

COMMON DEFENSES TO PROSECUTION

Updated to Reflect Changes from the 88th Legislature

Offense	Statute	Defense	Administrative Fee
Failure to maintain motor vehicle registration	Section 502.407, Transportation Code	It is a defense to prosecution that: (1) the office of the county assessor-collector for the county in which the owner of the vehicle resided was closed for a protracted period of time in accordance with department rules; and (2) the vehicle's registration was expired for 30 working days or less.	None
Failure to have driver's license in possession while operating a motor vehicle (Failure to display)	Section 521.025, Transportation Code	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	Optional \$10 administrative fee
Failure to have commercial driver's license in possession while operating a commercial motor vehicle	Section 522.011, Transportation Code	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 have commercial learner's permit in possession while operating a commercial motor vehicle	Section 522.011, Transportation Code	Defendant must produce in court a commercial learner's permit or driver's license appropriate for the class of vehicle being driven and valid at the time of the offense	Optional \$10 administrative fee
Failure to secure child in a child passenger safety seat system	Section 545.412, Transportation Code Defense in: Section 545.4121, Transportation Code	Defendant must provide the court with satisfactory evidence that, at the time of the offense: (1) Defendant was not arrested or cited for any other offense, the vehicle was not involved in a collision, and the defendant did not possess a child passenger safety seat in the vehicle; and (2) Subsequent to the offense, the defendant obtained an appropriate child passenger safety seat for each child required to be secured in a child passenger safety seat system	None
Failure to maintain financial responsibility	Section 601.191, Transportation Code Defenses in: Sections 601.193 and 601.194, Transportation Code	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) that was valid and in effect at the time of the alleged offense OR <ul style="list-style-type: none">Defendant possessed the vehicle for the sole purpose or maintenance or repair and did not own the vehicle	None

