

The Transportation Code

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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

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Where is Subtitle C?

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

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## 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.

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## 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

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## 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.

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## 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?

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## 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.

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## 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 542.401 authorized the \$30 STF (State Traffic Fine) on convictions for Subtitle C offenses.

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## 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.

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## 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

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## 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

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## 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 7<sup>th</sup> day after the date of conviction.
- \* It is a violation to not do so

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## 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

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## 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

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## Moving Violations

\* So if it's a moving violation, it has to be in Subtitle C Rules of the Road right?!?!



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## Why do I need to know about moving violations?

\* Article 102.022 C.C.P. Imposes a ten cent fee to be imposed on all convictions for "moving violations"

\* Article 45.051 (b-1)(2)C.C.P. – under 25 must take a driving safety course as a condition to deferral



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## What is a moving violation- 1<sup>st</sup> definition

Article 102.022 (a) defines it as:

- (1) Involving the operation of a motor vehicle
- (2) Classified as a moving violation by the Texas Department of Public Safety (DPS) under Section 708.052 of the Transportation Code.

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## Section 708.052 T.C.

- \* Pertains to the surcharge points assigned to convictions under the Driver Responsibility Act.
- \* (c) The Department by rule shall designate the offenses that constitute a moving violation of the traffic law under this section.

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## Moving Violation – 2<sup>nd</sup> definition

- \* Texas Administrative Code (TAC) Title 37, Part 1, Section 15.89 definition:
- \* (a) moving violations are defined as an act committed in connection with the operation of a motor vehicle on a public street or highway, which constitutes a hazard to traffic and is prohibited by state law or city ordinance.

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## 15.89 TAC continued...

- \* (b) a list of traffic offenses that constitute a moving violation is available in Table 1



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Where can I find the moving violations list and surcharge information?

- \* <http://www.txdps.state.tx.us/DriverLicense/drp.htm>
- \* Pamphlet about surcharge available
- \* 37 TEX.ADMIN.CODE 15.89 – list of moving violations
- \* [www.txsurchargeonline.com](http://www.txsurchargeonline.com) – for defendants

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Why is there a yes/no column

- \* Everything on the chart is a moving violation.
- \* Yes/No column pertains to whether or not points are assessed

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Remember this slide?

- \* So if it's a moving violation, it has to be in Subtitle C Rules of the Road right?!?!



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## Let's look at some common offenses

- \* No Drivers license
- \* Expired Inspection
- \* No Seat Belt
- \* Child Passenger Safety Seat
- \* Child no seat belt

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## If it's in a moving vehicle it's on the list right?

- \* Don't rely on logic... look at the Moving Violations list and the Rules of the Road statutes to verify.
- \* Example- using a wireless communication device (section 545.416 T.C.) and carrying a person under age five on a motorcycle (545.416 T.C.)

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## New Legislation

Parking  
and  
Registration  
Issues



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## Altered Disabled Parking Placards HB 1473

- \* Altering a genuine placard = Class A misdemeanor
- \* Displaying an altered placard in a handicap spot = Class C misdemeanor



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## Specialty License Plates

HB 559



Exempt from parking meter fees

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## Specialty License Plates

- \* HB 2017 Repeals specialty license plates for state and federal judges, federal administrative law judges, and constables
- \* HB 2357 (forthcoming) takes effect January 1, 2012 – Possible changes to license plate compliance dismissals

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## Registration of Vehicles

HB 2017

- \* Only 30 days to register a vehicle
- \* Rules for registration in disaster areas
- \* TxDOT must deny registration of CMV if applicant has business affiliated with a person whose privilege to operate has been suspended

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## Driver Licensing Issues

HB 1514

- \* Military veterans can endorsement



SB 1292

- \* Peace officers can print alternate address

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## Failure to Display & FMFR

SB 1608

- \* Failure to carry and display DL offense in Section 521.025 TC
- \* If cause crash resulting in serious bodily injury or death to another AND also have no insurance = Class A misdemeanor



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## Changes to the Surcharge Program

HB 2851

- \* Imposition of 3year surcharges for No DL, DWLI, and FMFR deferred for active deployed military

HB 588

- \* Provide for a single, advanced payment option to cover the 3 years of surcharges

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## Changes to the Surcharge Program

\* HB 2730

- \* Minimum time periods to pay surcharges
- \* DL may not be suspended before 105<sup>th</sup> day
- \* Procedure to deduct points for good behavior
- \* Established indigency program
- \* Waiver of all surcharges if indigent

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## Speed Limit Issues



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## Speed Limit Issues

- \* Cities' Authority to Lower Speed Limit HB 2596
- \* Applies to pop. Less than or equal to 2,000
- \* Can lower speed limit to no less than 10mph
- \* On one-lane road used for two-way access if not part of state highway system
- \* Must determine prima facie limit is unsafe and unreasonable
- \* Must post report on Internet and with TxDOT

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## Cities' Authority to Raise Speed Limit

- HB 1353
- \* Cities may establish speed limit of not more than 75 mph (up from 60mph)
  - \* May not violate maximum limits established by state law
  - \* Must conduct engineering and traffic investigation study
  - \* NO MORE TRUCK OR NIGHTTIME LIMITS

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## Radar Interference Devices

- HB 1116
- \* A device, mechanism, instrument, or piece of equipment... designed, manufactured, used, or intended to be used to interfere with, disrupt, or cause to malfunction a radar or device used to measure speed of a motor vehicle

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## Radar Interference Devices

- \* Offense to use, attempt to use, install, operate, or attempt to operate; purchase, sell, or attempt to sell
- \* Rules of the Road offense, but a Class C mis. (max \$500 fine)
- \* Mere possession is not an offense



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## Get Over for Tow Trucks

HB 378

- \* Must slow down or move over when passing a stationary tow truck using its equipment
- \* Rules of the Road offense
- \* \$1-\$200
- \* \$500 fine if cause property damage
- \* Class B misdemeanor if cause bodily injury

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## Don't Tow Boats with Kids in Them

HB 2981

- \* Offense to tow a boat or personal watercraft in which a child under 18 is riding
- \* Defense if in a parade or on a beach, or an emergency
- \* Rules of the Road Offense
- \* Fine? \$1 to \$???

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## Minor Driver Education

### SB 1330

Amends the deferred disposition statute

- \* Gives judges one more option to reach young drivers charged with moving violations
- \* Must be a 4-hour, live, interactive class

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## Minor Driver Education

SB 1330 Amends the deferred disposition statute (this is all in addition to DSC)

- \* Must make written promise not to engage in dangerous driving habits



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### Distracted Driving

- \* Cell Phones in School Zones – HB 1899
- \* Removes sign requirement for those cities that ban cell phone use throughout the municipality
- \* Cities that ban throughout must post signs at each point where a road enters the municipality
- \* So now you lose the “no sign” defense

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**Snapshots** at [jasonlove.com](http://jasonlove.com)

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**"No need to wear your seatbelt, son. If you crash my car, you won't want to live."**

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## Chapter 545, Operation and Movement of Vehicles

- \* 545.412 Child Passenger Safety Seat Systems; offense
- \* Younger than 8 years of age and less than 4 feet 9 inches in height
- \* Fine not to exceed \$25 for first offense and not to exceed \$250 for subsequent offense

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## 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.

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## 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



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**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)

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**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-\$50 for passenger but \$100-\$200 for driver

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**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.

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### 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

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### 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 10<sup>th</sup> day after date of offense
- \* Person is employed by US postal service and performs a duty for that agency that requires servicing postal boxes

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### 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

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## 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.

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## Chapter 548, Compulsory Inspection of Vehicles

- \* Section 548.602 Failure to Display Inspection Certificate- violation after the 5<sup>th</sup> day after the date of expiration
- \* 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.

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