.055
Disregarded Official Traffic Control Device	544.004
Disregarded RR Crossing Gate or Flagman	545.251
Disregarded Red Light (traffic signal)	544.007(d)
Disregarded Signal at RR Crossing	545.251
Disregarded Stop Sign	545.151
Drove through Safety Zone	545.403
Failed to Drive in Single Lane	545.060
Failed to Stop at Designated Point—Stop Sign	544.010
Failed to Stop at Designated Point—Yield Sign	544.010
Failed to Stop at Marked RR Crossing	545.252
Failed to Stop at Proper Place—Flashing Red Signal	544.008
Failed to Stop at Proper Place—Not at Intersection	544.007(g)
Failed to Stop at Proper Place—Traffic Light	544.007(d)
Heavy Equipment Disregarded Signal of Approaching Train	545.255
Lack of Caution on Green Arrow Signal	544.007(c)

Traffic Violations—Miscellaneous	
Crossing Fire Hose without Permission	545.205; 545.408
Drive into Block where Fire Engine Stopped	545.407
Drive where Ambulance Summoned	545.407
Fail to Comply with Requirements on Striking Fixtures or Landscaping on Highway	550.025
Fail to Comply with Requirements on Striking Unattended Vehicle	550.024
Fail to Make Written Report of Accident to DPS	550.061
Fail to Report Injury Accident at Once (to proper authorities, etc.)	550.026
Fail to Stop and Render Aid—Misdemeanor	550.022
Following Ambulance	545.407
Following Fire Apparatus	545.407
Non-Motorized Vehicle on Prohibited Roadway	545.065
Parked in Block where Fire Engine Stopped	545.407
Parked where Ambulance Summoned	545.407
School Bus Driver Failed to Activate All Flashing Warning Signal Lights	547.701(c)
Unnecessary Use of Horn	547.501
Violate Promise to Appear	543.009
Wrong Use of School Bus Signal	547.701(c)

Turning Movements	
Cut across Driveway (sidewalk, parking lot, business or residential entrance) to Make Turn	545.423
Cut Corner Left Turn	545.101
Disregarded Turn Marks at Intersection	545.101
Made U-Turn on Curve or Hill	545.102
Turned across Dividing Section	545.063
Turned from Wrong Lane	545.101
Turned when Unsafe	545.103

Vehicle—Brakes	
Brakes Improperly Adjusted	547.402
Brakes Not Maintained in Good Working Order	547.402
Brakes Not on All Wheels (when required)	547.401
Brakes Not on All Wheels—Motorcycle	547.802
Defective Air-Brake Reservoir	547.406
Defective (or no) Automatic Brake Application on Breakaway Trailer, Semi-trailer, and Pole Trailer	547.405
Defective Brakes—Motorcycle or Motor-Driven Cycle	547.408
Defective Brakes (or no brakes) on Motor Vehicle	547.401
Inadequate Air-Brake Reservoir	547.406(a)
Inadequate Reservoir Safeguard	547.406(c)
Inadequate Vacuum Brake Reservoir	547.406(b)
No Automatic Brake Application on Breakaway	547.405
No Parking Brakes (or defective parking brakes)	547.404
No Single Control to Operate all Brakes	547.402; 547.403
No Two Means of Emergency Brake Operation	547.405(a)
No Warning Devices on Brakes (other than gauges when vehicle equipped with both air and vacuum brakes)	547.407(c)
No Warning Signal or Defective Warning Signal for Air Brakes	547.407(a)
No Warning Signal or Defective Warning Signal for Vacuum Brakes	547.407(b)
Tractor Brakes Not Protected	547.405

Vehicle Lights, Signal Lamps, and Reflectors	
Clearance or Side Markers Improperly Mounted	547.354
Defective Head Lamp	547.321; 547.302
Defective Head Lamp on Motorcycle (or motor-driven cycle)	547.801
Defective Lamp—Reflector on Farm or Other Equipment	547.372
Defective Parking Lamp	547.383
Defective Stop Lamp	547.323
Defective Tail Lamp	547.322
Defective Turn Signal Lamp	547.324
Federal Standard Compliance	547.3215
Hazard Lamps, Public Transportation	547.7011
Head Lamp Improperly Located on Motorcycle	547.801
Improper Flashing Lights	547.702(c)
Improper Headlamp on Motor-Driven Cycle	547.801
Improper Use of Back-up Lamps	547.332
Improperly Directed Lamp (over 300 candlepower)	547.305
No Beam Indicator	547.333
No Clearance Lamp (identification or side marker on type of vehicle and location of vehicle)	547.352
No Electric Turn Signal Lamps	547.324
No Head Lamp on Motorcycle or Motor-driven Cycle	547.801
No Head Lamp (when not equipped)	547.321
No Lamp or Reflector on Farm or Other Equipment head lamps, tail lamps, etc.)	547.371
No License Plate Lamp on Motorcycle (or motor-driven cycle)	547.801
No License Plate Light	547.322
No Light on Animal-Drawn Vehicle	547.326
No Multi-Beam Road Lighting Equipment	547.333

No Multi-Beam Road Lighting Equipment on Motorcycle	547.801
No Parking Lamps	547.383
No Reflector on Rear	547.325
No Reflector on Rear of Motorcycle	547.801
No Reflector on Side at or near Front, Rear, Central	547.352
No Stop Lamps	547.323
No Stop Lamps on Motorcycle	547.801
No Tail Lamps	547.322
No Tail Lamp on Motorcycle	547.801
No Turn Signal Lamps—when Required	545.106
No Vehicular Hazard Warning Lights on Farm Tractor	547.327
Red Lights on Front	547.305
Reflectors, Clearance Lights, Identification Lamps, Distance Side Marker Lamps—Not Visible Sufficient Distance	545.419
Reflectors Improperly Mounted—Rear	547.325
Reflectors Improperly Mounted—Side	547.354
Tail Lamp Improperly Located	547.322
Tail Lamp Improperly Located on Motorcycle	547.801
Unauthorized Use of Flashing Red, White, or Blue Lights	547.305
Wrong Color Clearance Lamps, Side Marker Lamps, Identification Lamps, Side Reflectors	547.353
Wrong Color Stop Light, License Plate Light, Back-up Lamp, Signal Device	547.303; 547.322(d), (f); 547.332

Vehicle—Miscellaneous	
Affix Unauthorized Sunscreening Device to Motor Vehicle	547.613(a)(2)
Allowed Vehicle Equipped in Violation of Uniform Act to be Moved or Driven	547.004
Allowed Vehicle in Unsafe Condition to be Moved or Driven (so as to endanger any person)	547.004
Allowed Vehicle Not Equipped with Required Equipment to be Moved or Driven	547.004
Defective Exhaust Emission System (equipped but not in good working order)	547.605
Defective Safety Glazing Material	547.608
Defective (no) Windshield Wiper	547.603
Drove Vehicle Equipped in Violation of Uniform Act	547.004
Drove Vehicle in Unsafe Condition (so as to endanger any person)	547.004
Drove Vehicle Not Equipped with Required Equipment	547.004
Emblem Improperly Mounted (too high, too low, etc.)	547.703
Emblem Not in Clean (or reflective) Condition	547.703
Equipped with Unauthorized Siren, Whistle, or Bell	547.501
Expired Inspection Certificate	545.602; 548.605
Horn Violation	547.501
Improper Mud Flaps	547.606
Improper Use of Emblem	547.005
Mirror Violation	547.602; 547.701
Muffler Violation	547.604
No Crankcase Emission System	547.605
No Exhaust Emission System	547.605
No Flag on Projecting Load—Daytime	547.382

No Front Seat Belts	547.601
No Lamp on Projecting Load (to side) at Night	547.382
No Lamp (or reflector) on Projecting Load at Night	547.382
No Mud Flaps	547.606
No Safety Belts	547.601
No Slow-Moving Vehicle Emblem	547.703
No Valid Inspection Certificate	548.602; 548.605
No Windshield Wiper	547.603
Non-Motorized Vehicle on Prohibited Roadway	545.065
Obstructed View through Windshield (side or rear windows)	547.613
Operate Vehicle with Unapproved Sunscreening Device	547.613(a)(1)
Remove, Damage, or Destroy Warning Device	547.508
Slow-Moving Vehicle Emblem Not in Clean (or reflective) Condition	547.703
Television Receiver, Video Equipment Improperly Located (visible to driver)	547.611
Unsafe Air Conditioning Equipment	547.001; 547.103; 547.610
Vehicle with Defective Required Equipment ...	548.004; 548.104; 548.401; 548.405; 548.406; 548.407; 548.408; 548.502; 548.602; 548.604
Warning Devices Not Installed—or Defective (flares, fuses, electric lanterns, flags, etc.)	547.502; 547.001
Window Tint Violation	547.613

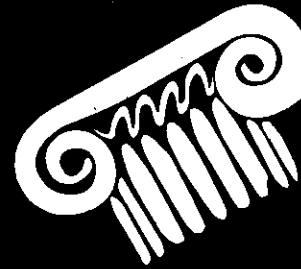
Wrong Side or Wrong Way	
Drove in Center Lane (not passing or not making left turn)	545.060
Drove on Wrong Side Divided Highway	545.063
Drove on Wrong Side of Road Approaching Bridge	545.055; 545.056
Drove on Wrong Side of Road Approaching Intersection	545.055; 545.056
Drove on Wrong Side of Road Approaching RR Grade Crossing	545.055; 545.056
Drove on Wrong Side of Road Awaiting Access to Ferry	545.055; 545.056
Drove on Wrong Side of Road—No Passing Zone (sight restriction)	545.055; 545.056
Drove to Left of Rotary Traffic Island	545.059
Drove Wrong Way in Designated Lane	545.060
Drove Wrong Way on One-Way Roadway	545.059
Failed to Give One-Half of Roadway	545.052
Failed to Pass Met Vehicle to Right	545.052
Failed to Yield ROW—Left Obstruction	545.051
Slower Vehicle Failed to Keep Right	545.051
Wrong Side of Road—Not Passing	545.051
Wrong Side, 4 or More Lane, Two-Way Roadway	545.051

Vehicle—Miscellaneous Equipment	
Illegal Cleats	547.612
Illegal Use of Metal Tires	547.612
No Fire Extinguisher—Bus	547.607
No Fire Extinguisher—School Bus	547.607
No Fire Extinguisher—Taxicab	547.607
No Valid Inspection Certificate	548.602; 548.605
Restrictions on Airbags	547.614(b)
Use Equipment Not Approved (head lamp, signal lamp, reflector, safety glass, glass coating material, etc., specify)	547.101; 547.201

Violations Against Pedestrians	
Failed to Use Due Care for Pedestrian	552.008
Failed to Yield ROW to Pedestrian	544.007; 552.001
Failed to Yield ROW to Pedestrian at Signal Intersection	552.002
Failed to Yield ROW to Pedestrian in Crosswalk—No Signals	552.003
Failed to Yield ROW to Pedestrian in Crosswalk—Other Vehicle Stopped	552.003
Failed to Yield ROW to Pedestrian on Sidewalk	552.006

Municipal Courts Week

Thanks to the support of Texas Representative Burt Solomons (R-65) and Representative Kenny Marchant (R-115), November 3-7, 2003 was officially declared as *Municipal Courts Week* by the 78th Legislature. TMCEC is very appreciative of these two Representatives who sponsored the House Resolution. Both are from the Carrollton area. Municipal courts are asked to send TMCEC copies of any press releases, newspaper articles, planning documents, photographs, etc. that were developed locally to celebrate the important contributions of Texas municipal courts in local communities. These materials will be put on the TMCEC web site for use by other courts and to encourage others to participate. Please send your materials to TMCEC, 1609 Shoal Creek Blvd., Suite 302, Austin, Texas 78701 or email them to tmcec@tmcec.com.



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78th Legislative Update

New Laws Affecting Texas Municipal Courts



TMCEC

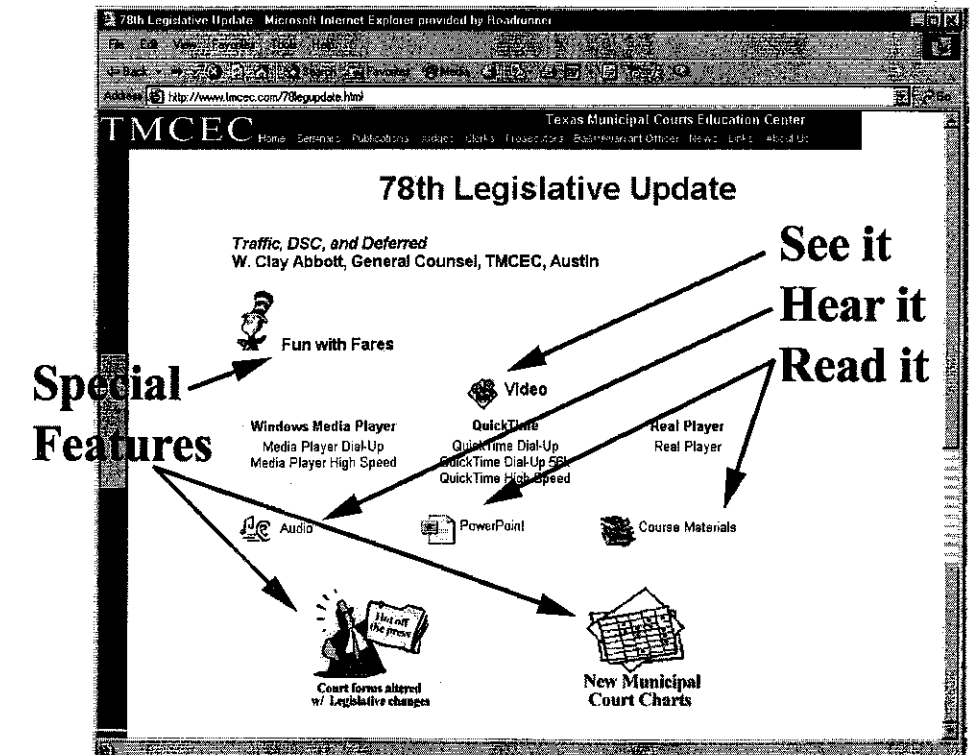
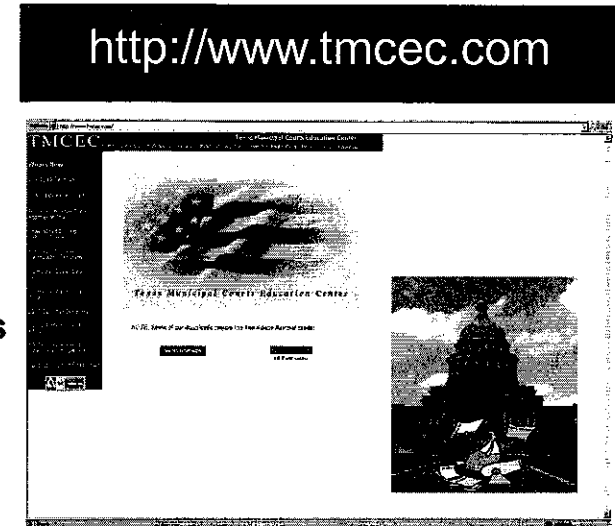
Resource alternatives for Municipal Courts

Did you miss the TMCEC Legislative Update? Or did you misplace some of the information distributed at the update? Log onto the TMCEC website for comprehensive coverage of the complete seminar.

View the speaker session via streamed video, set up to accommodate all computer Internet access speeds. See the PowerPoint presentations, or read the course materials used at the seminar. Or just listen to the presentations via recorded audio files while you work.

Updated court costs charts and forms and the Legislative Update Summary edition of TMCEC's *Recorder* newsletter can also be accessed.

Make www.tmcec.com your Internet browser home page. It's a resource asset for every municipal court!



Held Over!!

Low Volume Courts Series for Judges & Clerks



Since 1999, TMCEC has offered a series of continuing judicial education programs for non-attorney judges and their clerks. Known as the *Low Volume Court Program*, these seminars offer an opportunity for judges and clerks to collectively examine issues and problems commonly experienced in smaller courts. (Judges can attend with more than one clerk, but teams may be limited to three persons per court, depending on the number of participants.)

This year's program will address the following issues that were first presented in FY03:

- *The Importance of Court Decorum and Improvement Strategies*
- *The Judge and Clerk Working as a Team*
- *Common Magistrate Questions*
- *Common Traffic Questions*
- *Common Juvenile Questions*

This program will require group participation.

The faculty will be selected from full-time and part-time judges, from mid-size and low volume courts that have practical experience, and TMCEC staff members. There will be ample opportunity for questions and answers. Enrollment is limited to 40 at these sessions so that there can be more involvement by attendees. So come prepared to participate. Just as with the Regional 12-hour TMCEC programs, the low volume program begins at 8:00 a.m. on Day 1 and ends at 12:00 noon on Day 2.

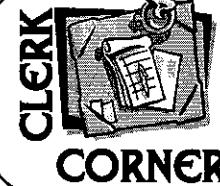
Brownwood
November 20-21, 2003 (Th-F)
Days Inn
515 E. Commerce Street
Zip Code: 76801
325/646-2551
Call TMCEC to Register

Laredo
January 27-28, 2004 (T-W)
La Posada Hotel
1000 Zaragoza Street
Zip Code: 78040
956/722-1701
Register By: January 2, 2004

Nacogdoches
March 10-11, 2004 (W-Th)
The Fredonia Hotel
200 N. Fredonia Street
Zip Code: 75961
936/564-1234
Register By: February 13, 2004

NOTES:

- These seminars are for non-attorney judges and clerks who have previously completed the first year's training.
- As with the other 12-hour programs, the grant will pay for housing for up to two nights, two breakfast meals, and one lunch.
- These seminars do fulfill the mandatory judicial education for municipal judges. They, however, do **not** offer MCLE credit to attorney judges.
- Enrollment is limited to 40 participants for each seminar, and will be on a first-come, first-served basis, with a waiting list in case of cancellations. So register early!
- Judges and clerks who attended this program in FY03 (2002-2003) cannot attend this year (2003-2004).
- On-site seminar registration begins at 7:00 a.m. of Day 1. There are no pre-conferences scheduled.



Margaret Robbins
TMCEC Program Director

Legislative Issues

Here we are again, dealing with legislative changes. The following issues are still causing concern in the municipal courts. Hopefully, this information will shed some light on the problems.

- **State Traffic Fee** – The State Traffic Fee has caused the most confusion of all the new legislative changes, accounting for a great majority of the Center's calls over the last two months. The \$30 State Traffic Fee, abbreviated as STF by the State Comptroller, is collected on Subtitle C, Rules of the Road, T.C. offenses. This means that offenses found in Chapters 541 through Chapter 600 of the Transportation Code must have the \$30 STF added to the court costs. This includes moving violations, equipment violations, light violations, seat belt violations, parking and pedestrian violations, and violations of promise to appear. It does not include driver's license violations, registration violations, failure to maintain financial responsibility violations, or handicap parking violations. The easiest way to figure out which

offenses get the fee added is to determine if the offense already has the \$3 Traffic Fund Court Costs (TFC) assessed under Section 542.403, T.C. If the TFC is assessed, then the STF must be assessed. On another note, the court only gets to keep a five percent handling fee for this costs instead of the 10 percent allowed on the other court costs.

- **State Traffic Fine** – On January 11, 2004, the State Traffic Fee changes to a State Traffic Fine. It will still be \$30 and still apply to Subtitle C, Rules of the Road offenses. The city will still get to keep a five percent handling fee. The State Comptroller is planning on handling it exactly the same as if it were a court cost. Hence, the only thing that will change is the name of the fund.
- **Collection Contracts** – The 78th Legislature amended Article 103.0031, C.C.P., dealing with outside vendor and private attorney collection contracts. The former law allowed vendor collection of fines after a fine remained uncollected after 60 days and a 30 percent fee added to the defendant's amount

due the court. The old law did not apply to a case in which there was no judgment entered. The new law applies to both situations—60 days after a defendant has failed to appear and 60 days after a fine or a portion of the fine has not been paid.

One of the biggest issues regarding these contracts is how to prorate the amount collected if the total amount is not paid. In this event, Article 103.0031(e), Texas Code of Criminal Procedure, provides that the allocation to the state, the city, and the private attorney or vendor is reduced proportionally. The statute seems to imply that the city would get a portion of its fine and local costs. However, because the Comptroller relies on attorney general opinions for how costs and fines are prorated and the current opinions provide that any money collected goes to court cost first then the fine, the Comptroller is unsure how prorating under this statute will work. They are currently discussing the issue. If they reach a policy decision, TMCEC will let the courts know as soon as possible.

Custodian of the Records

Although there was no new legislation regarding the custodian of court records, recently, there have been some issues in the court about who is responsible for court records. Addressed here are some statutory provisions for custodians of the

records under Rule 12.

The Government Code in Section 29.010(c) provides guidance for clerks in municipal courts of non-record and Section 30.00009 provides guidance for clerks of municipal courts of record. Section 29.010(c) says that

"[T]he clerks shall keep minutes of the proceedings of the court, issue process, and generally perform the duties for the municipal court that a county clerk performs for the county court." Section 30.00009 says that "[T]he municipal court clerk shall keep the records of the municipal courts of

Clerk Corner continued on page 12

TMCEC FY04 Academic Calendar

Dates	School	Hotel/City	Address & Telephone
11/20-21/03	12-Hour Low Volume Judges/Clerks	Days Inn Brownwood	515 East Comemrce Street 76801 325/646-2551
12/15-19/03	32-Hour New Judges/Clerks	Omni Austin Hotel Downtown Austin	700 San Jacinto @ 8th Street 78701 512/476-3700
1/6-7/04	12-Hour Regional Judges/Clerks	Adam's Mark San Antonio	111 Pecan Street East 78205 210/354-2800
1/15-16/04	12-Hour Special Topics Judges (Evidence)/Prosecutors	Omni Dallas Parkwest	1590 LBJ Freeway 75234 972/869-4300
1/27-28/04	12-Hour Low Volume Judges/Clerks	La Posada Laredo	1000 Zaragoza Street 78040 956/722-1701
2/3-4/04	Court Administrators/ Bailiffs and Warrant Officers	San Luis Resort & Conference Center Galveston	5222 Seawall Boulevard 77551 409/744-1500
2/19-20/04	12-Hour Regional Judges/Clerks	Doubletree Lincoln Centre Dallas	5410 LBJ Freeway 75240 972/934-8400
2/25-27/04	Level III Clerk Certification Assessment Clinic	San Marcos Holiday Inn Select/ Aquarena Springs Meeting Center	108 IH35 North 78666 512/754-6621
3/10-11/04	12-Hour Low Volume Judges/Clerks	The Fredonia Hotel Nacogdoches	200 N. Fredonia Street 75961 936/564-1234
3/24-25/04	12-Hour Regional Judges/Clerks	Sofitel Houston	425 N. Sam Houston Pkwy 77060 281/445-9000
4/7-8/04	12-Hour Regional Judges/Clerks	Ambassador Hotel Amarillo	3100 I-40 West 79102 806/358-6161
5/4-5/04	12-Hour Prosecutors	Radisson Resort South Padre Island	500 Padre Blvd. 78597 956/761-6511
5/6-7/04	12-Hour Clerks	Radisson Resort South Padre Island	500 Padre Blvd. 78597 956/761-6511
5/10-11/04	12-Hour Attorney Judges	Radisson Resort South Padre Island	500 Padre Blvd. 78597 956/761-6511
5/12-13/04	12-Hour Non-Attorney Judges	Radisson Resort South Padre Island	500 Padre Blvd. 78597 956/761-6511
6/15-16/04	Special Topics Judges (Magistrate)/ Court Administrators	Hyatt Regency Austin	208 Barton Springs 78704 512/477-1234
6/24-25/04	Bailiffs and Warrant Officers	Inn of the Hills Kerrville	1001 Junction Highway 78028 830/895-5000
7/6-7/04	12-Hour Regional Judges/Clerks	Camino Real El Paso	101 S. El Paso Street 79901 915/534-3000
7/19-23/04	32-Hour New Judges/Clerks	Lakeway Inn Austin	101 Lakeway Drive 78734 512/261-6600
7/30-8/1/04	Level III Clerk Certification Assessment Clinic	Doubletree Dallas Campbell Centre	8250 North Central Exprsway 75206 214/691-8700

TMCEC 2003-2004 REGISTRATION FORM

Program Attending: _____ Program Dates: _____
 [city]
 I will attend the pre-conference class on *Bond Forfeitures*. I will attend the *New Prosecutor Trial Advocacy* track at the Prosecutor Skills Seminar.
 Judge Clerk Court Administrator Bailiff/Warrant Officer* Prosecutor

TMCEC computer data is updated from the information you provide. Please print legibly and fill out form completely.

Last Name: _____ First Name: _____ MI: _____
 Names also known by: _____ Male/Female: _____
 Position held: _____
 Date Appointed/Elected/Hired: _____ Years Experience: _____
 Emergency Contact: _____

HOUSING INFORMATION

TMCEC will make all hotel reservations from the information you provide on this form. TMCEC will pay for a single occupancy room at all seminars: four nights at the 32-hour seminars and two nights at the 12-hour seminars. To share with another seminar participant, you must indicate that person's name on this form.

- I need a private, single-occupancy room.
 I need a room shared with a seminar participant. Please indicate roommate by entering seminar participant's name: _____ (Room will have 2 double beds.)
 I need a private double-occupancy room, but I'll be sharing with a guest. (I will pay additional cost, if any, per night.)
 I will require: 1 king bed 2 double beds
 I do not need a room at the seminar.

Date arriving: _____ Arriving by: Car Airplane Smoker Non-Smoker

COURT MAILING ADDRESS

It is TMCEC's policy to mail all correspondence directly to the court address.

Municipal Court of: _____ Mailing Address: _____
 City: _____ Zip Code: _____ Email: _____
 Office Telephone #: _____ Court #: _____ FAX #: _____
 Primary City Served: _____ Other Cities Served: _____

- Attorney Non-Attorney Full Time Part Time
- Status: Presiding Judge Associate/Alternate Judge Justice of the Peace Mayor
 Court Clerk Deputy Clerk Court Administrator Warrant Officer/Bailiff*
 Prosecutor
 Assessment Clinic (A registration fee of \$100 must accompany registration form.)
 Other: _____

***Warrant Officers/Bailiffs: Municipal judge's signature required to attend Warrant Officers/Bailiffs program:**

Judge's Signature _____ Date: _____
 Municipal Court of _____

I certify that I am currently serving as a municipal judge, city prosecutor, or court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel five (5) working days prior to the seminar. If I have requested a room, I certify that I live at least 30 miles from the seminar site and have read the cancellation and no show policies in the General Seminar Information section located on pages 16-17 in the Academic Schedule. Payment is required ONLY for the assessment clinics; payment is due with registration form. Participants in the assessment clinics must cancel in writing two weeks prior to seminar to receive refund.

Participant Signature _____ Date _____

record, issue process, and generally perform the duties that a clerk of a county court at law exercising criminal jurisdiction performs for that court.” As you can see, the two provisions are similar.

Section 192.006, L.G.C., provides that the county clerk is the custodian of the records of the county court and that the county clerk shall keep the records of the county court properly indexed and arranged. Hence, the municipal court clerk is the custodian of the court records.

Chapter 203, L.G.C., contains laws regarding management and preservation of records. Section 203.022, L.G.C., provides rules and responsibilities for records custodians. Generally, they require the records

custodians to maintain, preserve, and properly destroy records in their care under policies and procedures of the local government’s record management program.

Rule 12, effective April 1, 1999, is designed to define public access to judicial records. The Rule defines the custodian of the records as the judge. Rule 12, however does not pertain to records related to the court’s “adjudicative function,” meaning the cases filed in the court. Generally, Rule 12 applies to administrative records of the court, such as policy and procedures manuals, internal memos, telephone logs, *etc.* Hence, the court clerk is still the records custodian of the cases filed in the court.

Being custodian of the records means

that clerks are responsible for court records. Clerks preserve and maintain the court records not only for the court, but for the public. Court records should be available for the court’s utility and for the public’s access and review. Therefore, court records should never be taken out of the court. Judges who work part-time should be available long enough to sign the court paperwork at the court facilities. Clerks who are behind on processing cases should not take records home to work on in the evenings. Records that are taken home or records that are lost might appear to management and the public as if the clerk has something to hide. The responsibility for public records is a great responsibility and should be taken seriously.

**TEXAS MUNICIPAL COURTS
EDUCATION CENTER
1609 SHOAL CREEK BLVD., SUITE 302
AUSTIN, TX 78701
www.tmcec.com**

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**TMCEC MISSION
STATEMENT**

To provide high quality judicial education, technical assistance, and the necessary resource material to assist municipal court judges, court support personnel, and prosecutors in obtaining and maintaining professional competence.

Change Service Requested