

Rules of the Road

The Three W's You Need to Know

- **Where** is Subtitle C, Rules of the Road
- **Why** do we care about Subtitle C, Rules of the Road
- **What** is in Subtitle C, Rules of the Road

Where is Subtitle C?

- Transportation Code
 - Title 7, Vehicles and Traffic
 - Subtitle C, Rules of the Road

Breaking down the Transportation Code

- The Transportation Code is divided into titles
- Each title is divided into subtitles
- The subtitles are broken down into chapters, subchapters, and sections.

Breaking down the Transportation Code

- Primarily two titles within the T.C. contain information about traffic offenses.
- Title 1 – General Provisions contains information about the purpose and construction of the T.C.
- Title 7 – Vehicles and Traffic contains most traffic laws. It is divided into 10 Subtitles-A to J

Why is Subtitle C important?

- Subtitle C, also known as Rules of the road, is by far the most often used by municipal courts.
- Divided into 14 chapters, 541 through 600
- Ch. 554 to 599 do not contain any laws at this time.

What is in Subtitle C, Rules of the Road

- What are some violations in Subtitle C?
- What are some violations that are not in Subtitle C?
- Why is it important to know which subtitle the violation is found in?

Subtitle C broken down

- Chapter 541 contains definitions useful when applying each law.
- For example, how would you define “daytime”?
- Chapter 541, Subchapter E, Section 541.401(1) is the definition to be applied. “Daytime” is the period beginning one-half hour before sunrise and ending one-half hour after sunset.

Chapter 542, General Provisions

- It contains the general penalty for Subtitle C offenses.
- Section 542.401 provides that a misdemeanor for which no other penalty is provided in Subtitle C is punishable by \$1 to \$200.

Chapter 542, General Provisions

- Section 542.403 authorizes the collection of the \$3 TFC fee (Traffic Fund) on convictions under Subtitle C.
- Would you collect the \$3 TFC fee on a no insurance violation?
- Section 542.405 and 542.406 address the civil enforcement of red light cameras.

Chapter 543, Arrest and Prosecution of Violators

- Section 543.001 provides specific authority for a peace officer to arrest a person committing a violation under Subtitle C and take them before a magistrate.
- Section 543.003 VERY IMPORTANT because it allows the officer to release a person arrested for a Subtitle C violation to issue a citation or written notice to appear instead of taking before a magistrate.

Chapter 543, Arrest and Prosecution of Violators

- Exceptions to when an officer can arrest for Subtitle C violations are in Section 543.004(Notice to appear required)
- What are the exceptions?
- Section 543.004(a)(1)
 - speeding and open container (P.C. 49.03) as long as the person makes a written promise to appear

Chapter 543, Arrest and Prosecution of Violators

- Section 543.006 specifies that the time specified in the notice to appear must be at least 10 days after the date of arrest.
- Section 543.009 – Violate promise to appear
- Section 543.010 – Specification of speeding charge

Chapter 543, Arrest and Prosecution of Violators

- Section 543.201, 543.203, and 543.206 are all important sections dealing with how and when convictions should be reported to DPS.
- As the clerk of the court, we must submit the conviction not later than the 30th day after the date of conviction.

Chapter 544, Traffic Signs, Signals, and Markings

- This chapter is the first chapter in Subtitle C to include offenses commonly known as “moving violations”.
- Section 544.004 Compliance with Traffic-Control Device
- Section 544.007(d) Disobeying a red light
- Section 544.010 Disobeying a stop or yield sign

Chapter 545, Operation and Movement of Vehicles

- This chapter contains most of the traffic offenses.
- Speed restrictions, turning violations, lane usage, right of ways rules.
- Parking regulations are contained within Sections 545.301 to 545.303

Chapter 545, Operation and Movement of Vehicles

- 545.412 Child Passenger Safety Seat Systems; offense
- Younger than 5 years of age and less than 36 inches in height
- Fine of not less than \$100 or more than \$200

545.412 Child Passenger Safety Seat Systems; offense

- Does not apply to:
- A person operating a vehicle transporting passengers for hire or
- A person transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

Section 545.4121 Defense to 545.412

- If is a defense to prosecution that the defendant provides to the court evidence satisfactory to the court that the defendant possesses an appropriate child passenger safety seat system for each child

545.412 Child Passenger Safety Seat Systems; offense

- Section 545.412(h) The municipality SHALL send to the comptroller an amount equal to 50 percent of the fines collected
- Defendant can take a specialized driving safety course approved by the Texas Education Agency that includes four hours of instruction on the use of a child passenger safety seat; 545.412(g)

545.413(a), Safety Belts; offense

- Person commits an offense if the person is:
- At least 15 years of age
- Is riding in the front seat of a passenger vehicle while it is being operated
- Is occupying a seat that is equipped with a safety belt
- Is not secured by a safety belt
- Fine of not less than \$25 or more than \$50

545.413(b) Safety Belts; offense

- A person commits an offense if the person:
- Operates a passenger vehicle that is equipped with safety belts and allows a child younger than 17 years of age to ride in the vehicle without requiring the child to be secured by a safety belt if they are in a seat equipped with a safety belt.

545.413(b) Safety Belts; offense

- Fine of not less than \$100 or more than \$200
- Shall send 50% of the fines collected to the comptroller at the end of the municipalities fiscal year.
- Defendant can take the specialized driving safety course

Safety belts

- If a person age 15 is driving without wearing a seat belt and there is a front passenger, age 16, who is also not wearing a seat belt, who can get a ticket?
- Can a ticket be issued for a person age 17 not wearing a seat belt in the back seat?
- Can a ticket be issued for a person age 13 not wearing a seat belt in the back seat?

Defenses to prosecution under Section 545.413

- Possession of a written statement from a licensed physician
- Presenting to the court a written statement from a licensed physician not later than 10th day after date of offense
- Person is employed by US postal service and performs a duty for that agency that requires servicing postal boxes

Defenses to prosecution under Section 545.413

- Person is delivery newspapers from a vehicle
- Person is employed by a utility company and is engaged in reading meters
- Person is operating a registered farm vehicle

Chapter 546, Operation of Authorized Emergency Vehicles

- This chapter references when emergency vehicles may speed or disregard traffic regulations.
- Chapter 541 would be helpful in defining “authorized emergency vehicle”.

Chapter 547, Vehicle Equipment

- Section 547.004 provides that a person commits an offense if the person operates or as the owner permits another to operate a vehicle that is unsafe or fails to comply with the regulations under Ch. 547

Chapter 547, Vehicle Equipment

- This section also says the court may dismiss a charge under Ch. 547 if the defendant corrects the violation before the defendant's first court appearance and pays an administrative fee not to exceed \$10.
- TMCEC compliance dismissal chart lists many common equipment violations.

Chapter 548, Compulsory Inspection of Vehicles

- Section 548.602 Failure to Display
Inspection Certificate- violation after the 5th
day after the date of expiration

Chapter 548, Compulsory Inspection of Vehicles

- Section 548.605 (b) allows for dismissal if expired less than 60 days with a \$20 administrative fee if corrected within 20 working days after offense or first court appearance, whichever is first.
- No fee allowed if inspection has been expired more than 60 days.

Chapter 550, Traffic Accidents and Accident Reports

- Only a few violations in this chapter.
Section 550.024-Duty on Striking unattended vehicle. This is only a class C if damage is less than \$200
- Section 550.025- Duty on striking fixture or highway landscaping. Class C if damage is less than \$200

Chapter 551, Operation of Bicycles, Mopeds, and Play Vehicles

- Says that bicycle riders must obey all traffic laws applicable to a vehicle operator.
- Contains provisions about how the bicycle should be ridden, safety equipment that should be on the bicycle.

Chapter 551, Operation of Bicycles, Mopeds, and Play Vehicles

- Bicycle rules also apply to mopeds, play vehicles, motor-assisted scooters, and electric personal mobility devices.
- Provisions of Title 7 T.C. relating to motor vehicles do not apply to motor-assisted scooters.

Chapter 552 Pedestrians

- Restrictions about when and where pedestrians may walk.
- 552.006 Use of sidewalk
- 552.001 Pedestrian Right-of-way if control signal present
- 552.005 “Jaywalking”

Chapter 553, Enactment and Enforcement of certain traffic laws in certain municipalities

- Authority of cities to erect traffic signs
- Applies to municipality with a population less than 2,500 in a county of 250,000 or more.

Chapter 600, Miscellaneous Provisions

- Section 600.001 Removing material from Highway- says if you drop it pick it up.
- Section 600.004 allows school-crossing guards to direct traffic if they complete certain training requirements.

Thanks for your time!