

A compiled reference guide of revisions
to statutes enacted by the 86th Regular
Session of the Texas Legislature

2019

Texas Justice Court Training Center
Legislative Update



TEXAS  STATE
UNIVERSITY
The rising STAR of Texas



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Foreword

On behalf of the Legal Department, Texas Justice Court Training Center, and the Justice of the Peace & Constables Association of Texas, we hope you find this book to be a valuable resource as you adjust to the changes implemented by the 86th Legislature. You may utilize this guide using any of the following three methods: First, you may use the tabs located on the outside of the book to look up an entire code in order to review all the changes made to that code. Second, you may use the chart located at the beginning of each code to identify which specific statutes have changed within that code, then review those statutes individually. We have listed the statutes in ascending numerical order within each tabbed code section. Third, you may use the chart, organized by bill number, in the back of the book in order to determine which specific statutes were modified by each bill tracked by the Texas Justice Court Training Center during the 86th Regular Session of the Texas Legislature.

As you search, please keep in mind that the underlined sections of the statutes listed are new, and ~~struck through~~ sections have been repealed. Additionally, the entire section or subsection listed in the heading may not be reprinted due to space, clarity, and/or expense. We have reprinted additional subsections to assist you when the legislative changes alone are unclear. However, we recommend comparing the legislative changes you find in this book to the full existing text of the statute. Additional resources that may assist you in understanding the changes to Texas law made by the legislature include the TJCTC Legislative Update PowerPoint and the Texas Legislature Online website. Additionally, the TJCTC Legal Department is always available to assist you with questions.

Also, be aware of effective dates of the changes. Most changes go into effect September 1, 2019. The bill chart notes bills with different effective dates, and we have added a separate section for bills with special notes regarding the effective date of the changes in the law.

We look forward to another exciting year of continuing to provide you the best continuing legal education that we can. See you on the road!

Special thanks to Jama Pantel, Constable Carlos Lopez, Judge David Cobos, Judge John Barton, Kelsey Bernstein, the JPCA Legislative Committee, and Nina Topasna for their invaluable contributions to this resource.



Sincerely,
The TJCTC Legal Department

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AGRICULTURE CODE

Section	Bill Modifying
17.001 <i>renumbered as Occupation Code Sec. 2310.2001</i>	SB 2119
17.051 – 17.055 <i>renumbered as Occupation Code Sec. 2310.2011 – 2310.2015</i>	SB 2119
17.154 <i>renumbered as Occupation Code Sec. 2310.209</i>	SB 2119
122.001	HB 1325
122.002	HB 1325
122.004	HB 1325
122.101	HB 1325
122.102	HB 1325
122.251	HB 1325
122.252	HB 1325
122.253	HB 1325
122.301 – 122.304	HB 1325
122.351 – 122.360	HB 1325
122.401	HB 1325

AGRICULTURE CODE

~~[Sec. 17.001.]~~ DEFINITIONS.
(Renumbered as Occupations Code
2310.2001).

~~[Sec. 17.051.]~~ NOTICE OF SALE AND
ALCOHOL MIXTURE. (Renumbered as
Occupations Code 2310.2011).

~~[Sec. 17.052.]~~ DOCUMENTATION OF
MOTOR FUEL MIXTURE SALES.
(Renumbered as Occupations Code
2310.2012).

~~[Sec. 17.053.]~~ RECORD OF DELIVERY
DOCUMENTS; INSPECTION
AUTHORIZED. (Renumbered as
Occupations Code 2310.2013).

~~[Sec. 17.054.]~~ DOCUMENTS RELATING
TO POSTING OR CERTIFICATION OF
AUTOMOTIVE FUEL RATINGS.
(Renumbered as Occupations Code
2310.2014).

~~[Sec. 17.055.]~~ SALE OF MOTOR FUEL
WITH INACCURATE AUTOMOTIVE FUEL
RATING. (Renumbered as Occupations
Code 2310.2015).

~~[Sec. 17.154.]~~ CRIMINAL OFFENSES.
(Renumbered as Occupations Code
2310.209).

CHAPTER 122. CULTIVATION OF HEMP

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 122.001. DEFINITIONS.

In this chapter:

- (1) "Cultivate" means to plant, irrigate, cultivate, or harvest a hemp plant.
- (2) "Governing person" has the meaning assigned by Section 1.002, Business Organizations Code.
- (3) "Handle" means to possess or store a hemp plant:
 - (A) on premises owned, operated, or controlled by a license holder for any period of time; or
 - (B) in a vehicle for any period of time other than during the actual transport of the plant from a premises owned, operated, or controlled by a license holder to:
 - (i) a premises owned, operated, or controlled by another license holder; or
 - (ii) a person licensed under Chapter 443, Health and Safety Code.
- (4) "Hemp" has the meaning assigned by Section 121.001.
- (5) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.
- (6) "License" means a hemp grower's license issued under Subchapter C.
- (7) "License holder" means an individual or business entity holding a license.
- (8) "Nonconsumable hemp product" means a product that contains hemp, other than a consumable hemp product as defined by Section 443.001, Health and Safety Code. The term includes cloth, cordage, fiber, fuel, paint, paper, particleboard, and plastics derived from hemp.

(9) "Plot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or cultivar of hemp throughout the area.

Sec. 122.002. LOCAL REGULATION PROHIBITED.

A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by this chapter.

Sec. 122.004. SEVERABILITY.

(a) A provision of this chapter or its application to any person or circumstance is invalid if the secretary of the United States Department of Agriculture determines that the provision or application conflicts with 7 U.S.C. Chapter 38, Subchapter VII, and prevents the approval of the state plan submitted under Chapter 121.

(b) The invalidity of a provision or application under Subsection (a) does not affect the other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SUBCHAPTER C. HEMP GROWER'S LICENSE

Sec. 122.101. LICENSE REQUIRED; EXCEPTIONS.

(a) Except as provided by Subsection (b), a person or the person's agent may not cultivate or handle hemp in this state or transport hemp outside of this state unless the person holds a license under this subchapter.

(b) A person is not required to hold a license under this subchapter to

manufacture a consumable hemp product in accordance with Subtitle A, Title 6, Health and Safety Code.

Sec. 122.102. LICENSE INELIGIBILITY.

(a) An individual who is or has been convicted of a felony relating to a controlled substance under federal law or the law of any state may not, before the 10th anniversary of the date of the conviction:

(1) hold a license under this subchapter;
or

(2) be a governing person of a business entity that holds a license under this subchapter.

(b) The department may not issue a license under this subchapter to a person who materially falsifies any information contained in an application submitted to the department under Section 122.103.

SUBCHAPTER F. HEMP SEED

Sec. 122.251. APPLICABILITY OF SUBCHAPTER.

This subchapter does not apply to sterilized seeds that are incapable of beginning germination.

Sec. 122.252. CERTIFICATION OR APPROVAL.

(a) The department or an entity authorized to certify seed under Chapter 62 shall identify and certify or approve seed confirmed to produce hemp.

(b) The department or entity may not certify or approve a variety of hemp seed if the seed is tested and confirmed to produce a plant that has delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis. For purposes of this subsection, the department may partner with a private entity or an institution of higher

education to test seed for the purpose of certification or approval under this section.

(c) The department may authorize the importation of hemp seed certified in accordance with the law of another state or jurisdiction that requires as a condition of certification that hemp be produced in compliance with:

(1) that state or jurisdiction's plan approved by the United States Department of Agriculture under 7 U.S.C. Section 1639p; or

(2) a plan established under 7 U.S.C. Section 1639q if that plan applies in the state or jurisdiction.

(d) The department shall maintain and make available to license holders a list of hemp seeds certified or approved under this section.

Sec. 122.253. PROHIBITED USE OF CERTAIN HEMP SEED.

A person may not sell, offer for sale, distribute, or use hemp seed in this state unless the seed is certified or approved under Section 122.252.

SUBCHAPTER G. NONCONSUMABLE HEMP PRODUCTS

Sec. 122.301. MANUFACTURE.

(a) Except as provided by Subsection (b), a state agency may not prohibit a person who manufactures a product regulated by the agency, other than an article regulated under Chapter 431, Health and Safety Code, from applying for or obtaining a permit or other authorization to manufacture the product solely on the basis that the person intends to manufacture the product as a nonconsumable hemp product.

(b) A state agency may not authorize a person to manufacture a product containing hemp for smoking, as defined

by Section 443.001, Health and Safety Code.

Sec. 122.302. POSSESSION, TRANSPORTATION, AND SALE.

(a) Notwithstanding any other law, a person may possess, transport, sell, and purchase legally produced nonconsumable hemp products in this state.

(b) The department by rule must provide to a retailer of nonconsumable hemp products fair notice of a potential violation concerning hemp products sold by the retailer and an opportunity to cure a violation made unintentionally or negligently.

Sec. 122.303. RETAIL SALE OF OUT-OF-STATE PRODUCTS.

A nonconsumable hemp product manufactured outside of this state may be sold at retail in this state unless:

(1) the hemp used to manufacture the product was cultivated illegally; or

(2) the retail sale of the product in this state violates federal law.

Sec. 122.304. TRANSPORTATION AND EXPORTATION OUT OF STATE.

Nonconsumable hemp products may be legally transported across state lines and exported to foreign jurisdictions in a manner that is consistent with federal law and the laws of respective foreign jurisdictions.

SUBCHAPTER H. TRANSPORTATION REQUIREMENTS

Sec. 122.351. DEFINITION.

In this subchapter, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

Sec. 122.352. POLICY.

It is the policy of this state to not interfere with the interstate commerce of hemp or the transshipment of hemp through this state.

Sec. 122.353. INTERSTATE TRANSPORTATION.

To the extent of a conflict between a provision of this chapter and a provision of federal law involving interstate transportation of hemp, including a United States Department of Agriculture regulation, federal law controls and conflicting provisions of this chapter do not apply.

Sec. 122.354. DEPARTMENT RULES.

The department, in consultation with the Department of Public Safety, shall adopt rules regulating the transportation of hemp in this state to ensure that illegal marihuana is not transported into or through this state disguised as legal hemp.

Sec. 122.355. HEMP TRANSPORTATION ACCOUNT.

(a) The hemp transportation account is a dedicated account in the general revenue fund administered by the department.

The account consists of:

(1) civil penalties collected under this subchapter; and

(2) interest and income earned on the investment of money in the account.

(b) Money in the account may be appropriated only to the department for the administration and enforcement of this subchapter. The department may transfer money appropriated under this subsection to the Department of Public Safety for the administration and enforcement of that department's powers and duties under this subchapter, unless prohibited by other law.

Sec. 122.356. DOCUMENTATION AND OTHER SHIPPING REQUIREMENTS.

(a) A person may not transport hemp plant material in this state unless the hemp:

(1) is produced in compliance with:

(A) a state or tribal plan approved by the United States Department of Agriculture under 7 U.S.C. Section 1639p; or

(B) a plan established under 7 U.S.C. Section 1639q if the hemp was cultivated in an area where that plan applies; and

(2) is accompanied by:

(A) a shipping certificate or cargo manifest issued under Section 122.055 if the hemp originated in this state; or

(B) documentation containing the name and address of the place where the hemp was cultivated and a statement that the hemp was produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII, if the hemp originated outside this state.

(b) A person transporting hemp plant material in this state:

(1) may not concurrently transport any cargo that is not hemp plant material; and

(2) shall furnish the documentation required by this section to the department or any peace officer on request.

Sec. 122.357. AGRICULTURAL PESTS AND DISEASES.

A person may not transport in this state hemp that contains an agricultural pest or disease as provided by department rule.

Sec. 122.358. POWERS AND DUTIES OF PEACE OFFICERS.

(a) A peace officer may inspect and collect a reasonably sized sample of any

material from the plant Cannabis sativa L. found in a vehicle to determine the delta-9 tetrahydrocannabinol concentration of the plant material. Unless a peace officer has probable cause to believe the plant material is marihuana, the peace officer may not:

- (1) seize the plant material; or
- (2) arrest the person transporting the plant material.

(b) A peace officer may detain any hemp being transported in this state until the person transporting the hemp provides the documentation required by Section 122.356. The peace officer shall immediately release the hemp to the person if the person produces documentation required by that section.

(c) If a peace officer has probable cause to believe that a person transporting hemp in this state is also transporting marihuana or a controlled substance, as defined by Section 481.002, Health and Safety Code, or any other illegal substance under state or federal law, the peace officer may seize and impound the hemp along with the controlled or illegal substance.

(d) This subchapter does not limit or restrict a peace officer from enforcing to the fullest extent the laws of this state regulating marihuana and controlled substances, as defined by Section 481.002, Health and Safety Code.

Sec. 122.359. CIVIL PENALTY.

(a) A person who violates Section 122.356 is liable to this state for a civil penalty in an amount not to exceed \$500 for each violation.

(b) The attorney general or any district or county attorney may bring an action to recover the civil penalty.

(c) A civil penalty collected under this section must be deposited in the hemp transportation account under Section 122.355.

Sec. 122.360. CRIMINAL OFFENSE.

(a) A person commits an offense if the person violates Section 122.356.

(b) An offense under this section is a misdemeanor punishable by a fine of not more than \$1,000.

SUBCHAPTER I. ENFORCEMENT; PENALTIES

Sec. 122.401. PENALTY SCHEDULE.

(a) The department by rule shall adopt a schedule of sanctions and penalties for violations of this chapter and rules adopted under this chapter that does not conflict with 7 U.S.C. Section 1639p(e).

(b) A penalty collected under this chapter other than a civil penalty collected under Subchapter H must be deposited in the state hemp production account under Section 122.003.

ALCOHOLIC BEVERAGE CODE

Section	Bill Modifying
106.12	SB 346
107.02	HB 1545

ALCOHOLIC BEVERAGE CODE

Sec. 106.12. EXPUNCTION OF CONVICTION OR ARREST RECORDS OF A MINOR.

- (a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged.
- (e) The court shall charge an applicant a reimbursement fee in the amount of \$30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section.

Sec. 107.02. TRANSPORTATION OF MALT BEVERAGES [BEER]: STATEMENT REQUIRED.

- (a) It is lawful for a person to transport malt beverages [beer] from any place where its sale, manufacture, or distribution is authorized to another place in the state where its sale, manufacture, or distribution is authorized, or from the state boundary to a place where its sale, manufacture, or distribution is authorized, even though the route of transportation may cross a dry area.
- (a-1) A person transporting malt beverages [beer] to the premises of a distributor, including to a location from which the distributor is temporarily conducting business under Section 109.62, shall provide to the consignee a shipping invoice that clearly states:
 - (1) the name and address of the consignor and consignee;

- (2) the origin and destination of the shipment; and
 - (3) any other information required by this code or commission rule, including the brands, sizes of containers, and quantities of malt beverages [beer] contained in the shipment.
- (b) A shipment of malt beverages [beer] must be accompanied by a written statement furnished and signed by the shipper showing:
 - (1) the name and address of the consignor and consignee;
 - (2) the origin and destination of the shipment; and
 - (3) any other information required by the commission or administrator.
 - (c) The person in charge of the shipment while it is being transported shall exhibit the written statement to any representative of the commission or peace officer who demands to see it. The statement shall be accepted by the representative or peace officer as prima facie evidence of the legal right to transport the malt beverages [beer].
 - (d) A person who transports malt beverages [beer] not accompanied by the required statement, or who fails to exhibit the statement after a lawful demand, violates this code.

BUSINESS & COMMERCE CODE

Section	Bill Modifying
3.506	SB 346
607.001	HB 2945
607.051 – 607.056	HB 2945
607.101 – 607.103	HB 2945

BUSINESS & COMMERCE CODE

Sec. 3.506. PROCESSING FEE BY HOLDER OF PAYMENT DEVICE.

- (a) For purposes of this section, "payment device" means any check, item, paper or electronic payment, or other payment device used as a medium for payment.
- (b) On return of a payment device to the holder following dishonor of the payment device by a payor, the holder, the holder's assignee, agent, or representative, or any other person retained by the holder to seek collection of the face value of the dishonored payment device may charge the drawer or indorser a maximum processing fee of \$30.
- (c) A person may not charge a processing fee to a drawer or indorser under this section if a reimbursement [the] fee has been collected under Article 102.007(e) [~~or 102.0074~~], Code of Criminal Procedure. If a processing fee has been collected under this section and the holder subsequently receives a reimbursement fee collected under Article 102.007(e) [~~or 102.0074~~], Code of Criminal Procedure, the holder shall immediately refund the fee previously collected from the drawer or indorser.

Sec. 607.001. DEFINITIONS.

In this chapter:

- (1) "Center" means the payment fraud fusion center established under Chapter 424, Government Code.
- (2) "Department" means the state agency that is the licensing authority for

service companies and service technicians.

(3) "Financial institution" has the meaning assigned by Section 277.001, Finance Code.

(4) "Merchant" means a person whose business includes the sale of motor fuel through motor fuel dispensers to retail customers.

(5) "Motor fuel dispenser" means a machine that is used to pump gasoline, diesel, biofuels, or other types of fuels into motor vehicles.

(6) "Payment card" has the meaning assigned by Section 522.001.

(7) "Service company" and "service technician" have the meanings assigned by Section 13.451, Agriculture Code.

(8) "Skimmer" means a wire or electronic device that is capable of unlawfully intercepting electronic communications or data to perpetrate fraud. The term includes a re-encoder and scanning device, as those terms are defined by Section 522.001.

(9) "Unattended payment terminal" means a point-of-sale terminal or kiosk that is operated by a customer to activate or complete a transaction through the use of a payment card or a payment by other electronic means.

Sec. 607.051. MERCHANT DUTIES REGARDING UNATTENDED PAYMENT TERMINALS ON MOTOR FUEL DISPENSERS.

A merchant that has an unattended payment terminal on a motor fuel dispenser at the merchant's place of business shall implement procedures in accordance with the rules adopted by the attorney general under Section 607.052 to:

- (1) prevent the installation of a skimmer on the payment terminal;

- (2) find and remove a skimmer placed on the payment terminal; and
- (3) report the discovery of a skimmer to the department.

Sec. 607.052. RULES.

- (a) The attorney general by rule shall establish reasonable policies and procedures that identify best practices for merchants to use to comply with Section 607.051.
- (b) In adopting rules under Subsection (a), the attorney general must consider:
 - (1) emerging technology;
 - (2) compliance costs to merchants; and
 - (3) any impact the policies and procedures may have on consumers.

Sec. 607.053. DISCOVERY OF SKIMMER.

If a service technician discovers a skimmer on the unattended payment terminal of a motor fuel dispenser, the service technician or service company that employs the technician shall immediately notify the merchant of the skimmer. If a merchant discovers the skimmer or is notified of the skimmer by a service technician or other person, the merchant shall:

- (1) immediately disable, or cause to be disabled, the motor fuel dispenser on which the skimmer was discovered and notify a law enforcement agency that a skimmer has been detected;
- (2) take appropriate measures to protect from tampering with the motor fuel dispenser until the law enforcement agency arrives; and
- (3) not later than 24 hours after the discovery of the skimmer or a report of the discovery of a skimmer is made to the merchant, report the discovery to the department.

Sec. 607.054. REPORT TO DEPARTMENT.

- (a) In this section, "interested person" includes:
 - (1) a law enforcement agency;
 - (2) a financial institution;
 - (3) a credit card issuer as defined by Section 505.001;
 - (4) a service technician or service company;
 - (5) a member of the public; or
 - (6) any other interested person.
- (b) An interested person may submit a report of the discovery of a skimmer on an unattended payment terminal of a motor fuel dispenser at a merchant's place of business to the department.

Sec. 607.055. INVESTIGATION OF SKIMMER REPORT.

- (a) On receipt of a report under Section 607.053 or 607.054, the department shall immediately notify the center and share the report with the center.
- (b) The department and the center shall coordinate with law enforcement agencies in conducting an investigation of the report.
- (c) The department may inspect, directly or in coordination with a law enforcement agency, the motor fuel dispenser that is the subject of the report.
- (d) A merchant shall cooperate with the department or law enforcement agency during an investigation of a skimmer discovered at the merchant's place of business and permit the department or agency to inspect and alter the motor fuel dispenser that is the subject of the report as necessary.

Sec. 607.056. CONFIDENTIALITY.

- (a) Except as otherwise provided by this section, information is confidential and

not subject to disclosure under Chapter 552, Government Code, if the information is:

(1) from a report received by the department under Section 607.053 or 607.054; or

(2) prepared or compiled by the department in connection with the report or an investigation conducted under this subchapter.

(b) Information described by Subsection (a) may be disclosed to:

(1) the attorney general;

(2) a law enforcement agency;

(3) the center;

(4) a financial institution that may be impacted by the use of a skimmer on the unattended payment terminal of a motor fuel dispenser; or

(5) another person if the disclosure of the information is permitted or required by other law or court order.

(c) The disclosure of information under Subsection (b) is not a voluntary disclosure for purposes of Section 552.007, Government Code.

(d) On the dismissal or final resolution of a report or investigation by the department, information described by Subsection (a) is subject to disclosure under Chapter 552, Government Code.

(e) Notwithstanding Subsection (a), the attorney general may disclose to the public information made confidential by that subsection if the attorney general determines that the disclosure of the information furthers a law enforcement purpose.

Sec. 607.101. CORRECTIVE ACTION.

(a) If the attorney general has reason to believe that a merchant who, after an investigation conducted by the department or one or more law enforcement agencies, has at the

merchant's place of business an unattended payment terminal of a motor fuel dispenser on which a skimmer was installed and who is in violation of a rule adopted by the attorney general under Section 607.052, the attorney general shall notify the merchant of the violation.

(b) The attorney general may order the merchant to take corrective action as necessary, including the implementation of best practices and the training of employees to detect skimmers.

Sec. 607.102. CIVIL PENALTIES.

(a) A merchant who wilfully violates a rule adopted by the attorney general under Section 607.052 is liable to this state for a civil penalty in an amount not to exceed \$5,000.

(b) A merchant who negligently fails to make a report within the period prescribed by Section 607.053, or who has had at least three reports made under that section within a 24-month period as a result of the merchant failing to comply with Subchapter B, is liable to this state for a civil penalty of at least \$1,000 but not more than \$5,000 for each violation.

(c) The attorney general may bring an action to recover a civil penalty imposed under this section.

Sec. 607.103. OFFENSES; PENALTIES.

(a) A person commits an offense if the person refuses to allow an inspection of a motor fuel dispenser at the merchant's place of business in violation of Section 607.055. An offense under this subsection is a Class C misdemeanor.

(b) A person commits an offense if the person negligently or recklessly disposes of a skimmer that was installed on the unattended payment terminal of a motor fuel dispenser by another person. An offense under this subsection is a Class B misdemeanor.

(c) A person commits an offense if, knowing that an investigation is ongoing or that a criminal proceeding has been commenced and is pending, the person disposes of a skimmer that was installed on the unattended payment terminal of a motor fuel dispenser by another person. An offense under this subsection is a felony of the third degree.

CIVIL PRACTICE & REMEDIES CODE

Section	Bill Modifying
17.032	SB 891
17.033	SB 891
27.001	HB 2730
27.003	HB 2730
27.005	HB 2730
27.006	HB 2730
27.007	HB 2730
27.0075	HB 2730
27.009	HB 2730
27.010	HB 2730
30.021	HB 3300
31.002	SB 2364
75.001	HB 1548

CIVIL PRACTICE & REMEDIES CODE

Sec. 17.032. CITATION BY PUBLICATION.

(a) Notwithstanding any statute or rule requiring a person to publish citation or notice on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation, the person may publish the citation or notice only on the public information Internet website if:

(1) the person files a statement of inability to afford payment of court costs under the Texas Rules of Civil Procedure;

(2) the total cost of the required publication exceeds the greater of \$200 each week or the amount set by the supreme court under Subsection (b); or

(3) the county in which the publication of the citation or notice is required does not have any newspaper published, printed, or generally circulated in the county.

(b) The supreme court shall adjust for inflation the maximum amount of publication costs established in Subsection (a)(2).

Sec. 17.033. SUBSTITUTED SERVICE THROUGH SOCIAL MEDIA PRESENCE.

(a) If substituted service of citation is authorized under the Texas Rules of Civil Procedure, the court, in accordance with the rules adopted by the supreme court under Subsection (b), may prescribe as a method of service an electronic

communication sent to the defendant through a social media presence.

(b) The supreme court shall adopt rules to provide for the substituted service of citation by an electronic communication sent to a defendant through a social media presence.

Sec. 27.001. DEFINITIONS.

(2) "Exercise of the right of association" means to ~~[a communication between individuals who]~~ join together to collectively express, promote, pursue, or defend common interests relating to a governmental proceeding or a matter of public concern.

(6) "Legal action" means a lawsuit, cause of action, petition, complaint, cross-claim, or counterclaim or any other judicial pleading or filing that requests legal, declaratory, or equitable relief. The term does not include:

(A) a procedural action taken or motion made in an action that does not amend or add a claim for legal, equitable, or declaratory relief;

(B) alternative dispute resolution proceedings; or

(C) post-judgment enforcement actions.

(7) "Matter of public concern" means a statement or activity regarding:

(A) a public official, public figure, or other person who has drawn substantial public attention due to the person's official acts, fame, notoriety, or celebrity;

(B) a matter of political, social, or other interest to the community; or

(C) a subject of concern to the public ~~[includes an issue related to:~~

(A) health or safety;

(B) environmental, economic, or community well-being;

- (C) ~~the government;~~
- (D) ~~a public official or public figure;~~
~~or~~
- (E) ~~a good, product, or service in the marketplace].~~

Sec. 27.003. MOTION TO DISMISS.

- (a) If a legal action is based on~~[, relates to,]~~ or is in response to a party's exercise of the right of free speech, right to petition, or right of association or arises from any act of that party in furtherance of the party's communication or conduct described by Section 27.010(b), that party may file a motion to dismiss the legal action. A party under this section does not include a government entity, agency, or an official or employee acting in an official capacity.
- (b) A motion to dismiss a legal action under this section must be filed not later than the 60th day after the date of service of the legal action. The parties, upon mutual agreement, may extend the time to file a motion under this section or the court may extend the time to file a motion under this section on a showing of good cause.
- (d) The moving party shall provide written notice of the date and time of the hearing under Section 27.004 not later than 21 days before the date of the hearing unless otherwise provided by agreement of the parties or an order of the court.
- (e) A party responding to the motion to dismiss shall file the response, if any, not later than seven days before the date of the hearing on the motion to dismiss unless otherwise provided by an agreement of the parties or an order of the court.

Sec. 27.005. RULING.

- (a) The court must rule on a motion under Section 27.003 not later than the 30th

day following the date ~~[of]~~ the hearing on the motion concludes.

- (b) Except as provided by Subsection (c), on the motion of a party under Section 27.003, a court shall dismiss a legal action against the moving party if the moving party demonstrates ~~[shows by a preponderance of the evidence]~~ that the legal action is based on~~[, relates to,]~~ or is in response to:

(1) the party's exercise of:

- (A) [(1)] the right of free speech;
- (B) [(2)] the right to petition; or
- (C) [(3)] the right of association; or

(2) the act of a party described by Section 27.010(b).

- (d) Notwithstanding the provisions of Subsection (c), the court shall dismiss a legal action against the moving party if the moving party establishes an affirmative defense or other grounds on which the moving party is entitled to judgment as a matter of law ~~[by a preponderance of the evidence each essential element of a valid defense to the nonmovant's claim].~~

Sec. 27.006. PROOF [EVIDENCE].

- (a) In determining whether a legal action is subject to or should be dismissed under this chapter, the court shall consider the pleadings, evidence a court could consider under Rule 166a, Texas Rules of Civil Procedure, and supporting and opposing affidavits stating the facts on which the liability or defense is based.

Sec. 27.007. ADDITIONAL FINDINGS.

- (a) If the court awards sanctions under Section 27.009(b) [At the request of a party making a motion under Section 27.003], the court shall issue findings regarding whether the legal action was brought to deter or prevent the moving party from exercising constitutional rights

and is brought for an improper purpose, including to harass or to cause unnecessary delay or to increase the cost of litigation.

Sec. 27.0075. EFFECT OF RULING.

Neither the court's ruling on the motion nor the fact that it made such a ruling shall be admissible in evidence at any later stage of the case, and no burden of proof or degree of proof otherwise applicable shall be affected by the ruling.

Sec. 27.009. DAMAGES AND COSTS.

(a) Except as provided by Subsection (c), if ~~the~~ the court orders dismissal of a legal action under this chapter, the court ~~shall award to the moving party~~:

(1) shall award to the moving party court costs and ~~reasonable attorney's fees, and other expenses~~ incurred in defending against the legal action ~~as justice and equity may require~~; and

(2) may award to the moving party sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in this chapter.

(c) If the court orders dismissal of a compulsory counterclaim under this chapter, the court may award to the moving party reasonable attorney's fees incurred in defending against the counterclaim if the court finds that the counterclaim is frivolous or solely intended for delay.

Sec. 27.010. EXEMPTIONS.

(a) This chapter does not apply to:

(1) an enforcement action that is brought in the name of this state or a political subdivision of this state by the attorney general, a district attorney, a criminal district attorney, or a county attorney;

~~(2) ~~[(b) This chapter does not apply to] a legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services, or an insurance product, insurance services, or a commercial transaction in which the intended audience is an actual or potential buyer or customer;~~~~

~~(3) ~~[(c) This chapter does not apply to] a legal action seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action;~~~~

~~(4) ~~[(d) This chapter does not apply to] a legal action brought under the Insurance Code or arising out of an insurance contract;~~~~

~~(5) a legal action arising from an officer-director, employee-employer, or independent contractor relationship that:~~

~~(A) seeks recovery for misappropriation of trade secrets or corporate opportunities; or~~

~~(B) seeks to enforce a non-disparagement agreement or a covenant not to compete;~~

~~(6) a legal action filed under Title 1, 2, 4, or 5, Family Code, or an application for a protective order under Chapter 7A, Code of Criminal Procedure;~~

~~(7) a legal action brought under Chapter 17, Business & Commerce Code, other than an action governed by Section 17.49(a) of that chapter;~~

~~(8) a legal action in which a moving party raises a defense pursuant to Section 160.010, Occupations Code, Section 161.033, Health and Safety Code, or the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.);~~

~~(9) an eviction suit brought under Chapter 24, Property Code;~~

~~(10) a disciplinary action or disciplinary proceeding brought under Chapter 81,~~

Government Code, or the Texas Rules of Disciplinary Procedure;

(11) a legal action brought under Chapter 554, Government Code; or

(12) a legal action based on a common law fraud claim.

(b) Notwithstanding Subsections (a)(2), (7), and (12), this chapter applies to:

(1) a legal action against a person arising from any act of that person, whether public or private, related to the gathering, receiving, posting, or processing of information for communication to the public, whether or not the information is actually communicated to the public, for the creation, dissemination, exhibition, or advertisement or other similar promotion of a dramatic, literary, musical, political, journalistic, or otherwise artistic work, including audio-visual work regardless of the means of distribution, a motion picture, a television or radio program, or an article published in a newspaper, website, magazine, or other platform, no matter the method or extent of distribution; and

(2) a legal action against a person related to the communication, gathering, receiving, posting, or processing of consumer opinions or commentary, evaluations of consumer complaints, or reviews or ratings of businesses.

(c) This chapter applies to a legal action against a victim or alleged victim of family violence or dating violence as defined in Chapter 71, Family Code, or an offense under Chapter 20, 20A, 21, or 22, Penal Code, based on or in response to a public or private communication.

Sec. 30.021. AWARD OF ATTORNEY'S FEES IN RELATION TO CERTAIN MOTIONS TO DISMISS.

In a civil proceeding, on a trial court's granting or denial, in whole or in part, of a motion to dismiss filed under the rules adopted by the supreme court under Section 22.004(g), Government Code, the court may ~~shall~~ award costs and reasonable and necessary attorney's fees to the prevailing party. This section does not apply to actions by or against the state, other governmental entities, or public officials acting in their official capacity or under color of law.

Sec. 31.002. COLLECTION OF JUDGMENT THROUGH COURT PROCEEDING.

(a) A judgment creditor is entitled to aid from a court of appropriate jurisdiction, including a justice court, through injunction or other means in order to reach property to obtain satisfaction on the judgment if the judgment debtor owns property, including present or future rights to property, that is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.

Sec. 75.001. DEFINITIONS.

In this chapter:

(3) "Recreation" means an activity such as:

(H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of ~~[all-terrain vehicles and recreational]~~ off-highway vehicles;

CODE OF CRIMINAL PROCEDURE

Article	Bill Modifying
1.053	SB 346
2.07	SB 341
2.09	SB 891
2.1305	HB 2164
2.305	HB 3800
16.22	HB 601, SB 362
17.032	HB 601
17.292	SB 194
17.294	SB 2390
17.42	SB 346
17.43	SB 346
17.44	SB 346
17.441	HB 3582, SB 346
17.49	SB 346
18.182	SB 1164
26.04	SB 583
27.14	HB 1528
42.037	SB 346
45.004	SB 346
45.0201	SB 346
45.0211	HB 1528
45.0216	SB 346
45.026	SB 346
45.041	SB 346

Legislative Update: 86th Regular Session (2019)

Article	Bill Modifying
45.0445	SB 346
45.045	SB 346
45.0491	SB 346
45.051	SB 346
45.0511	SB 346
45.052	SB 346
45.056	SB 346
49.15	HB 300
49.17	HB 300
49.25	HB 3716
49.51	HB 881
49.52	HB 881
66.252	HB 1528
102.001	SB 346
102.004 <i>repealed</i>	SB 346
102.0045 <i>repealed</i>	SB 346
102.0071 <i>repealed</i>	SB 346
102.008	SB 346
102.011	SB 346
102.012	SB 346
102.014	SB 346
102.015 <i>renumbered as Local Government Code Sec. 133.125</i>	SB 346
102.017	SB 346
102.0173	SB 1840, SB 346
102.0174 <i>repealed</i>	SB 346
102.022 <i>repealed</i>	SB 346
102.030 <i>renumbered from Local Government Code Sec. 133.103</i>	SB 346, SB 891

Legislative Update: 86th Regular Session (2019)

Article	Bill Modifying
103.003	SB 891
103.0033 <i>repealed</i>	SB 891
103.0081	HB 435

CODE OF CRIMINAL PROCEDURE

Art. 1.053. PRESENT ABILITY TO PAY.

Except as otherwise specifically provided, in determining a defendant's ability to pay for any purpose, the court shall consider only the defendant's present ability to pay.

Art. 2.07. ATTORNEY PRO TEM.

(a) Whenever an attorney for the state is disqualified to act in any case or proceeding, is absent from the county or district, or is otherwise unable to perform the duties of the attorney's [his] office, or in any instance where there is no attorney for the state, the judge of the court in which the attorney [he] represents the state may appoint, from any county or district, an [any competent] attorney for the state or may appoint an assistant attorney general to perform the duties of the office during the absence or disqualification of the attorney for the state.

(b) Except as otherwise provided by this subsection, [~~if the appointed attorney is also an attorney for the state,~~] the duties of the appointed office are additional duties of the appointed attorney's [his] present office, and the attorney [he] is not entitled to additional compensation. This subsection does not [Nothing herein shall] prevent a commissioners court of a county from contracting with another commissioners court to pay expenses and reimburse compensation paid by a county to an attorney [~~for the state~~] who is appointed to perform additional duties.

(b-1) An attorney for the state who is not disqualified to act may request the court to permit the attorney's recusal [him to recuse himself] in a case for good cause, and on [upon] approval by the court, the attorney is disqualified.

~~(c) If the appointed attorney is not an attorney for the state, he is qualified to perform the duties of the office for the period of absence or disqualification of the attorney for the state on filing an oath with the clerk of the court. He shall receive compensation in the same amount and manner as an attorney appointed to represent an indigent person.~~

(d) In this article, "attorney for the state" means a county attorney with criminal jurisdiction, a district attorney, or a criminal district attorney.

~~(e) In Subsections (b) and (c) of this article, "attorney for the state" includes an assistant attorney general.~~

~~(f) In Subsection (a) of this article, "competent attorney" includes an assistant attorney general.~~

~~(g) An attorney appointed under Subsection (a) of this article to perform the duties of the office of an attorney for the state in a justice or municipal court may be paid a reasonable fee for performing those duties.~~

Art. 2.09. WHO ARE MAGISTRATES.

Each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for

Cameron County appointed under Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the criminal magistrates appointed by the Burnet County Commissioners Court, the magistrates appointed by the El Paso Council of Judges, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, Government Code, the magistrates appointed under Subchapter JJ, Chapter 54, Government Code, the magistrates appointed by the Collin County Commissioners Court, the magistrates appointed by the Fort Bend County Commissioners Court [~~as added by H.B. No. 2132, Acts of the 82nd Legislature, Regular Session, 2011~~], the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

Art. 2.1305. CARRYING WEAPON ON CERTAIN PREMISES.

(a) An establishment serving the public may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

(c) An establishment serving the public that violates this article is subject to a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection. Money collected under this subsection shall be deposited in the state treasury to the credit of the general revenue fund.

Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES.

(a) This article applies only to:

(1) a municipal police department, sheriff's department, constable's office, county attorney's office, district attorney's office, and criminal district attorney's office, as applicable, in a county with a population of more than 50,000; and

(2) the Department of Public Safety.

(b) An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being investigated, including a brief description of the alleged prohibited conduct;

- (2) regarding each person suspected of committing the offense and each victim of the offense:
 - (A) the person's:
 - (i) age;
 - (ii) gender; and
 - (iii) race or ethnicity, as defined by Article 2.132; and
 - (B) the case number associated with the offense and the person suspected of committing the offense;
- (3) the date, time, and location of the alleged offense;
- (4) the type of human trafficking involved, including:
 - (A) forced labor or services, as defined by Section 20A.01, Penal Code;
 - (B) causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(3), Penal Code; or
 - (C) causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;
- (5) if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and
- (6) the disposition of the investigation, regardless of the manner of disposition.
- (c) An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:
 - (1) the offense being prosecuted, including a brief description of the alleged prohibited conduct;
 - (2) any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;
 - (3) the information described by Subsections (b)(2), (3), (4), and (5); and
 - (4) the disposition of the prosecution, regardless of the manner of disposition.
- (d) The attorney general shall enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under this article.
- (e) In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:
 - (1) the form and manner of submission of a report required by Subsection (b) or (c); and
 - (2) additional information to include in a report required by Subsection (b) or (c).

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

- (a)(1) Not later than 12 hours after the sheriff or municipal jailer having custody of a defendant for an offense punishable as a Class B misdemeanor or any higher category of offense receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the sheriff or municipal jailer shall provide written or electronic notice to the magistrate. The notice must include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and

after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the magistrate, except as provided by Subdivision (2), shall order the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert to:

- (A) interview the defendant if the defendant has not previously been interviewed by a qualified mental health or intellectual and developmental disability expert on or after the date the defendant was arrested for the offense for which the defendant is in custody and otherwise collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment or service; and
- (B) provide to the magistrate a written report [assessment] of an interview described by Paragraph (A) and the other information collected under that paragraph [Paragraph (A)] on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(c) [614.0032(b)], Health and Safety Code.

(2) The magistrate is not required to order the interview and collection of other information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another mental health or intellectual and developmental disability expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the interview and collection of other information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a jail, or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority, for a reasonable period not to exceed 72 hours. If applicable, the county in which the committing court is located shall reimburse the local mental health authority or local intellectual and developmental disability authority for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel regulations in effect at the time.

(a-1) If a magistrate orders a local mental health authority, a local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert to conduct an interview or collect information under Subsection (a)(1), the

commissioners court for the county in which the magistrate is located shall reimburse the local mental health authority, local intellectual and developmental disability authority, or qualified mental health or intellectual and developmental disability expert for the cost of performing those duties in the amount provided by the fee schedule adopted under Subsection (a-2) or in the amount determined by the judge under Subsection (a-3), as applicable.

(a-2) The commissioners court for a county may adopt a fee schedule to pay for the costs to conduct an interview and collect information under Subsection (a)(1). In developing the fee schedule, the commissioners court shall consider the generally accepted reasonable cost in that county of performing the duties described by Subsection (a)(1). A fee schedule described by this subsection must be adopted in a public hearing and must be periodically reviewed by the commissioners court.

(a-3) If the cost of performing the duties described by Subsection (a)(1) exceeds the amount provided by the applicable fee schedule or if the commissioners court for the applicable county has not adopted a fee schedule, the authority or expert who performed the duties may request that the judge who has jurisdiction over the underlying offense determine the reasonable amount for which the authority or expert is entitled to be reimbursed under Subsection (a-1). The amount determined under this subsection may not be less than the amount provided by the fee schedule, if applicable. The judge shall determine the amount not later than the 45th day after the date the request is made. The judge is not required to hold a hearing before making a determination under this subsection.

(a-4) An interview under Subsection (a)(1) may be conducted in person in the jail, by

telephone, or through a telemedicine medical service or telehealth service.

(b) Except as otherwise permitted by the magistrate for good cause shown, a written report [assessment] of an interview described by Subsection (a)(1)(A) and the other information collected under that paragraph [Subsection (a)(1)(A)] shall be provided to the magistrate:

(1) for a defendant held in custody, not later than 96 hours after the time an order was issued under Subsection (a); or

(2) for a defendant released from custody, not later than the 30th day after the date an order was issued under Subsection (a).

(b-1) The magistrate shall provide copies of the written report [assessment] to the defense counsel, the attorney representing the state, and the trial court. The written report [assessment] must include a description of the procedures used in the interview and collection of other information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability;

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) any appropriate or recommended treatment or service.

(c) After the trial court receives the applicable expert's written report [assessment] relating to the defendant under Subsection (b-1) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

- (1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032 if the defendant is being held in custody;
 - (2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual and developmental disability services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code;
 - (3) consider the written report [~~assessment~~] during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision; [~~or~~]
 - (4) refer the defendant to an appropriate specialty court established or operated under Subtitle K, Title 2, Government Code; or
 - (5) if the offense charged does not involve an act, attempt, or threat of serious bodily injury to another person, release the defendant on bail while charges against the defendant remain pending and enter an order transferring the defendant to the appropriate court for court-ordered outpatient mental health services under Chapter 574, Health and Safety Code.
- (c-1) If an order is entered under Subsection (c)(5), an attorney representing the state shall file the application for court-ordered outpatient services under Chapter 574, Health and Safety Code.
- (c-2) On the motion of an attorney representing the state, if the court determines the defendant has complied with appropriate court-ordered outpatient treatment, the court may dismiss the charges pending against the defendant and discharge the defendant.
- (c-3) On the motion of an attorney representing the state, if the court determines the defendant has failed to comply with appropriate court-ordered outpatient treatment, the court shall proceed under this chapter or with the trial of the offense.
- (d) This article does not prevent the applicable court from, before, during, or after the interview and collection of other information regarding the defendant as described by this article:
- (1) releasing a defendant who has a mental illness or is a person with an intellectual disability from custody on personal or surety bond, including imposing as a condition of release that the defendant submit to an examination or other assessment; or
 - (2) ordering an examination regarding the defendant's competency to stand trial.
- (e) The Texas Judicial Council shall adopt rules to require the reporting of [~~The magistrate shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis~~] the number of written reports [~~assessments~~] provided to a [~~the~~] court under Subsection (a)(1)(B). The rules must require submission of the reports to the Office of Court Administration of the Texas Judicial System on a monthly basis.
- (f) A written report submitted to a magistrate under Subsection (a)(1)(B) is confidential and not subject to disclosure under Chapter 552, Government Code, but may be used or disclosed as provided by this article.

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

(b) Notwithstanding Article 17.03(b), or a bond schedule adopted or a standing order entered by a judge, a magistrate shall release a defendant on personal bond unless good cause is shown otherwise if:

(1) the defendant is not charged with and has not been previously convicted of a violent offense;

(2) the defendant is examined by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert under Article 16.22;

(3) the applicable expert, in a written report [~~assessment~~]-submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual and developmental disability services for the defendant, as applicable;

(4) the magistrate determines, in consultation with the local mental health authority or local intellectual and developmental disability authority, that appropriate community-based mental health or intellectual and developmental disability services for the defendant are available in accordance with Section 534.053 or 534.103, Health and Safety Code, or through another mental health or intellectual and developmental disability services provider; and

(5) the magistrate finds, after considering all the circumstances, a pretrial risk assessment, if applicable, and any other credible information provided by the attorney representing the state or the defendant, that release on personal bond would reasonably ensure the defendant's appearance in court as required and the safety of the community and the victim of the alleged offense.

(c) The magistrate, unless good cause is shown for not requiring treatment or services, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health treatment or intellectual and developmental disability services as recommended by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert if the defendant's:

(1) mental illness or intellectual disability is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant does not receive the recommended treatment or services [~~is not treated~~].

Art. 17.292. MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION.

(a) At a defendant's appearance before a magistrate after arrest for an offense involving family violence or an offense under Section 20A.02, 20A.03, 22.011, 22.012, 22.021, or 42.072, Penal Code, the magistrate may issue an order for emergency protection on the magistrate's own motion or on the request of:

(1) the victim of the offense;

- (2) the guardian of the victim;
 - (3) a peace officer; or
 - (4) the attorney representing the state.
- (g) An order for emergency protection issued under this article must contain the following statements printed in bold-face type or in capital letters:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN ~~[FAMILY VIOLENCE OR]~~ A SEPARATE ~~[STALKING OR TRAFFICKING]~~ OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO A VIOLATION OF THIS ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

Art. 17.294. CONFIDENTIALITY OF CERTAIN INFORMATION IN ORDER FOR EMERGENCY PROTECTION.

On request by a person protected by an order for emergency protection issued under Article 17.292, or if determined necessary by the magistrate, the court issuing the order may protect the person's mailing address by rendering an order:

- (1) requiring the person protected under the order to:
 - (A) disclose the person's mailing address to the court;
 - (B) designate another person to receive on behalf of the person any notice or documents filed with the court related to the order; and
 - (C) disclose the designated person's mailing address to the court;
- (2) requiring the court clerk to:
 - (A) strike the mailing address of the person protected by the order from the public records of the court, if applicable; and
 - (B) maintain a confidential record of the mailing address for use only by:
 - (i) the court; or
 - (ii) a law enforcement agency for purposes of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety; and
- (3) prohibiting the release of the information to the defendant.

Art. 17.42. PERSONAL BOND OFFICE.

Sec. 4. (a) Except as otherwise provided by this subsection, if a court releases an accused on personal bond on the recommendation of a personal bond office, the court shall assess a personal bond reimbursement fee of \$20 or three percent

of the amount of the bail fixed for the accused, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. A court that requires a defendant to give a personal bond under Article 45.016 may not assess a personal bond fee under this subsection.

(b) Reimbursement fees [~~Fees~~] collected under this article may be used solely to defray expenses of the personal bond office, including defraying the expenses of extradition.

(c) Reimbursement fees [~~Fees~~] collected under this article shall be deposited in the county treasury, or if the office serves more than one county, the fees shall be apportioned to each county in the district according to each county's pro rata share of the costs of the office.

Art. 17.43. HOME CURFEW AND ELECTRONIC MONITORING AS CONDITION.

(a) A magistrate may require as a condition of release on personal bond that the defendant submit to home curfew and electronic monitoring under the supervision of an agency designated by the magistrate.

(b) Cost of monitoring may be assessed as reimbursement fees [~~court costs~~] or ordered paid directly by the defendant as a condition of bond.

Art. 17.44. HOME CONFINEMENT, ELECTRONIC MONITORING, AND DRUG TESTING AS CONDITION.

(c) The magistrate may revoke the bond and order the defendant arrested if the defendant:

- (1) violates a condition of home confinement and electronic monitoring;
- (2) refuses to submit to a test for controlled substances or submits to a test for controlled substances and the test indicates the presence of a

controlled substance in the defendant's body; or

(3) fails to pay the reimbursement fee for [~~costs of~~] monitoring or testing for controlled substances, if payment is ordered under Subsection (e) as a condition of bond and the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered.

(e) The cost of electronic monitoring or testing for controlled substances under this article may be assessed as a reimbursement fee [~~court costs~~] or ordered paid directly by the defendant as a condition of bond.

Art. 17.441. CONDITIONS REQUIRING MOTOR VEHICLE IGNITION INTERLOCK.

(a) Except as provided by Subsection (b), a magistrate shall require on release that a defendant charged with a subsequent offense under Section 49.04, 49.05, or 49.06 [~~Sections 49.04-49.06~~], Penal Code, or an offense under Section 49.045, 49.07, or 49.08 of that code:

(1) have installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator; and

(2) not operate any motor vehicle unless the vehicle is equipped with that device.

(d) The magistrate may designate an appropriate agency to verify the installation of the device and to monitor the device. If the magistrate designates an agency under this subsection, in each month during which the agency verifies the installation of the device or provides a monitoring service the defendant shall pay a reimbursement fee to the

designated agency in the amount set by the magistrate. The defendant shall pay the initial reimbursement fee at the time the agency verifies the installation of the device. In each subsequent month during which the defendant is required to pay a reimbursement fee the defendant shall pay the fee on the first occasion in that month that the agency provides a monitoring service. The magistrate shall set the fee in an amount not to exceed \$10 as determined by the county auditor, or by the commissioners court of the county if the county does not have a county auditor, to be sufficient to cover the cost incurred by the designated agency in conducting the verification or providing the monitoring service, as applicable in that county.

Art. 17.49. CONDITIONS FOR DEFENDANT CHARGED WITH OFFENSE INVOLVING FAMILY VIOLENCE.

(b) A magistrate may require as a condition of release on bond that a defendant charged with an offense involving family violence:

(1) refrain from going to or near a residence, school, place of employment, or other location, as specifically described in the bond, frequented by an alleged victim of the offense;

(2) carry or wear a global positioning monitoring system device and, except as provided by Subsection (h), pay a reimbursement fee for the costs associated with operating that system in relation to the defendant; or

(3) except as provided by Subsection (h), if the alleged victim of the offense consents after receiving the information described by Subsection (d), pay a reimbursement fee for the costs associated with providing the victim with an electronic receptor device that:

(A) is capable of receiving the global positioning monitoring system

information from the device carried or worn by the defendant; and

(B) notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under Subdivision (1).

(h) If the magistrate determines that a defendant is indigent, the magistrate may, based on a sliding scale established by local rule, require the defendant to pay a reimbursement fee [~~costs~~] under Subsection (b)(2) or (3) in an amount that is less than the full amount of the costs associated with operating the global positioning monitoring system in relation to the defendant or providing the victim with an electronic receptor device.

Art. 18.182. DISPOSITION OF ITEM BEARING COUNTERFEIT MARK.

(a) In this article, "counterfeit mark" and "protected mark" have the meanings assigned by Section 32.23, Penal Code.

(b) Following the conviction or placement on deferred adjudication community supervision of a person for an offense under Section 32.23, Penal Code, the court entering the judgment of conviction or order of deferred adjudication community supervision shall order that any item bearing or identified by a counterfeit mark seized in connection with the offense be:

(1) forfeited to the owner of the protected mark, if prior to an order disposing of property under this article the owner of the protected mark requests the return of the item; or

(2) destroyed.

Art. 26.04. PROCEDURES FOR APPOINTING COUNSEL.

(a) The judges of the county courts, statutory county courts, and district

courts trying criminal cases in each county, by local rule, shall adopt and publish written countywide procedures for timely and fairly appointing counsel for an indigent defendant in the county arrested for, charged with, or taking an appeal from a conviction of a misdemeanor punishable by confinement or a felony. The procedures must be consistent with this article and Articles 1.051, 15.17, 15.18, 26.05, and 26.052 and must provide for the priority appointment of a public defender's office as described by Subsection (f). A court shall appoint an attorney from a public appointment list using a system of rotation, unless the court appoints an attorney under Subsection (f), (f-1), (h), or (i). The court shall appoint attorneys from among the next five names on the appointment list in the order in which the attorneys' names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.

(f) In a county with [~~in which~~] a public defender's office [~~is created or designated under Article 26.044~~], the court or the courts' designee shall give priority in appointing that office to represent the defendant in the criminal proceeding, including a proceeding in a capital murder case. However, the court is not required to appoint the public defender's office if:

(1) the court makes a finding of good cause for appointing [~~has reason to appoint~~] other counsel, provided that in a capital murder case, the court makes a finding of good cause on the record for appointing that counsel; [~~or~~]

(2) the appointment would be contrary to the office's written plan under Article 26.044;

(3) the office is prohibited from accepting the appointment under Article 26.044(j); or

(4) a managed assigned counsel program also exists in the county and an attorney will be appointed under that program.

Art. 27.14 PLEA OF GUILTY OR NOLO CONTENDERE IN MISDEMEANOR.

(a) A plea of "guilty" or a plea of "nolo contendere" in a misdemeanor case may be made either by the defendant or his counsel in open court; in such case, the defendant or his counsel may waive a jury, and the punishment may be assessed by the court either upon or without evidence, at the discretion of the court.

(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a), mail or deliver in person to the court a plea of "guilty" or a plea of "nolo contendere" and a waiver of jury trial. The defendant may also request in writing that the court notify the defendant, at the address stated in the request, of the amount of an appeal bond that the court will approve. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. If the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant either in person or by regular mail of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the

defendant is unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Except as otherwise provided by this code, the defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice. This subsection does not apply to a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code.

(e)(1) Before accepting a plea of guilty or a plea of nolo contendere by a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code, the court shall admonish the defendant by using the following statement:

"If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney."

(2) The court may provide the admonishment under Subdivision (1) orally or in writing, ~~except that if the defendant is charged with a misdemeanor punishable by fine only, the statement printed on a citation issued under Article 14.06(b) may serve as the court admonishment required by this subsection~~.

Art. 42.037. RESTITUTION.

(g)~~(4)~~ The court may require a defendant to make restitution under this article

within a specified period or in specified installments. ~~[If the court requires the defendant to make restitution in specified installments, in addition to the installment payments, the court may require the defendant to pay a one-time restitution fee of \$12, \$6 of which the court shall retain for costs incurred in collecting the specified installments and \$6 of which the court shall order to be paid to the compensation to victims of crime fund.]~~

~~(2)~~ The end of the period or the last installment may not be later than:

~~(1) [(A)]~~ the end of the period of probation, if probation is ordered;

~~(2) [(B)]~~ five years after the end of the term of imprisonment imposed, if the court does not order probation; or

~~(3) [(C)]~~ five years after the date of sentencing in any other case.

~~(g-1) [(3)]~~ If the court does not provide otherwise, the defendant shall make restitution immediately.

~~(g-2) [(4)]~~ Except as provided by Subsection (n), the order of restitution must require the defendant to:

~~(1) [(i)]~~ make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund;

~~(2) [(ii)]~~ make restitution directly to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund; or

~~(3) [(iii)]~~ deliver the amount or property due as restitution to a community supervision and corrections department for transfer to the victim or person.

Art. 45.004. GENERAL DEFINITION.

In this chapter, "cost" includes any fee imposed on a defendant by the justice or judge at the time a judgment is entered.

Art. 45.0201. APPEARANCE BY TELEPHONE OR VIDEOCONFERENCE.

If the justice or judge determines that requiring a defendant to appear before the justice or judge in person for a hearing under Article 45.0445 or 45.045 would impose an undue hardship on the defendant, the justice or judge may allow the defendant to appear by telephone or videoconference.

Art. 45.0211. PLEA BY DEFENDANT CHARGED WITH FAMILY VIOLENCE OFFENSE.

(a) In this article, "family violence" has the meaning assigned by Section 71.004, Family Code.

(b) If a defendant is charged with an offense involving family violence, the judge or justice must take the defendant's plea in open court.

Art. 45.0216. EXPUNCTION OF CERTAIN CONVICTION RECORDS.

(i) The justice or municipal court shall require a person who requests expungement under this article to pay a reimbursement fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article.

Art. 45.026. JURY TRIAL; FAILURE TO APPEAR.

(a) A justice or municipal court may order a party who does not waive a jury trial in a justice or municipal court and who fails to appear for the trial to pay a reimbursement fee for the costs incurred for impaneling the jury.

(b) The justice or municipal court may release a party from the obligation to pay the reimbursement fee [costs] under this section for good cause.

Art. 45.041. JUDGMENT.

~~(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:~~

~~(1) required to be paid at some later date or in a specified portion at designated intervals;~~

~~(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;~~

~~(3) waived in full or in part under Article 45.0491; or~~

~~(4) satisfied through any combination of methods under Subdivisions (1)-(3).~~

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the

defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

- (1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;
- (2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;
- (3) waived in full or in part under Article 45.0491; or
- (4) satisfied through any combination of methods under Subdivisions (1)-(3).

Art. 45.0445. RECONSIDERATION OF FINE OR COSTS.

- (a) If the defendant notifies the justice or judge that the defendant has difficulty paying the fine and costs in compliance with the judgment, the justice or judge shall hold a hearing to determine whether the judgment imposes an undue hardship on the defendant.
- (b) For purposes of Subsection (a), a defendant may notify the justice or judge by:
 - (1) voluntarily appearing and informing the justice or judge or the clerk of the court in the manner established by the justice or judge for that purpose;
 - (2) filing a motion with the justice or judge;
 - (3) mailing a letter to the justice or judge; or
 - (4) any other method established by the justice or judge for that purpose.

(c) If the justice or judge determines at the hearing under Subsection (a) that the judgment imposes an undue hardship on the defendant, the justice or judge shall consider whether to allow the defendant to satisfy the fine and costs through one or more methods listed under Article 45.041(a-1).

(d) The justice or judge may decline to hold a hearing under Subsection (a) if the justice or judge:

- (1) previously held a hearing under that subsection with respect to the case and is able to determine without holding a hearing that the judgment does not impose an undue hardship on the defendant; or
- (2) is able to determine without holding a hearing that:
 - (A) the judgment imposes an undue hardship on the defendant; and
 - (B) the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1).

(e) The justice or judge retains jurisdiction for the purpose of making a determination under this article.

Art. 45.045. CAPIAS PRO FINE.

~~(a-2) Before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms:~~

- ~~(1) the court must provide by regular mail to the defendant notice that includes:~~
 - ~~(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and~~
 - ~~(B) a date and time when the court will hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and~~

~~(2) either:~~

~~(A) the defendant fails to appear at the hearing; or~~

~~(B) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.~~

(a-2) The court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant ~~[on the defendant's ability to satisfy the judgment]~~ and the defendant fails to:

(1) ~~[the defendant fails to]~~ appear at the hearing; or

(2) comply with an order issued under Subsection (a-4) as a result of the hearing ~~[based on evidence presented at the hearing, the court determines that the capias pro fine should be issued].~~

(a-3) If the justice or judge determines at the hearing under Subsection (a-2) that the judgment imposes an undue hardship on the defendant, the justice or judge shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1). The justice or judge retains jurisdiction for the purpose of making a determination under this subsection.

(a-4) If the justice or judge determines at the hearing under Subsection (a-2) that the judgment does not impose an undue hardship on the defendant, the justice or judge shall order the defendant to comply with the judgment not later than the 30th day after the date the determination is made.

(a-5) The court shall recall a capias pro fine if, before the capias pro fine is executed, the defendant:

(1) provides notice to the justice or judge under Article 45.0445 and a hearing is set under that article; or

~~(2) [the defendant] voluntarily appears and makes a good faith effort to resolve the capias pro fine [amount owed; and~~

~~(2) the amount owed is resolved in any manner authorized by this chapter].~~

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN.

(a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine ~~[or costs]~~ imposed on a defendant if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine ~~[or costs]~~ or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine ~~[or costs]~~ under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

(b) A defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs for purposes of Subsection (a) or (d) if the defendant:

(1) is in the conservatorship of the Department of Family and Protective Services, or was in the conservatorship of that department at the time of the offense; or

(2) is designated as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a, or was so designated at the time of the offense.

(c) A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:

(1) significant physical or mental impairment or disability;

(2) pregnancy and childbirth;

(3) substantial family commitments or responsibilities, including child or dependent care;

(4) work responsibilities and hours;

(5) transportation limitations;

(6) homelessness or housing insecurity;
and

(7) any other factors the court determines relevant.

(d) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

(1) is indigent or does not have sufficient resources or income to pay all or part of the costs; or

(2) was, at the time the offense was committed, a child as defined by Article 45.058(h).

Art. 45.051. SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL DISPOSITION.

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. In issuing the order of deferral, the judge may impose a fine [~~special expense fee~~] on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The fine [~~special expense fee~~] may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the fine [~~special expense fee~~] for good cause shown by

the defendant. If the judge orders the collection of a fine under this subsection [~~special expense fee~~], the judge shall require that the amount of the fine [~~special expense fee~~] be credited toward the payment of the amount of any [~~the~~] fine imposed by the judge as punishment for the offense. An order of deferral under this subsection terminates any liability under a bond given for the charge.

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all fines and court costs as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those fines and costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those fines and costs by performing community service or attending a tutoring program under Article 45.049 or under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; [ø]

(3) waive all or part of those fines and costs under Article 45.0491; or

(4) take any combination of actions authorized by Subdivision (1), [ø] (2), or (3).

(b) During the deferral period, the judge may require the defendant to:

(1) post a bond in the amount of the fine assessed as punishment for the offense to secure payment of the fine;

(2) pay restitution to the victim of the offense in an amount not to exceed the fine assessed as punishment for the offense;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

- (5) submit to a psychosocial assessment;
- (6) participate in an alcohol or drug abuse treatment or education program, such as:
 - (A) a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by the Department of State Health Services in accordance with Section 521.374, Transportation Code; or
 - (B) an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code;
- (7) pay as reimbursement fees the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs;
- (8) complete a driving safety course approved under Chapter 1001, Education Code, or another course as directed by the judge;
- (9) present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge under this article; and
- (10) comply with any other reasonable condition.
- (b-2) A person examined as required by Subsection (b-1)(3) must pay a \$10 reimbursement fee for the examination [~~fee~~].
- (b-3) The reimbursement fee collected under Subsection (b-2) must be deposited to the credit of a special account in the general revenue fund and may be used only by the Department of Public Safety for the administration of Chapter 521, Transportation Code.
- (g) If a judge requires a defendant under Subsection (b) to attend an alcohol awareness program or drug education program as described by Subdivision (6)

of that subsection, unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay a reimbursement fee for the cost of attending the program. The judge may allow the defendant to pay the fee [~~cost of attending the program~~] in installments during the deferral period.

Art. 45.0511. DRIVING SAFETY COURSE OR MOTORCYCLE OPERATOR COURSE DISMISSAL PROCEDURES.

(c-1) In this subsection, "state electronic Internet portal" has the meaning assigned by Section 2054.003, Government Code. As an alternative to receiving the defendant's driving record under Subsection (c)(2), the judge, at the time the defendant requests a driving safety course or motorcycle operator training course dismissal under this article, may require the defendant to pay a reimbursement fee in an amount equal to the sum of the amount of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee and, using the state electronic Internet portal, may request the Texas Department of Public Safety to provide the judge with a copy of the defendant's driving record that shows the information described by Section 521.047(b), Transportation Code. As soon as practicable and using the state electronic Internet portal, the Texas Department of Public Safety shall provide the judge with the requested copy of the defendant's driving record. The reimbursement fee authorized by this subsection is in addition to any other fee required under this article. If the copy of the defendant's driving record provided to the judge under this subsection shows that the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense, the

judge shall allow the defendant to complete the appropriate course as provided by this article. The custodian of a municipal or county treasury who receives reimbursement fees collected under this subsection shall keep a record of the fees and, without deduction or proration, forward the fees to the comptroller, with and in the manner required for other fees and costs received in connection with criminal cases. The comptroller shall credit fees received under this subsection to the Texas Department of Public Safety.

(f) In addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, the court may:

(1) require a defendant requesting a course under Subsection (b) to pay a reimbursement [~~an administrative~~] fee [~~set by the court~~] to cover the cost of administering this article in [~~at~~] an amount of not more than \$10; or

(2) require a defendant requesting a course under Subsection (d) to pay a fine [~~fee~~] set by the court at an amount not to exceed the maximum amount of the fine for the offense committed by the defendant.

(g) A defendant who requests but does not take a course is not entitled to a refund of the reimbursement fee or fine assessed under Subsection (f).

(h) Money [~~Fees~~] collected by a municipal court shall be deposited in the municipal treasury. Money [~~Fees~~] collected by another court shall be deposited in the county treasury of the county in which the court is located.

Art. 45.052. DISMISSAL OF MISDEMEANOR CHARGE ON COMPLETION OF TEEN COURT PROGRAM.

(e) The justice or municipal court may require a person who requests a teen

court program to pay a reimbursement fee not to exceed \$10 that is set by the court to cover the costs of administering this article. Reimbursement fees [~~Fees~~] collected by a municipal court shall be deposited in the municipal treasury. Reimbursement fees [~~Fees~~] collected by a justice court shall be deposited in the county treasury of the county in which the court is located. A person who requests a teen court program and fails to complete the program is not entitled to a refund of the fee.

(g) In addition to the reimbursement fee authorized by Subsection (e) [~~of this article~~], the court may require a child who requests a teen court program to pay a \$10 reimbursement fee to cover the cost to the teen court for performing its duties under this article. The court shall pay the fee to the teen court program, and the teen court program must account to the court for the receipt and disbursal of the fee. A child who pays a fee under this subsection is not entitled to a refund of the fee, regardless of whether the child successfully completes the teen court program.

(i) Notwithstanding Subsection (e) or (g), a justice or municipal court that is located in the Texas-Louisiana border region, as defined by Section 2056.002, Government Code, may charge a reimbursement fee of \$20 under those subsections.

Art. 45.056. JUVENILE CASE MANAGERS.

(d) The [~~Pursuant to Article 102.0174, the~~] court or governing body may pay the salary and benefits of a juvenile case manager and the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager from the local truancy prevention and diversion [~~juvenile case manager~~] fund established

under Section 134.156, Local Government Code.

(h) The commissioners court or governing body of the municipality that administers a local truancy prevention and diversion [juvenile case manager] fund under Section 134.156, Local Government Code, [Article 102.0174] shall require periodic review of juvenile case managers to ensure the implementation of the rules adopted under Subsection (f).

Art. 49.15 INQUEST RECORD.

~~(d) The justice of the peace shall certify a copy of the inquest summary report and deliver the certified copy in a sealed envelope to the clerk of the district court. The clerk of the district court shall retain the summary report subject to an order by the district court.~~

Art. 49.17. EVIDENCE.

A justice of the peace shall preserve all tangible evidence that the justice accumulates in the course of an inquest that tends to show the real cause of death or identify the person who caused the death. The justice shall[:

~~[(1)] deposit the evidence with the appropriate law enforcement agency to be stored in the agency's property room for safekeeping[; or~~

~~[(2)] deliver the evidence to the district clerk for safekeeping subject to the order of the court].~~

Art. 49.25. MEDICAL EXAMINERS

Sec. 1. OFFICE AUTHORIZED. Subject to the provisions of this article [Act], the commissioners court [Commissioners Court] of any county having a population of more than two [one] million [and not having a reputable medical school as defined in Articles 4501 and 4503, Revised Civil Statutes of Texas,] shall establish and maintain the office of medical examiner,

and the commissioners court [Commissioners Court] of any county may establish and provide for the maintenance of the office of medical examiner. Population shall be according to the last preceding federal census.

SUBCHAPTER D. [PARENTAL] RIGHT OF PARENT OF DECEASED PERSON TO VIEW PERSON'S BODY [DECEASED CHILD]

Art. 49.51. DEFINITIONS.

In this subchapter:

~~[(1) "Child" means a person younger than 18 years of age.]~~

(2) "Parent" has the meaning assigned by Section 160.102(11), Family Code.

Art. 49.52. [PARENTAL] RIGHT OF PARENT OF DECEASED PERSON TO VIEW PERSON'S BODY [DECEASED CHILD].

(a) Except as provided by Subsection (b) or (c), a parent of a deceased person [child] is entitled to view the person's [child's] body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body under Subchapter A or B, as applicable. If the person's [child's] death occurred at a hospital or other health care facility, the viewing may be conducted at the hospital or facility.

(b) A parent of a deceased person [child] may not view the person's [child's] body after a justice of the peace or medical examiner described by Subsection (a) assumes control over the body under Subchapter A or B, as applicable, unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(c) A viewing of the body of a deceased person under this article ~~[child]~~ whose death is determined to be subject to an inquest under Article 49.04 or 49.25, as applicable, must be conducted in compliance with the following conditions:

- (1) the viewing must be supervised by:
 - (A) if law enforcement has assumed control over the body at the time of the viewing, an appropriate peace officer or, with the officer's consent, a person described by Paragraph (B); or
 - (B) a physician, registered nurse, or licensed vocational nurse or the justice of the peace or the medical examiner or a person acting on behalf of the justice of the peace or medical examiner;
- (2) a parent of the deceased person ~~[child]~~ may not have contact with the person's ~~[child's]~~ body unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner; and
- (3) a person may not remove a medical device from the deceased person's ~~[child's]~~ body or otherwise alter the condition of the body for purposes of conducting the viewing unless the person first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

Art. 66.252. REPORTING OF INFORMATION BY LOCAL ENTITIES.

(b) The arresting law enforcement agency shall prepare a uniform incident fingerprint card described by Article 66.251 and initiate the reporting process for each offender charged with:

- (1) a felony;

(2) [or] a misdemeanor for which a term of confinement may be imposed; or

(3) a misdemeanor punishable by fine only that involves family violence, as defined by Section 71.004, Family Code [either than a misdemeanor punishable by fine only].

(c) The clerk of the court exercising jurisdiction over a case shall report the disposition of the case to the Department of Public Safety.

(d) Except as provided by Subsection (e) or as otherwise required by applicable state law or rule, information or data required by this chapter to be reported to the Department of Public Safety or the Texas Department of Criminal Justice shall be reported promptly but not later than the 30th day after the date on which the information or data is received by the agency responsible for reporting it.

(e) An offender's arrest shall be reported to the Department of Public Safety not later than the seventh day after the date of the arrest.

(g) On disposition of a case in which an offender is charged with a misdemeanor described by Subsection (b)(3), the clerk of the court exercising jurisdiction over the case shall report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety using a uniform incident fingerprint card described by Article 66.251 or an electronic methodology approved by the Department of Public Safety.

CHAPTER 102. COSTS, FEES, AND FINES PAID BY DEFENDANTS

SUBCHAPTER A. [GENERAL] COSTS; REIMBURSEMENT FEES; FINES

Art. 102.001. REIMBURSEMENT FEES FOR SERVICES OF PEACE OFFICERS.

- (a) Repealed by Acts 1989, 71st Leg., ch. 826, Sec. 2, eff. Sept. 1, 1989.
- (b) A [In addition to fees provided by Subsection (a), a] defendant required to pay reimbursement fees under this article shall [also] pay 15 cents per mile for mileage required of an officer to perform a service listed in this subsection and to return from performing that service. If the service provided is the execution of a writ and the writ is directed to two or more persons or the officer executes more than one writ in a case, the defendant is required to pay only mileage actually and necessarily traveled. In calculating mileage, the officer must use the railroad or the most practical route by private conveyance. This subsection applies to:
- (1) conveying a prisoner after conviction to the county jail;
 - (2) conveying a prisoner arrested on a warrant or capias issued in another county to the court or jail of the county in which the warrant or capias was issued; and
 - (3) traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by this article.
- (f) ~~An officer who receives fees imposed under Subsection (a)(1) of this section in a municipal court shall keep separate records of the funds collected and shall deposit the funds in the municipal treasury. The officer collecting the fees under Subsection (a)(1) or (a)(2) of this article in a justice, county, or district court shall keep separate records of the funds~~

~~collected and shall deposit the funds in the county treasury.~~

- (h) ~~The custodian of a municipal or county treasury who receives fees under Subsection (a)(1) of this article for services performed by peace officers employed by the state shall remit all fees to the comptroller of public accounts in the manner directed by the comptroller. The custodian of a county treasury who receives fees under Subsection (a)(2) of this article for services performed by peace officers employed by the state may retain \$2 of the fee for the county and shall forward the remainder to the comptroller in the manner directed by the comptroller. All custodians of municipal and county treasuries who receive fees under Subsection (a)(1) or (a)(2) of this article shall keep records of the amount of funds collected that are on deposit with them and, not later than the last day of the month following each calendar quarter, shall remit to the comptroller funds collected under Subsection (a)(1) or (a)(2) of this article during the preceding quarter in a manner directed by the comptroller. The municipality or county may retain all interest earned on those funds. The comptroller shall credit funds received under this subsection to the General Revenue Fund.~~

Art. 102.004. JURY FEE.

- (a) ~~A defendant convicted by a jury in a trial before a justice or municipal court shall pay a jury fee of \$3. A defendant in a justice or municipal court who requests a trial by jury and who withdraws the request not earlier than 24 hours before the time of trial shall pay a jury fee of \$3, if the defendant is convicted of the offense or final disposition of the defendant's case is deferred. A defendant convicted by a jury in a county court, a county court at law, or a district court shall pay a jury fee of \$40.~~

~~(b) If two or more defendants are tried jointly in a justice or municipal court, only one jury fee of \$3 may be imposed under this article. If the defendants sever and are tried separately, each defendant convicted shall pay a jury fee.~~

~~(c) In this article, "conviction" has the meaning assigned by Section 133.101, Local Government Code.~~

~~**Art. 102.0045. FEE FOR JURY REIMBURSEMENT TO COUNTIES.**~~

~~(a) A person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to all other costs, a fee of \$4 to be used to reimburse counties for the cost of juror services as provided by Section 61.0015, Government Code.~~

~~(b) The clerk of the court shall remit the fees collected under this article to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit the fees in the jury service fund.~~

~~(c) The jury service fund is created in the state treasury. If, at any time, the unexpended balance of the jury service fund exceeds \$10 million, the comptroller shall transfer the amount in excess of \$10 million to the fair defense account.~~

~~(d) Fees deposited in the jury service fund under this article are exempt from the application of Section 403.095, Government Code.~~

~~**Art. 102.0071. JUSTICE COURT DISHONORED CHECK OR SIMILAR SIGHT ORDER.**~~

~~On conviction in justice court of an offense under Section 32.41, Penal Code, or an offense under Section 31.03, 31.04, or 32.21, Penal Code, in which it is shown that the defendant committed the offense by issuing, passing, or forging a check or similar sight order, as defined by Section~~

~~1.07, Penal Code, that was subsequently dishonored, the court may collect from the defendant and pay to the holder of the check or order the fee permitted by Section 3.506, Business & Commerce Code.~~

Art. 102.008. FEES FOR SERVICES OF PROSECUTORS.

~~(a) Except as provided by Subsection (b), a defendant convicted of a misdemeanor or a gambling offense shall pay a fee of \$25 for the trying of the case by the district or county attorney. If the court appoints an attorney to represent the state in the absence of the district or county attorney, the appointed attorney is entitled to the fee otherwise due.~~

~~(b) No fee for the trying of a case may be charged against a defendant prosecuted in a justice court for violation of a penal statute or of the Uniform Act Regulating Traffic on Highways.~~

~~(c) If two or more defendants are tried jointly, only one fee may be charged under this article. If the defendants sever and are tried separately, each defendant shall pay the fee.~~

~~(d) A defendant is liable for fees imposed by Subsection (a) if the defendant is convicted of an offense and:~~

~~(1) the defendant does not appeal the conviction; or~~

~~(2) the conviction is affirmed on appeal.~~

Art. 102.011. REIMBURSEMENT FEES FOR SERVICES OF PEACE OFFICERS.

(a) A defendant convicted of a felony or a misdemeanor shall pay the following reimbursement fees for services performed in the case by a peace officer:

(1) \$5 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law of this state, or for making an arrest without a warrant;

- (2) \$50 for executing or processing an issued arrest warrant, *capias*, or *capias pro fine*, with the fee imposed for the services of:
- (A) the law enforcement agency that executed the arrest warrant or *capias*, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant or *capias*, the imposition of the fee on conviction; or
 - (B) the law enforcement agency that processed the arrest warrant or *capias*, if:
 - (i) the arrest warrant or *capias* was not executed; or
 - (ii) the executing law enforcement agency failed to request the fee within the period required by Paragraph (A) ~~[of this subdivision]~~;
- (3) \$5 for summoning a witness;
- (4) \$35 for serving a writ not otherwise listed in this article;
- (5) \$10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;
- (6) \$5 for commitment or release;
- (7) \$5 for summoning a jury, if a jury is summoned; and
- (8) \$8 for each day's attendance of a prisoner in a habeas corpus case if the prisoner has been remanded to custody or held to bail.
- (b) In addition to the reimbursement fees provided by Subsection (a) ~~[of this article]~~, a defendant required to pay reimbursement fees under this article shall also pay 29 cents per mile for mileage required of an officer to perform a service listed in this subsection and to return from performing that service. If the service provided is the execution of a writ and the writ is directed to two or more persons or the officer executes more than one writ in a case, the defendant is required to pay only mileage actually and necessarily traveled. In calculating mileage, the officer must use the railroad or the most practical route by private conveyance. The defendant shall also pay all necessary and reasonable expenses for meals and lodging incurred by the officer in the performance of services under this subsection, to the extent such expenses meet the requirements of Section 611.001, Government Code. This subsection applies to:
- (1) conveying a prisoner after conviction to the county jail;
 - (2) conveying a prisoner arrested on a warrant or *capias* issued in another county to the court or jail of the county; and
 - (3) traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by this article.
- (c) If an officer attaches a witness on the order of a court outside the county, the defendant shall pay a reimbursement fee of \$10 per day or part of a day spent by the officer conveying the witness and actual necessary expenses for travel by the most practical public conveyance. In order to receive expenses under this subsection, the officer must make a sworn statement of the expenses and the judge issuing the attachment must approve the statement.
- (d) A defendant shall pay for the services of a sheriff or constable who serves process and attends an examining trial in a felony or a misdemeanor case the same reimbursement fees allowed for those services in the trial of a felony or a misdemeanor, not to exceed \$5.
- (e) A reimbursement fee under Subsection (a)(1) or (2) ~~[(a)(2) of this article]~~ shall be assessed on conviction, regardless of whether the defendant was also arrested at the same time for another offense, and shall be assessed for each arrest made of a defendant

arising out of the offense for which the defendant has been convicted.

- (i) In addition to reimbursement fees provided by Subsections (a) through (e) [~~(g) of this article~~], a defendant required to pay reimbursement fees under this article shall also pay the costs of overtime paid to a peace officer for time spent testifying in the trial of the case or for traveling to or from testifying in the trial of the case.

Art. 102.012. REIMBURSEMENT FEES FOR PRETRIAL INTERVENTION PROGRAMS.

- (a) A court that authorizes a defendant to participate in a pretrial intervention program established under Section 76.011, Government Code, may order the defendant to pay to the court a supervision reimbursement fee in an amount not more than \$60 per month as a condition of participating in the program.
- (b) In addition to or in lieu of the supervision reimbursement fee authorized by Subsection (a), the court may order the defendant to pay or reimburse a community supervision and corrections department for any other expense that is:
- (1) incurred as a result of the defendant's participation in the pretrial intervention program, other than an expense described by Article 102.0121; or
 - (2) necessary to the defendant's successful completion of the program.

Art. 102.014. FINES [COURT COSTS] FOR CHILD SAFETY FUND IN MUNICIPALITIES.

- (c) A person convicted of an offense under Subtitle C, Title 7, Transportation Code, when the offense occurs within a school crossing zone as defined by Section 541.302 of that code, shall pay a fine of

~~[as court costs] \$25 [in addition to other taxable court costs].~~ A person convicted of an offense under Section 545.066, Transportation Code, shall pay a fine of ~~[as court costs] \$25~~ in addition to other taxable court costs. A fine ~~[The additional court costs]~~ under this subsection ~~[shall be collected in the same manner that other fines and taxable court costs in the case are collected and]~~ shall be assessed only in a municipality.

- (d) A person convicted of an offense under Section 25.093, Education Code, shall pay a fine of ~~[as taxable court costs] \$20 [in addition to other taxable court costs. The additional court costs under this subsection shall be collected in the same manner that other fines and taxable court costs in the case are collected].~~
- (h) Money collected under this article in a justice, county, or district court shall be used to fund school crossing guard programs in the county where they are collected. If the county does not operate a school crossing guard program, the county may:
- (1) remit fine ~~[fee]~~ revenues to school districts in its jurisdiction for the purpose of providing school crossing guard services;
 - (2) fund programs the county is authorized by law to provide which are designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention;
 - (3) provide funding to the sheriff's department for school-related activities;
 - (4) provide funding to the county juvenile probation department; or
 - (5) deposit the money in the general fund of the county.

Art. 102.015. COURT COSTS: TRUANCY PREVENTION AND DIVERSION FUND. (Renamed and renumbered as Local Government Code Sec. 133.125.)

Art. 102.017. [~~COURT COSTS;~~ COURTHOUSE SECURITY FUND; MUNICIPAL COURT BUILDING SECURITY FUND; JUSTICE COURT BUILDING SECURITY FUND.]

(a) ~~The [A defendant convicted of a felony offense in a district court shall pay a \$5 security fee as a cost of court.~~

~~[(b) A defendant convicted of a misdemeanor offense in a county court, county court at law, or district court shall pay a \$3 security fee as a cost of court. A defendant convicted of a misdemeanor offense in a justice court shall pay a \$4 security fee as a cost of court. The governing body of a municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a \$3 security fee as a cost of court.~~

~~[(c) In this article, a person is considered convicted if:~~

~~[(1) a sentence is imposed on the person;~~

~~[(2) the person receives community supervision, including deferred adjudication; or~~

~~[(3) the court defers final disposition of the person's case.~~

~~[(d) Except as provided by Subsection (d-2), the clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer, as appropriate, for deposit in a fund to be known as the] courthouse security fund is a fund in the county treasury, and [or a fund to be known as] the municipal court building security fund~~

is a fund in the municipal treasury. The funds consist of money allocated to the funds under Sections 134.101, 134.102, and 134.103, Local Government Code[, as appropriate].

(b) Money deposited in a courthouse security fund may be used only for security personnel, services, and items related to buildings that house the operations of district, county, or justice courts, and money deposited in a municipal court building security fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts. For purposes of this subsection, operations of a district, county, or justice court include the activities of associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery appointed under:

(1) Section 61.311, Alcoholic Beverage Code;

(2) Section 51.04(g) or Chapter 201, Family Code;

(3) Section 574.0085, Health and Safety Code;

(4) Section 33.71, Tax Code;

(5) Chapter 54A, Government Code; or

(6) Rule 171, Texas Rules of Civil Procedure.

(c) [(d-1)] For purposes of this article, the term "security personnel, services, and items" includes:

(1) the purchase or repair of X-ray machines and conveying systems;

(2) handheld metal detectors;

(3) walkthrough metal detectors;

(4) identification cards and systems;

(5) electronic locking and surveillance equipment;

(6) video teleconferencing systems;

(7) bailiffs, deputy sheriffs, deputy constables, or contract security

personnel during times when they are providing appropriate security services;

- (8) signage;
- (9) confiscated weapon inventory and tracking systems;
- (10) locks, chains, alarms, or similar security devices;
- (11) the purchase or repair of bullet-proof glass;
- (12) continuing education on security issues for court personnel and security personnel; and
- (13) warrant officers and related equipment.

(d) ~~[(d-2)(4)]~~ This subsection applies only to a justice court located in a county in which one or more justice courts are located in a building that is not the county courthouse.

~~[(2)]~~ The county treasurer shall deposit one-fourth of the money allocated to the courthouse security fund under Section 134.103, Local Government Code, in ~~[cost of court collected under Subsection (b) in a justice court described by Subdivision (1) into]~~ a fund to be known as the justice court building security fund. A fund designated by this subsection may be used only for the purpose of providing security personnel, services, and items for a justice court located in a building that is not the county courthouse.

(e) The courthouse security fund and the justice court building security fund shall be administered by or under the direction of the commissioners court. The municipal court building security fund shall be administered by or under the direction of the governing body of the municipality.

(f) The sheriff, constable, or other law enforcement agency or entity that provides security for a court shall provide to the Office of Court Administration of the Texas Judicial System a written report regarding any security incident

involving court security that occurs in or around a building housing a court for which the sheriff, constable, agency, or entity provides security not later than the third business day after the date the incident occurred. A copy of the report must be provided to the presiding judge of the court in which the incident occurred. The report is confidential and exempt from disclosure under Chapter 552, Government Code.

Art. 102.0173. COURT COSTS; JUSTICE COURT ASSISTANCE AND TECHNOLOGY FUND. (Effective 9-1-19 through 12-31-19)

(a) The commissioners court of a county by order shall create a justice court assistance and technology fund. A defendant convicted of a misdemeanor offense in justice court shall pay a \$4 justice court assistance and technology fee as a cost of court for deposit in the fund.

(c) The justice court clerk shall collect the costs and pay the funds to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the justice court assistance and technology fund.

(d) A fund designated by this article may be used only to finance:

(1) the cost of providing court personnel, including salaries and benefits for the court personnel;

(2) the cost of continuing education and training for justice court judges and court personnel ~~[clerks regarding technological enhancements for justice courts];~~ and

(3) ~~[(2)]~~ the purchase and maintenance of technological enhancements for a justice court, including:

- (A) computer systems;
- (B) computer networks;
- (C) computer hardware;
- (D) computer software;

- (E) imaging systems;
 - (F) electronic kiosks;
 - (G) electronic ticket writers; and
 - (H) docket management systems.
- (e) The justice court assistance and technology fund shall be administered by or under the direction of the commissioners court of the county.
- (f) A justice court may, subject to the approval of the commissioners court, use a fund designated by this article to assist a constable's office or other county department with a technological enhancement, or cost related to the enhancement, described by Subsection (d)(3) ~~[(d)(1) or (2)]~~ if the enhancement directly relates to the operation or efficiency of the justice court. ~~[This subsection applies only to a county that:~~
- ~~[(1) has a population of 125,000 or more;~~
 - ~~[(2) is not adjacent to a county of two million or more;~~
 - ~~[(3) contains a portion of the Guadalupe River; and~~
 - ~~[(4) contains a portion of Interstate Highway 10.]~~

**Art. 102.0173. ~~[COURT COSTS;]~~
JUSTICE COURT TECHNOLOGY
FUND. (Effective 1-1-20)**

- (a) The ~~[commissioners court of a county by order shall create a]~~ justice court technology fund is a fund in the county treasury. The fund consists of money allocated to the fund under Section 134.103, Local Government Code. ~~[A defendant convicted of a misdemeanor offense in justice court shall pay a \$4 justice court technology fee as a cost of court for deposit in the fund.]~~
- (b) Money in the justice court technology ~~[In this article, a person is considered convicted if:~~
- ~~[(1) a sentence is imposed on the person;~~
 - or
 - ~~[(2) the court defers final disposition of the person's case.~~
- (c) The justice court clerk shall collect the costs and pay the funds to the county

- ~~treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the justice court technology fund.~~
- ~~[(d) A] fund ~~[designated by this article]~~ may be used only to finance:~~
- (1) the cost of providing court personnel, including salaries and benefits for the court personnel;
 - (2) the cost of continuing education and training for justice court judges and court personnel ~~[clerks regarding technological enhancements for justice courts]; and~~
 - (3) ~~[(2)]~~ the purchase and maintenance of technological enhancements for a justice court, including:
 - (A) computer systems;
 - (B) computer networks;
 - (C) computer hardware;
 - (D) computer software;
 - (E) imaging systems;
 - (F) electronic kiosks;
 - (G) electronic ticket writers; and
 - (H) docket management systems.
- (c) ~~[(e)]~~ The justice court technology fund shall be administered by or under the direction of the commissioners court of the county.
- (d) ~~[(f)]~~ A justice court may, subject to the approval of the commissioners court, use a fund designated by this article to assist a constable's office or other county department with a technological enhancement, or cost related to the enhancement, described by Subsection (b)(3) ~~[(d)(1) or (2)]~~ if the enhancement directly relates to the operation or efficiency of the justice court. ~~This subsection applies only to a county that:~~
- ~~(1) has a population of 125,000 or more;~~
 - ~~(2) is not adjacent to a county of two million or more;~~
 - ~~(3) contains a portion of the Guadalupe River; and~~
 - ~~(4) contains a portion of Interstate Highway 10.~~

Art. 102.0174. COURT COSTS; JUVENILE CASE MANAGER FUND.

- ~~(a) In this article, "fund" means a juvenile case manager fund.~~
- ~~(b) The governing body of a municipality by ordinance may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a municipal court to pay a juvenile case manager fee not to exceed \$5 as a cost of court if the municipality employs a juvenile case manager. A municipality that does not employ a juvenile case manager may not collect a fee under this subsection.~~
- ~~(c) The commissioners court of a county by order may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a justice court, county court, or county court at law to pay a juvenile case manager fee not to exceed \$5 as a cost of court if the court employs a juvenile case manager. A justice court, county court, or county court at law that does not employ a juvenile case manager may not collect a fee under this subsection.~~
- ~~(d) The ordinance or order must authorize the judge or justice to waive the fee required by Subsection (b) or (c) in a case of financial hardship.~~
- ~~(e) In this article, a defendant is considered convicted if:
 - ~~(1) a sentence is imposed on the defendant;~~
 - ~~(2) the defendant receives deferred disposition, including deferred proceedings under Article 45.052 or 45.053; or~~
 - ~~(3) the defendant receives deferred adjudication in county court.~~~~
- ~~(f) The clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as applicable, or to any other official who discharges the duties commonly~~

~~delegated to the county or municipal treasurer for deposit in the fund.~~

- ~~(g) A fund created under this section may be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056. If there is money in the fund after those costs are paid, on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court. The fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.~~
- ~~(h) A fund must be administered by or under the direction of the commissioners court or under the direction of the governing body of the municipality.~~

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE.

- ~~(a) In this article, "moving violation" means an offense that:
 - ~~(1) involves the operation of a motor vehicle; and~~
 - ~~(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.~~~~
- ~~(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.~~
- ~~(c) In this article, a person is considered convicted if:
 - ~~(1) a sentence is imposed on the person;~~~~

- ~~(2) the person receives community supervision, including deferred adjudication; or~~
- ~~(3) the court defers final disposition of the person's case.~~
- ~~(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.~~
- ~~(e) The custodian of a county or municipal treasury shall:
 - ~~(1) keep records of the amount of funds on deposit collected under this article; and~~
 - ~~(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.~~~~
- ~~(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).~~
- ~~(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.~~
- ~~(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Texas Commission on Law Enforcement to implement duties under Section 1701.162, Occupations Code.~~
- ~~(i) Funds collected under this article are subject to audit by the comptroller.~~

Art. 102.030. TIME PAYMENT REIMBURSEMENT FEE. (Renumbered from Local Government Code Sec. 133.103)

- (a) A person convicted of an offense shall pay~~[, in addition to all other costs,]~~ a reimbursement fee of \$15 ~~[\$25]~~ if the person:
 - (1) has been convicted of a felony or misdemeanor; and
 - (2) pays any part of a fine, court costs, or restitution, or another reimbursement fee, on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, ~~[or]~~ restitution, or other reimbursement fee.
- (b) ~~The~~ ~~[Except as provided by Subsection (c-1), the~~ treasurer shall send 50 percent of the fees collected under this section to the comptroller. ~~The~~ comptroller shall deposit the fees received to the credit of the general revenue fund.
- ~~[(c) Except as provided by Subsection (c-1), the]~~ treasurer shall deposit ~~[10 percent of]~~ the reimbursement fees collected under this section in a separate account in the general fund of the county or municipality to be used for the purpose of improving the collection of outstanding court costs, fines, reimbursement fees, or restitution or improving the efficiency of the administration of justice in the county or municipality. The county or municipality shall prioritize the needs of the judicial officer who collected the fees when making expenditures under this subsection and use the money deposited to provide for those needs.
- ~~[(c-1) The~~ treasurer shall send to the comptroller 100 percent of the fees collected under this section if, during an audit under Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure,

~~and is unable to reestablish compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from the office. After any period in which the treasurer is required under this subsection to send 100 percent of the fees collected under this section to the comptroller, the municipality or county shall begin once more to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.~~

~~[(d) The treasurer shall deposit the remainder of the fees collected under this section in the general revenue account of the county or municipality.]~~

Art. 103.003. COLLECTION.

- (a) District and county attorneys, clerks of district and county courts, sheriffs, constables, and justices of the peace may collect money payable under this title.
- (b) A community supervision and corrections department and a county treasurer may collect money payable under this title with the written approval of the clerk of the court or fee officer, and may collect money payable as otherwise provided by law.
- ~~(b-1) The commissioners court of a county that has implemented a collection improvement program under Article 103.0033 may collect money payable under this title or under other law.~~
- (c) This article does not limit the authority of a commissioners court to contract with a private vendor or private attorney for the provision of collection services under Article 103.0031.

~~**Art. 103.0033. COLLECTION IMPROVEMENT PROGRAM.**~~

~~(a) In this article:~~

~~(1) "Eligible case" means a criminal case in which the judgment has been entered by a trial court. The term does not include a criminal case in which a defendant has been placed on deferred disposition or has elected to take a driving safety course.~~

~~(2) "Office" means the Office of Court Administration of the Texas Judicial System.~~

~~(3) "Program" means the program to improve the collection of court costs, fees, and fines imposed in criminal cases, as developed and implemented under this article.~~

~~(b) This article applies only to a county or municipality with a population of 100,000 or greater.~~

~~(c) Unless granted a waiver under Subsection (h)(2) or (h-1), each county and municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h)(1). A county program must include district, county, and justice courts.~~

~~(d) The program must consist of:~~

~~(1) a component that conforms with a model developed by the office and designed to improve in-house collections for eligible cases through the application of best practices; and~~

~~(2) a component designed to improve the collection of balances for eligible cases more than 60 days past due, which may be implemented by entering into a contract with a private attorney or public or private vendor in accordance with Article 103.0031.~~

~~(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:~~

~~(1) have not implemented a program; and~~

~~(2) are able to implement a program before April 1 of the following year.~~

~~(f) The office shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.~~

~~(g) The office shall:~~

~~(1) make available on the office's Internet website requirements for a program; and~~

~~(2) assist counties and municipalities in implementing a program by providing training and consultation, except that the office may not provide employees for implementation of a program.~~

~~(h) The office may:~~

~~(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and~~

~~(2) determine whether it is not cost-effective to implement a program in a county or municipality and grant a waiver to the county or municipality.~~

~~(h-1) The office shall grant a waiver to a county that:~~

~~(1) contains within its borders a correctional facility operated by or under contract with the Texas Department of Criminal Justice; and~~

~~(2) has a population of 50,000 or more only because the inmate population of all correctional facilities described by Subdivision (1) is included in that population.~~

~~(i) Each county and municipality shall at least annually submit to the office a written report that includes updated information regarding the program, as determined by the office. The report must be in a form approved by the office.~~

~~(j) The office shall periodically audit counties and municipalities to verify information reported under Subsection (i) and confirm that the county or municipality is conforming with requirements relating to the program.~~

Art. 103.0081. UNCOLLECTIBLE FEES.

(a) Any officer authorized by this chapter to collect a fee or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole; or

(3) the fee has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fee or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

~~(c) This article applies only to a county with a population of more than 780,000 but less than 790,000~~

EDUCATION CODE

Section	Bill Modifying
25.085	HB 3
25.086	SB 668
37.0812	HB 2195
48.0051	HB 3
1001.112	HB 2048

EDUCATION CODE

Sec. 25.085. COMPULSORY SCHOOL ATTENDANCE.

- (a) A child who is required to attend school under this section shall attend school each school day for the entire period the program of instruction is provided.
- (i) Notwithstanding any other provision of this section, a student enrolled in a school district is not required to attend school for any additional instructional days described by Section 48.0051.

Sec. 25.086. EXEMPTIONS.

- (a) A child is exempt from the requirements of compulsory school attendance if the child:
 - (5) is at least 17 years of age and:
 - (A) is attending a course of instruction to prepare for the high school equivalency examination, and:
 - (i) has the permission of the child's parent or guardian to attend the course;
 - (ii) is required by court order to attend the course;
 - (iii) has established a residence separate and apart from the child's parent, guardian, or other person having lawful control of the child; or
 - (iv) is homeless [~~as defined by 42 U.S.C. Section 11302~~]; or
 - (B) has received a high school diploma or high school equivalency certificate;

Sec. 37.0812. TRAINING POLICY: SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS.

- (a) A school district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement.
- (b) A school district with an enrollment of 30,000 or more students that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Section 1701.263, Occupations Code.

Sec. 48.0051. INCENTIVE FOR ADDITIONAL INSTRUCTIONAL DAYS.

- (a) Subject to Subsection (a-1), the commissioner shall adjust the average daily attendance of a school district or open-enrollment charter school under Section 48.005 in the manner provided by Subsection (b) if the district or school:
 - (1) provides the minimum number of minutes of operational and instructional time required under Section 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and
 - (2) offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION.

- (a-2) The rules must provide [and] that the person conducting the course:
 - (1) possess a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

- (2) has not been convicted of:
 - (A) criminally negligent homicide; or
 - (B) driving while intoxicated in the past seven years; and
- (3) has not been convicted during the preceding three years of:
 - (A) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident;
or
 - (B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident [~~does not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code, at the time the person begins conducting the course~~]

ELECTION CODE

Section	Bill Modifying
1.005	HB 2910
2.002	HB 88
4.003	HB 933
4.008	HB 933
13.0021	HB 2910
13.004	HB 2910
15.0215	HB 2910
15.081	HB 2910
18.005	HB 2910
18.066	HB 2910
31.016	HB 933
31.125	HB 933
32.114	HB 933
42.035	HB 933
52.031	HB 2075
52.075	HB 88
52.094	HB 88
66.059	HB 933
67.012	HB 933
85.007	HB 933
85.067	HB 933
87.027	HB 933
121.003	HB 88
129.023	HB 933

Section	Bill Modifying
141.001	HB 831
181.006	HB 933
203.012	HB 933
254.0313	SB 489
255.001	HB 2554
259.001 <i>renumbered from 255.007</i>	HB 2554
259.002 <i>renumbered from Property Code Sec. 202.009</i>	HB 2554
259.003 <i>renumbered from Local Government Code Sec. 216.903</i>	HB 2554
274.002	HB 933

ELECTION CODE

Sec. 1.005. DEFINITIONS. In this code:

(18-a) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter;

(C) a magistrate or associate judge appointed under Chapter 54 or 54A, Government Code;

(D) a justice of the peace; or

(E) a municipal court judge.

Sec. 2.002. TIE VOTE.

(a) Except as provided by Subsection (f), (g), or (i), in an election requiring a plurality vote, if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held.

(d) The order of the candidates' names on the ballot shall be the relative order of names on the original ballot ~~[determined by a drawing in accordance with Section 52.094].~~

Sec. 4.003. METHOD OF GIVING NOTICE.

(b) In addition to any other notice given for an election under Subsection (a), not later than the 21st day before election day, a county ~~[the authority responsible for giving notice of the election]~~ shall post a copy of a ~~[the]~~ notice of the election given by the county or provided to the county under Section 4.008(a), which

must include the location of each polling place, on the county's Internet website, if the county maintains a website. An authority responsible for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. For each precinct that is combined to form a consolidated precinct under Section 42.008, not later than the 10th day before election day, the authority shall also post, at the polling place used in the preceding general election, notice of the precinct's consolidation and the location of the polling place in the consolidated precinct. A notice posted under this subsection must remain posted continuously through election day.

Sec. 4.008. NOTICE TO COUNTY CLERK.

(a) Except as provided by Subsection (b), the governing body of a political subdivision, other than a county, that orders an election shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. The county clerk shall post notice of the election, including the location of each polling place, on the county's Internet website, if the county maintains a website, as provided by Section 4.003(b).

Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES.

(a) In this section:

(1) "Federal judge" means:

- (A) ~~a judge, former judge, or retired judge of a United States court of appeals;~~
- (B) ~~a judge, former judge, or retired judge of a United States district court;~~
- (C) ~~a judge, former judge, or retired judge of a United States bankruptcy court; or~~
- (D) ~~a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court.~~

(2) "State judge" means:

- (A) ~~a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, a county court at law, or a statutory probate court of this state;~~
- (B) ~~an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter;~~
- (C) ~~a magistrate or associate judge appointed under Chapter 54 or 54A, Government Code;~~
- (D) ~~a justice of the peace; or~~
- (E) ~~a municipal court judge.~~

Sec. 13.004. RECORDING AND DISCLOSURE OF CERTAIN INFORMATION BY REGISTRAR.

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1) a social security number;

(2) a Texas driver's license number;

(3) a number of a personal identification card issued by the Department of Public Safety;

(4) an indication that an applicant is interested in working as an election judge;

(5) the residence address of the applicant, if the applicant is a federal judge or state judge~~], as defined by Section 13.0021~~, the spouse of a federal judge or state judge, or an individual to whom Section 552.1175, Government Code, or Section 521.1211, Transportation Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, [including an affidavit under Section 13.0021] if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B) provided the registrar with an affidavit describing the applicant's status under this subdivision, [including an affidavit under Section 15.0215] if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C) provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(6) the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004, Family Code, who provided the registrar with:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency

protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence;

(7) the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A) a copy of a protective order issued under Chapter 7A or Article 6.09, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons; [or]

(8) the residence address of the applicant, if the applicant:

(A) is a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure; and

(B) provided the registrar with proof of certification under Article 56.84, Code of Criminal Procedure; or

(9) the telephone number of any applicant submitting documentation under Subdivision (5), (6), (7), or (8).

(d) The voter registrar or other county official who has access to the information furnished on a registration application

may not post the following information on a website:

(1) a telephone number;

(2) a social security number;

(3) a driver's license number or a number of a personal identification card;

(4) a date of birth; or

(5) the residence address of a voter who submits documentation under Subsection (c)(5), (6), (7), or (8) to the voter registrar ~~[is a federal judge or state judge, as defined by Section 13.0021, or the spouse of a federal judge or state judge, if the voter included an affidavit with the application under Section 13.0021] or regarding whom the registrar has received notification~~ ~~[an affidavit submitted]~~ under Section 15.0215.

(e) Documentation submitted under Subsection (c)(5), (6), (7), or (8) shall be retained on file with the voter registration application.

Sec. 15.0215. OMISSION OF ADDRESS FOR FEDERAL JUDGE OR STATE JUDGE AND SPOUSE.

~~(a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.~~

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of the person's qualification for office as a federal judge or state judge and of the name of the judge's spouse, if applicable, the registrar of the county in which the judge resides shall:

(1) omit from the registration list the residence address of the judge and the spouse of the judge; and

(2) prepare a memorandum of the notice, indicating the substance and date of the notification, and retain the

memorandum on file with the application.

Sec. 15.081. SUSPENSE LIST.

(a) The registrar shall maintain a suspense list containing the name of each voter:

- (1) who fails to submit a response to the registrar in accordance with Section 15.053;
- (2) whose renewal certificate is returned to the registrar in accordance with Subchapter B, Chapter 14; or
- (3) who appears on the list of nonresidents of the county provided to the registrar under Section 62.114, Government Code.

(b) The list shall be arranged alphabetically by voter name and for each voter must contain the voter's name, residence address, date of birth, registration number, and date the name is entered on the list. The names shall be grouped according to county election precincts.

(c) The secretary of state may prescribe an alternative form or procedure for maintaining the list.

(d) Notwithstanding Subsection (b), the suspense list may not contain the residence address of a voter whose residence address is confidential under Section 13.004 ~~[who is a federal judge, a state judge, or the spouse of a federal judge or state judge, if the voter included an affidavit with the voter's registration application under Section 13.0021 or the registrar received an affidavit submitted under Section 15.0215 before the list was prepared. In this subsection, "federal judge" and "state judge" have the meanings assigned by Section 13.0021].~~

Sec. 18.005. FORM AND CONTENTS OF LIST.

(a) Each original and supplemental list of registered voters must:

(1) contain the voter's name, date of birth, and registration number as provided by the statewide computerized voter registration list;

(2) contain the voter's residence address, except as provided by Subsections (b) and (c) or Section 18.0051;

(3) be arranged alphabetically by voter name; and

(4) contain the notation required by Section 15.111.

(b) If the voter's residence has no address, the list must contain a concise description of the location of the voter's residence.

(c) The original or supplemental list of registered voters may not contain the residence address of a voter whose residence address is confidential under Section 13.004 ~~[who is a federal judge, a state judge, or the spouse of a federal judge or state judge, if the voter included an affidavit with the voter's registration application under Section 13.0021 or the registrar received an affidavit submitted under Section 15.0215 before the list was prepared. In this subsection, "federal judge" and "state judge" have the meanings assigned by Section 13.0021].~~

Sec. 18.066. AVAILABILITY OF STATEWIDE COMPUTERIZED VOTER REGISTRATION LIST INFORMATION.

(a) The secretary of state shall furnish information in the statewide computerized voter registration list to any person on request not later than the 15th day after the date the request is received.

(b) Information furnished under this section may not include:

(1) a voter's social security number; or

(2) the residence address of a voter whose residence address is confidential under Section 13.004 ~~[who is a federal judge or state judge, as~~

~~defined by Section 13.0021, or the spouse of a federal judge or state judge, if the voter included an affidavit with the voter's registration application under Section 13.0021 or the applicable registrar has received an affidavit submitted under Section 15.0215].~~

Sec. 31.016. VOTING INFORMATION ON SECRETARY OF STATE'S WEBSITE.

(a) The secretary of state shall prescribe procedures requiring the county officer responsible for administering elections to submit contact information of the county election office to the secretary of state for inclusion on the secretary of state's Internet website, including:

- (1) the street address and zip code;
- (2) the mailing address if different from the address provided in Subdivision (1);
- (3) telephone number;
- (4) facsimile number; and
- (5) e-mail address.

(b) The secretary of state shall prescribe procedures requiring each entity designating the location of a polling place, including an early voting polling place, to submit information on the location to the secretary of state for inclusion on the secretary of state's Internet website.

(c) For each polling place the information submitted must include:

- (1) the name of the building in which the polling place is located, if available;
- (2) the street address and zip code of the polling place; and
- (3) the days and hours of voting at each location.

(d) The polling information under Subsection (c) shall be posted on the secretary of state's Internet website in a downloadable format.

(e) The secretary of state:

- (1) may solicit and accept gifts, grants, and donations from any public or private source for the creation and maintenance of the Internet website; and
- (2) shall adopt rules as necessary to implement this section.

Sec. 31.125. COUNTY WEBSITE.

(a) The county officer responsible for administering elections shall post on the county's Internet website contact information for the county election office including:

- (1) the street address and zip code;
- (2) the mailing address if different from the address provided in Subdivision (1);
- (3) telephone number;
- (4) facsimile number; and
- (5) e-mail address.

(b) For each polling place located in the county, the county shall post on the county's Internet website:

- (1) the name of the building in which the polling place is located, if available;
- (2) the street address and zip code of the polling place; and
- (3) the days and hours of voting at each location.

(c) This section applies only to a county that maintains an Internet website.

Sec. 32.114. PUBLIC COUNTY TRAINING PROGRAM.

(c) The county clerk shall:

- (1) post a notice of the time and place of each session on the county's Internet website, if the county maintains an Internet website, and may post the notice on the bulletin board used for posting notice of meetings of the commissioners court and shall include

on the notice a statement that the program is open to the public;

(1-a) post notice of the time and place of each session on the bulletin board used for posting notice of meetings of the commissioners court, if the county does not maintain an Internet website, and shall include on the notice a statement that the program is open to the public;

(2) notify each presiding judge appointed by the commissioners court of the time and place of each session and of the duty of each election judge to complete the training program;

(3) notify the county chair of each political party in the county of the time and place of each session; and

(4) notify the voter registrar of the date, hour, and place of each session.

Sec. 42.035. PUBLIC NOTICE.

(a) Beginning with the first week following the week in which an order changing a county election precinct boundary is adopted, the commissioners court shall publish notice of the change:

(1) in a newspaper in the county once a week for three consecutive weeks; and

(2) on the county's Internet website, if the county maintains an Internet website, for three consecutive weeks.

Sec. 52.031. FORM OF NAME ON BALLOT

(a) A candidate's name shall be printed on the ballot with the given name or initials first, followed by a nickname, if any, followed by the surname, in accordance with this section.

(a-1) A person may use any surname acquired by law or marriage.

Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING SYSTEMS.

(a) The secretary of state may prescribe the form and content of a ballot for an election using a voting system, including an electronic voting system or a voting system that uses direct recording electronic voting machines or ballot marking devices, to conform to the formatting requirements of the system.

(b) In this section, "ballot marking device," "direct recording electronic voting machine," "electronic voting system," and "voting system" have the meanings assigned by Section 121.003.

Sec. 52.094. NAMES OF CANDIDATES.

(a) Except as otherwise provided by law, for an election at which the names of more than one candidate for the same office are to appear on the ballot in an independent column or are to appear on a general or special election ballot that does not contain a party nominee, the order of the candidates' names shall be determined by a drawing. The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot.

(b) The authority responsible for having the official ballot prepared for the election shall conduct the drawing.

(c) The authority conducting the drawing shall post in the authority's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing~~], except that for a runoff election or an election held to resolve a tie vote, the notice must remain posted for 24 hours immediately preceding the scheduled time of the drawing].~~

**Sec. 66.059. RETRIEVING
ERRONEOUSLY PLACED ELECTION
RECORDS.**

(b) If the political subdivision holding the election is not a county or is a county that does not maintain an Internet website, the [The] district judge shall post a notice of the date, hour, and place for opening the box on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the general custodian of election records. The notice must remain posted continuously for the 24 hours immediately preceding the hour set for opening the box.

(b-1) If the political subdivision holding the election is a county that maintains an Internet website, the district judge shall post a notice of the date, hour, and place for opening the box on the county's Internet website. The notice must remain posted continuously for the 24 hours preceding the hour set for opening the box.

**Sec. 67.012. TIME FOR CANVASS BY
GOVERNOR.**

(b) The secretary of state shall post, on the secretary of state's Internet website [~~bulletin board used for posting notice of meetings of state governmental bodies~~], a notice of the date, hour, and place of the canvass at least 72 hours before the canvass is conducted.

**Sec. 85.007. PUBLIC NOTICE OF TIME
FOR VOTING.**

(c) Notice under Subsection (b) shall be posted continuously for at least 72 hours immediately preceding the first hour that the voting to which the notice pertains will be conducted. The notice shall be posted on:

(1) the bulletin board used for posting notice of meetings of the commissioners court if the early voting

clerk is the county clerk of a county that does not maintain an Internet website, or of the city governing body if the early voting clerk is the city secretary; or

(2) the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website.

**Sec. 85.067. PUBLIC NOTICE OF
BRANCH VOTING SCHEDULE.**

(d) The schedule shall be posted on:

(1) the bulletin board used for posting notice of meetings of the governing body of the political subdivision served by the authority ordering the election or, if the early voting clerk is the county clerk of a county that does not maintain an Internet website or city secretary, meetings of the commissioners court or city governing body, as applicable; or

(2) the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website.

**Sec. 87.027. SIGNATURE VERIFICATION
COMMITTEE.**

(k) Postings required by this section shall be made on the bulletin board used for posting notice of meetings of the commissioners court of a county that does not maintain an Internet website, in an election for which the county election board is established or a primary election, or of the governing body of the political subdivision in other elections.

(k-1) If the county maintains an Internet website, postings required by this section shall be made on the county's Internet website in an election for which the county election board is established or a primary election.

Sec. 121.003. DEFINITIONS.

(13) "Ballot marking device" means a voting system with an electronic interface that allows a voter to mark a paper ballot.

Sec. 129.023. PUBLIC TEST OF LOGIC AND ACCURACY.

(b) Not later than 48 hours before voting begins on a voting system, the general custodian of election records shall conduct a logic and accuracy test. Public notice of the test must be published on the county's Internet website, if the county maintains an Internet website, or on the bulletin board used for posting notice of meetings of the commissioners court if the county does not maintain an Internet website, at least 48 hours before the test begins, and the test must be open to the public.

Sec. 141.001. ELIGIBILITY REQUIREMENTS FOR PUBLIC OFFICE.

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than

by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made;

(a-1) For purposes of satisfying the continuous residency requirement of Subsection (a)(5), a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person:

(1) has made a reasonable and substantive attempt to effectuate that intent; and

(2) has a legal right and the practical ability to return to the residence.

(a-2) Subsection (a-1) does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster.

(a-3) The authority with whom an application for a place on a general primary election ballot is filed under Section 172.022 shall, to the extent permitted by law, use Subsections (a) and (a-1) in determining whether a candidate meets the residency requirements for a public elective office.

Sec. 181.006. PETITION SUPPLEMENTING CONVENTION LISTS. PETITION PRECINCT

(k) The secretary of state shall post a notice of the receipt of a petition on the secretary of state's Internet website and may post the notice on a bulletin board used for posting notice of meetings of state governmental bodies. Any person may challenge the validity of the petition by filing a written statement of the challenge with the secretary of state not later than the fifth day after the date notice is posted. The secretary of state may verify the petition signatures regardless of whether the petition is timely challenged.

Sec. 203.012. TIME OF CANVASS.

(c) The secretary of state shall post, on the secretary of state's Internet website [~~bulletin board used for posting notice of meetings of state governmental bodies~~], a notice of the date, hour, and place of the canvass at least 24 hours before the canvass is conducted.

Sec. 254.0313. OMISSION OF ADDRESS FOR JUDGE AND SPOUSE.

(a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of a judge's qualification for office or on receipt of a written request from a federal judge, state judge, or spouse of a federal or state judge, the commission shall remove or redact the residence address of a federal judge, a state judge, or the spouse of a federal or state judge from any report filed by the judge in the judge's capacity or made available on the Internet under this chapter.

Sec. 255.001. REQUIRED DISCLOSURE ON POLITICAL ADVERTISING.

(c) A person may not knowingly use, cause or permit to be used, or continue to use any published, distributed, or broadcast political advertising containing express advocacy that the person knows does not include the disclosure required by Subsection (a). A person is presumed to know that the use of political advertising is prohibited by this subsection if the commission notifies the person in writing that the use is prohibited. A person who learns that political advertising signs, as defined by Section 259.001 [255.007], that have been distributed do not include the disclosure required by Subsection (a) or include a disclosure that does not comply

with Subsection (a) does not commit a continuing violation of this subsection if the person makes a good faith attempt to remove or correct those signs. A person who learns that printed political advertising other than a political advertising sign that has been distributed does not include the disclosure required by Subsection (a) or includes a disclosure that does not comply with Subsection (a) is not required to attempt to recover the political advertising and does not commit a continuing violation of this subsection as to any previously distributed political advertising.

Sec. 259.001 [255.007]. NOTICE REQUIREMENT ON POLITICAL ADVERTISING SIGNS.

(a) The following notice must be written on each political advertising sign:

"NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY."

(b) A person commits an offense if the person:

(1) knowingly enters into a contract to print or make a political advertising sign that does not contain the notice required by Subsection (a); or

(2) instructs another person to place a political advertising sign that does not contain the notice required by Subsection (a).

(c) An offense under this section is a Class C misdemeanor.

(e) In this section, "political advertising sign" means a written form of political advertising designed to be seen from a road but does not include a bumper sticker.

Sec. 259.002 [202.009]. REGULATION OF DISPLAY OF POLITICAL SIGNS BY PROPERTY OWNERS' ASSOCIATION. (Renumbered from Property Code Sec. 202.009)

(a) In this section, "property owners' association" has the meaning assigned by Section 202.001, Property Code.

(b) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner's property one or more signs advertising a ~~[political]~~ candidate or measure ~~[ballot item]~~ for an election:

- (1) on or after the 90th day before the date of the election to which the sign relates; or
- (2) before the 10th day after that election date.

(c) ~~[(b)]~~ This section does not prohibit the enforcement or adoption of a covenant that:

- (1) requires a sign to be ground-mounted; or
- (2) limits a property owner to displaying only one sign for each candidate or measure ~~[ballot item]~~.

(d) ~~[(c)]~~ This section does not prohibit the enforcement or adoption of a covenant that prohibits a sign that:

- (1) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component;
- (2) is attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
- (3) includes the painting of architectural surfaces;
- (4) threatens the public health or safety;
- (5) is larger than four feet by six feet;

(6) violates a law;

(7) contains language, graphics, or any display that would be offensive to the ordinary person; or

(8) is accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

(e) ~~[(d)]~~ A property owners' association may remove a sign displayed in violation of a restrictive covenant permitted by this section.

Sec. 259.003 [246.903]. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY. (Renumbered from Local Government Code Sec. 202.009)

(b) A municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner:

- (1) prohibit the sign from being placed;
- (2) require a permit or approval of the municipality or impose a fee for the sign to be placed;
- (3) restrict the size of the sign; or
- (4) provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.

(c) Subsection (b) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(d) Subsection (b) does not apply to a sign that:

- (1) has an effective area greater than 36 feet;
- (2) is more than eight feet high;
- (3) is illuminated; or
- (4) has any moving elements.

Sec. 274.002. DRAWING FOR BALLOT ORDER.

(c) The secretary of state shall post on the secretary of state's Internet website and may post on a bulletin board for posting notice of a meeting of a state governmental body a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing.

GOVERNMENT CODE

Section	Bill Modifying
22.0035	SB 40
27.031	SB 2342, HB 1631
27.0515	SB 40
27.055	HB 3081
41.258	SB 346
51.607	SB 891
51.609	HB 435, HB 685
51.851	SB 346
54.101 – 54.107	HB 452, SB 891
54.2201 – 54.2216	SB 891
54.2301 – 54.2307	SB 891
54.2401 – 54.2416	SB 891
61.0015	SB 346
62.301	SB 2342
72.033	SB 891
72.034	SB 891, HB 770
72.151 – 72.158	SB 325
76.015	HB 156, SB 346
101.141	SB 346
102.021	SB 346
102.0212	SB 346
102.0213 <i>repealed</i>	SB 346
102.0214 <i>repealed</i>	SB 346
102.101 <i>repealed</i>	SB 346

Section	Bill Modifying
102.103 <i>repealed</i>	SB 346
103.021	SB 346
103.0211	SB 346
103.0213	SB 346
103.0214	SB 346
103.024	SB 346
103.030	SB 346
411.042	SB 2390
411.110	HB 2048
411.199	HB 2137
411.1992	HB 1552
411.209	HB 1791
441.094	HB 1962
441.0945	HB 1962
441.095	HB 1962
441.167	HB 1962
441.169	HB 1962
469.052	HB 3163
552.117	HB 2910
552.1175	HB 2910
571.1211	HB 2554
614.211 – 614.217	SB 2100
2272.001 – 2272.009	HB 1999

GOVERNMENT CODE

Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER.

- (a) In this section, "disaster" has the meaning assigned by Section 418.004.
- (b) Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 90 [30] days from the date the order was signed unless renewed by the chief justice of the supreme court.
- (c) If a disaster prevents the supreme court from acting under Subsection (b), the chief justice of the supreme court may act on behalf of the supreme court under that subsection.
- (d) If a disaster prevents the chief justice from acting under Subsection (c), the court of criminal appeals may act on behalf of the supreme court under Subsection (b).
- (e) If a disaster prevents the court of criminal appeals from acting under Subsection (d), the presiding judge of the court of criminal appeals may act on behalf of the supreme court under Subsection (b).

Sec. 27.031. JURISDICTION.

- (a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

- (1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$20,000 [~~\$10,000~~], exclusive of interest;
- (2) cases of forcible entry and detainer; and
- (3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction[; ~~and~~
- (4) ~~cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits].~~

Sec. 27.0515. LOCATION FOR COURT PROCEEDINGS AND TERMS AND SESSIONS OF COURT FOLLOWING CERTAIN DISASTERS.

- (a) Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a justice court from conducting its proceedings at a location in the court's precinct or in the county seat of that county, the presiding judge of the administrative judicial region in which the county is located, with the approval of the justice of the affected justice court, may designate for the proceedings an alternate location:
 - (1) in the county; or
 - (2) outside the county at the location the presiding judge determines is closest in proximity to the court's precinct that allows the court to safely and practicably conduct its proceedings, provided the presiding judge of the administrative judicial region for the designated location approves if that presiding judge is not the presiding judge making the designation.
- (b) Notwithstanding any other law, if a disaster, as defined by Section 418.004, precludes a justice court from holding its terms in accordance with the times prescribed by the commissioners court,

the presiding judge of the administrative judicial region, with the approval of the justice of the affected justice court, may designate the terms and sessions of court.

Sec. 27.055. SPECIAL AND TEMPORARY JUSTICES.

(c) In this section [~~Subsections (b) and (f)~~], "qualified person" means a person who has served as a justice of the peace, county judge, or the judge of a county court at law for not less than four [4-1/2] years and who has not been convicted of a criminal offense that involves moral turpitude.

(e) The county judge may appoint any qualified voter under Section 11.002, Election Code, who has experience and knowledge relevant to judicial or justice court processes and procedures and is approved by the county judge and a justice of the peace in the county, to serve as a temporary justice of the peace if the judge cannot find a qualified person who agrees to serve under this section [~~Subsection (b) or (f)~~].

Sec. 41.258. ASSISTANT PROSECUTOR SUPPLEMENT FUND AND FAIR DEFENSE ACCOUNT.

(b) A court, judge, magistrate, peace officer, or other officer taking a bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, shall require the payment of a \$15 reimbursement fee [cost] by each surety posting the bail bond, provided the fee [cost] does not exceed \$30 for all bail bonds posted at that time for an individual and the fee [cost] is not required on the posting of a personal or cash bond.

(c) An officer collecting a reimbursement fee [cost] under this section shall deposit the fee [cost] in the county treasury in

accordance with Article 103.004, Code of Criminal Procedure.

(d) An officer who collects a reimbursement fee [cost] due under this section shall:

(1) keep separate records of the funds collected; and

(2) file the reports required by Article 103.005, Code of Criminal Procedure.

(f) A surety paying a reimbursement fee [cost] under Subsection (b) may apply for and is entitled to a refund of the fee [cost] not later than the 181st day after the date the state declines to prosecute an individual or the grand jury declines to indict an individual.

Sec. 51.607. IMPLEMENTATION OF NEW OR AMENDED COURT COSTS AND FEES.

(a) Following each regular session of the legislature, the Office of Court Administration of the Texas Judicial System [comptroller] shall identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of a court cost or fee collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case, including a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services or to cover the expenses of a public official or agency. This subsection does not apply to attorney's fees, civil or criminal fines or penalties, or amounts charged, paid, or collected on behalf of another party to a proceeding other than the state in a criminal case, including restitution or damages.

(b) The Office of Court Administration of the Texas Judicial System [comptroller] shall prepare a list of each court cost or fee covered by Subsection (a) to be imposed or changed and shall publish

the list in the Texas Register not later than August 1 after the end of the regular session of the legislature at which the law imposing or changing the amount of the cost or fee was enacted. The office [comptroller] shall include with the list a statement describing the operation of this section and stating the date the imposition or change in the amount of the court cost or fee will take effect under Subsection (c).

Sec. 51.609. UNCOLLECTIBLE FEES.

- (a) The clerk may request the court in which a court cost or fee was imposed on a party in a civil case to make a finding that the cost or fee is uncollectible if the cost or fee has been unpaid for at least 15 years.
- (b) On a finding by a court that a court cost or fee imposed on a party in a civil case is uncollectible, the court may order the clerk to designate the cost or fee as uncollectible in the fee record. The clerk shall attach a copy of the court's order to the fee record.
- (c) This section does not apply to a court cost or fee imposed by the supreme court, the court of criminal appeals, or a court of appeals.

Sec. 51.609. IMMUNITY FROM LIABILITY FOR DISCLOSURE OR RELEASE OF COURT DOCUMENTS.

- (a) In this section:
 - (1) "Court clerk" means the clerk of the supreme court or the clerk of a court of appeals or the clerk of a court of appeals district court, county court, statutory county court, statutory probate court, justice court, or municipal court.
 - (2) "State court document database" means a database accessible by the public and established or authorized by the supreme court for storing

documents filed with a court in this state.

- (b) A court clerk is not responsible for the management or removal of a document from a state court document database and is not liable for damages resulting from the release of a document in the database if the clerk in good faith performs the duties as clerk as provided by law and the Texas Rules of Civil Procedure.
- (c) If a court clerk in good faith performs the duties as a clerk as provided by law and the Texas Rules of Civil Procedure, the clerk, the county in which the court is located, and the commissioners court of the county in which the court is located are immune from suit and from liability for the release or disclosure of information that is confidential or otherwise prohibited from disclosure by law, rule, or court order and that is accessed from a state court document database.
- (d) A court clerk is not liable for the release of a sealed or confidential document in the clerk's custody unless the clerk acted intentionally, or with malice, reckless disregard, or gross negligence in the release of the document.

Sec. 51.851. ELECTRONIC FILING FEE.

- ~~(a) In this section, "conviction" has the meaning assigned by Section 133.101, Local Government Code.~~
- (c) In addition to other fees authorized or required by law, the clerk of a justice court shall collect a \$10 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.
- (e) A court may waive payment of a [court cost or] fee due under this section for an individual the court determines is indigent.

- (f) Fees [Court costs and fees] due under this section shall be collected in the same manner as other fees, fines, or costs in the case.
- (g) The clerk of a district court, a county court, a statutory county court, a statutory probate court, or a justice court shall deposit the [court costs and] fees collected under this section in the appropriate local treasury and remit the [court costs and] fees to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.
- (i) The comptroller shall deposit the [court costs and] fees received under this section to the credit of the statewide electronic filing system fund established under Section 51.852.
- (j) The comptroller may audit the records of a county related to [costs and] fees collected under this section.
- (k) Money spent from [costs and] fees collected under this section is subject to audit by the state auditor.

SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

Sec. 54.101. APPOINTMENT.

- (a) The Commissioners Court of Bell County may select masters to serve the justice courts of Bell County having jurisdiction in truancy matters.
- (b) The commissioners court shall establish the minimum qualifications, salary, benefits, and other compensation of each master position and shall determine whether the position is full-time or part-time.
- (c) A master appointed under this section serves at the pleasure of the commissioners court.

Sec. 54.102. JURISDICTION.

A master appointed under this subchapter has concurrent jurisdiction with the judges of the justice of the peace courts of Bell County over cases involving truant conduct in accordance with Section 65.004, Family Code.

Sec. 54.103. POWERS AND DUTIES.

- (a) The Commissioners Court of Bell County shall establish the powers and duties of a master appointed under this subchapter.
- (b) An order of referral may limit the use or power of a master.
- (c) Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.
- (d) A master may administer oaths.

Sec. 54.104. JUDICIAL IMMUNITY.

A master has the same judicial immunity as a district judge.

Sec. 54.105. TRAINING.

A master appointed under this subchapter must successfully complete all training a justice of the peace is required to complete under state law.

Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER.

If an attorney, party, witness, or any other person fails to comply with a summons or order, the master may certify that failure in writing to the referring court for appropriate action.

Sec. 54.107. WITNESSES.

- (a) A witness appearing before a master is subject to the penalties of perjury as provided by Chapter 37, Penal Code.

(b) A witness referred to the court under Section 54.106 is subject to the same penalties and orders that may be imposed on a witness appearing in a hearing before the court.

SUBCHAPTER MM. MAGISTRATES IN COLLIN COUNTY

Sec. 54.2201. AUTHORIZATION; APPOINTMENT; TERMINATION; ELIMINATION.

- (a) The Commissioners Court of Collin County by majority vote may appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.
- (b) An order appointing a magistrate must be signed by the county judge of Collin County, and the order must state:
 - (1) the magistrate's name; and
 - (2) the date the magistrate's employment begins.
- (c) A magistrate may be terminated by a majority vote of the Commissioners Court of Collin County.
- (d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Collin County.

Sec. 54.2202. QUALIFICATIONS; OATH OF OFFICE.

- (a) To be eligible for appointment as a magistrate, a person must:
 - (1) be a citizen of the United States;
 - (2) have resided in Collin County for at least the four years preceding the person's appointment; and
 - (3) have been licensed to practice law in this state for at least four years.
- (b) A magistrate appointed under Section 54.2201 must take the constitutional oath

of office required of appointed officers of this state.

Sec. 54.2203. COMPENSATION.

A magistrate is entitled to the compensation set by the Commissioners Court of Collin County. The compensation shall be paid from the general fund of the county.

Sec. 54.2204. JUDICIAL IMMUNITY.

A magistrate has the same judicial immunity as a district judge.

Sec. 54.2205. PROCEEDING THAT MAY BE REFERRED.

- (a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:
 - (1) a negotiated plea of guilty or no contest and sentencing before the court;
 - (2) a bond forfeiture, remittitur, and related proceedings;
 - (3) a pretrial motion;
 - (4) a writ of habeas corpus;
 - (5) an examining trial;
 - (6) an occupational driver's license;
 - (7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;
 - (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
 - (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) If the magistrate is acting as an associate judge under Section 54.2216, the magistrate may hear any case referred under Section 54A.106.

(e) A magistrate may not preside over a criminal trial on the merits, regardless of whether the trial is before a jury.

(f) A magistrate may not hear any jury trial on the merits.

Sec. 54.2206. ORDER OF REFERRAL.

(a) To refer one or more cases to a magistrate, a judge or justice of the peace must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2207. POWERS.

(a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence in civil or criminal matters;

(4) rule on disputes regarding civil discovery;

(5) rule on admissibility of evidence;

(6) issue summons for the appearance of witnesses;

(7) examine witnesses;

(8) swear witnesses for hearings;

(9) make findings of fact on evidence;

(10) formulate conclusions of law;

(11) rule on a pretrial motion;

(12) recommend the rulings, orders, or judgment to be made in a case;

(13) regulate proceedings in a hearing;

(14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(15) select a jury;

(16) accept a negotiated plea on a probation revocation;

(17) conduct a contested probation revocation hearing;

(18) sign a dismissal in a misdemeanor case;

(19) enter an order of dismissal or non-suit on agreement of the parties in a civil case;

(20) in any case referred under Section 54.2205(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilt and impose or suspend the sentence; or

(B) defer adjudication of guilt;

(21) conduct initial juvenile detention hearings if approved by the juvenile board of Collin County; and

(22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section 12.45, Penal Code.

(c) Except as provided by Sections 54.2205(e) and (f), a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Sec. 54.2208. FORFEITURES.

Bail bonds and personal bonds may be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Sec. 54.2209. COSTS.

(a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.

(b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

(c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Sec. 54.2210. CLERK.

(a) The district clerk serves as clerk of the magistrate court, except that:

(1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. The district clerk shall

perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

- (c) The clerk of the case shall include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Sec. 54.2211. COURT REPORTER.

At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2212. WITNESS.

- (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.
- (b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.2213. PAPERS TRANSMITTED TO JUDGE.

At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2214. COSTS OF MAGISTRATE.

The court shall determine if the nonprevailing party is able to defray the costs of the magistrate. If the court determines the nonprevailing party is able to pay those costs, the court shall assess the magistrate's costs against the nonprevailing party.

Sec. 54.2215. JUDICIAL ACTION.

- (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.
- (b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.
- (c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2216. MAGISTRATE AS ASSOCIATE JUDGE.

A magistrate appointed under this subchapter may act as a civil associate judge under Subchapter B, Chapter 54A. To the extent of any conflict with this subchapter, a magistrate acting as an associate judge shall comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

SUBCHAPTER NN. MAGISTRATES IN KERR COUNTY

Sec. 54.2301. AUTHORIZATION; APPOINTMENT; ELIMINATION.

- (a) The Commissioners Court of Kerr County may authorize the judges of the

district and statutory county courts in Kerr County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Kerr County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Kerr County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Kerr County, and the order must state:

- (1) the magistrate's name; and
- (2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Kerr County.

Sec. 54.2302. QUALIFICATIONS; OATH OF OFFICE.

(a) To be eligible for appointment as a magistrate, a person must:

- (1) be a citizen of the United States;
- (2) have resided in Kerr County for at least the two years preceding the person's appointment; and
- (3) be at least 30 years of age.

(b) A magistrate appointed under Section 54.2301 must take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2303. COMPENSATION.

(a) A magistrate is entitled to the salary determined by the Commissioners Court of Kerr County.

(b) A full-time magistrate's salary may not be less than that of a justice of the peace of Kerr County as established by the annual budget of Kerr County.

(c) A part-time magistrate's salary is equal to the per-hour salary of a justice of the

peace. The per-hour salary is determined by dividing the annual salary by a 2,000 work-hour year. The local administrative judge of the district courts serving Kerr County shall approve the number of hours for which a part-time magistrate is to be paid.

(d) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54.2304. JUDICIAL IMMUNITY.

A magistrate has the same judicial immunity as a district judge.

Sec. 54.2305. TERMINATION OF EMPLOYMENT.

(a) A magistrate may be terminated by a majority vote of all the judges of the district and statutory county courts of Kerr County.

(b) To terminate a magistrate's employment, the local administrative judge of the district courts serving Kerr County must sign a written order of termination. The order must state:

- (1) the magistrate's name; and
- (2) the final date of the magistrate's employment.

Sec. 54.2306. JURISDICTION; RESPONSIBILITY; POWERS.

(a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) To the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) A magistrate has all of the powers of a magistrate under the laws of this state

and may administer an oath for any purpose.

(d) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) A magistrate is authorized to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if approved by the Kerr County Juvenile Board.

(f) With the express authorization of a justice of the peace, a magistrate may exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) A magistrate may:

(1) issue notices of the setting of a case for a hearing;

(2) conduct hearings;

(3) compel production of evidence;

(4) hear evidence;

(5) issue summons for the appearance of witnesses;

(6) swear witnesses for hearings;

(7) regulate proceedings in a hearing; and

(8) perform any act and take any measure necessary and proper for the efficient performance of the duties

required by the magistrate's jurisdiction and authority.

Sec. 54.2307. PERSONNEL, EQUIPMENT, AND OFFICE SPACE.

The Commissioners Court of Kerr County shall provide:

(1) personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter; and

(2) sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

SUBCHAPTER OO. MAGISTRATES IN FORT BEND COUNTY

Sec. 54.2401. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Fort Bend County may authorize the judges of the district and statutory county courts in Fort Bend County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Fort Bend County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Fort Bend County.

(c) An order appointing a magistrate must be signed by the local administrative judge and must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Fort Bend County.

Sec. 54.2402. QUALIFICATIONS; OATH OF OFFICE.

(a) To be eligible for appointment as a magistrate, a person must:

- (1) be a citizen of the United States;
- (2) have resided in Fort Bend County for at least the four years preceding the person's appointment; and
- (3) have been licensed to practice law in this state for at least four years.

(b) A magistrate appointed under Section 54.2401 must take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2403. COMPENSATION.

A magistrate is entitled to the compensation set by the Commissioners Court of Fort Bend County. The compensation shall be paid from the general fund of the county.

Sec. 54.2404. JUDICIAL IMMUNITY.

A magistrate has the same judicial immunity as a district judge.

Sec. 54.2405. PROCEEDING THAT MAY BE REFERRED.

(a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

- (1) a negotiated plea of guilty or no contest and sentencing before the court;
- (2) a bond forfeiture, remittitur, and related proceedings;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) If the magistrate is acting as an associate judge under Section 54.2416, the magistrate may hear any case referred under Section 54A.106.

(e) A magistrate may not preside over a criminal trial on the merits, regardless of whether the trial is before a jury.

(f) A magistrate may not hear any jury trial on the merits.

Sec. 54.2406. ORDER OF REFERRAL.

- (a) To refer one or more cases to a magistrate, a judge or justice of the peace must issue an order of referral specifying the magistrate's duties.
- (b) An order of referral may:
 - (1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;
 - (2) set the time and place for the hearing;
 - (3) prescribe a closing date for the hearing;
 - (4) provide a date for filing the magistrate's findings;
 - (5) designate proceedings for more than one case over which the magistrate shall preside;
 - (6) direct the magistrate to call the court's docket; and
 - (7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2407. POWERS.

- (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:
 - (1) conduct hearings;
 - (2) hear evidence;
 - (3) compel production of relevant evidence in civil or criminal matters;
 - (4) rule on disputes regarding civil discovery;
 - (5) rule on admissibility of evidence;
 - (6) issue summons for the appearance of witnesses;
 - (7) examine witnesses;
 - (8) swear witnesses for hearings;
 - (9) make findings of fact on evidence;
 - (10) formulate conclusions of law;
 - (11) rule on a pretrial motion;

- (12) recommend the rulings, orders, or judgment to be made in a case;
- (13) regulate proceedings in a hearing;
- (14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- (15) select a jury;
- (16) accept a negotiated plea on a probation revocation;
- (17) conduct a contested probation revocation hearing;
- (18) sign a dismissal in a misdemeanor case;
- (19) enter an order of dismissal or nonsuit on agreement of the parties in a civil case;
- (20) in any case referred under Section 54.2405(a)(1), accept a negotiated plea of guilty or no contest and:
 - (A) enter a finding of guilt and impose or suspend the sentence; or
 - (B) defer adjudication of guilt;
- (21) conduct initial juvenile detention hearings if approved by the juvenile board of Fort Bend County; and
- (22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.
- (b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section 12.45, Penal Code.
- (c) Except as provided by Sections 54.2405(e) and (f), a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Sec. 54.2408. FORFEITURES.

Bail bonds and personal bonds may be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

- (1) the district clerk if associated with a felony case;
- (2) the county clerk if associated with a Class A or Class B misdemeanor case;
or
- (3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Sec. 54.2409. COSTS.

- (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.
- (b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.
- (c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Sec. 54.2410. CLERK.

- (a) The district clerk serves as clerk of the magistrate court, except that:
 - (1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

- (b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.
- (c) The clerk of the case shall include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Sec. 54.2411. COURT REPORTER.

At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2412. WITNESS.

- (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.
- (b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.2413. PAPERS TRANSMITTED TO JUDGE.

At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2414. COSTS OF MAGISTRATE.

The court shall determine if the nonprevailing party is able to defray the costs of the magistrate. If the court determines the nonprevailing party is able to pay those costs, the court shall assess the magistrate's costs against the nonprevailing party.

Sec. 54.2415. JUDICIAL ACTION.

(a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2416. MAGISTRATE AS ASSOCIATE JUDGE.

A magistrate appointed under this subchapter may act as a civil associate judge under Subchapter B, Chapter 54A. To the extent of any conflict with this subchapter, a magistrate acting as an associate judge shall comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

Sec. 61.0015. REIMBURSEMENT TO COUNTY.

(a) The state shall reimburse a county \$34 a day for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(c) The comptroller shall pay claims for reimbursement under this section quarterly to the county treasury of each county that filed a claim from money collected under Subchapter B, Chapter 133, Local Government Code [Article 102.0045, Code of Criminal Procedure], and deposited in the jury service fund.

Sec. 62.301. NUMBER OF JURORS.

The jury in the county courts and in the justice courts is composed of six persons except as provided by the constitution or other law.

Sec. 72.033. LIST OF NEW OR AMENDED COURT COSTS AND FEES.

The office biennially shall prepare and publish a list of new or amended court costs and fees as required by Section 51.607.

Sec. 72.034. PUBLIC INFORMATION INTERNET WEBSITE.

(a) In this section:

(1) "Public information" means citation, other related public or legal notice that a person, including a party to a cause of action, is required to publish under a statute or rule, and any other information that the person submits for publication on the public information Internet website to effectuate service of citation by publication.

(2) "Public information Internet website" means the official statewide Internet

website developed and maintained by the office under this section for the purpose of providing citation by publication.

(b) The office shall develop and maintain a public information Internet website that allows a person to easily publish public information on the Internet website or the office to post public information on the Internet website on receipt from the person.

(c) The public information Internet website shall allow the public to easily access, search, and sort the public information.

(d) The supreme court by rule shall establish procedures for the submission of public information to the public information Internet website by a person who is required to publish the information.

SUBCHAPTER F. PROTECTIVE ORDER REGISTRY

Sec. 72.151. DEFINITIONS.

In this subchapter:

(1) "Authorized user" means a person to whom the office has given permission and the means to submit records to or modify or remove records in the registry. The term does not include members of the public who may only access through the registry's Internet website certain information regarding protective orders entered into the registry.

(2) "Peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(3) "Protective order" means an order issued by a court in this state to prevent family violence, as defined by Section 71.004, Family Code. The term includes a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal

Procedure, with respect to a person who is arrested for an offense involving family violence.

(4) "Protective order registry" or "registry" means the protective order registry established under Section 72.153.

(5) "Race or ethnicity" means a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

Sec. 72.152. APPLICABILITY.

This subchapter applies only to:

(1) an application for a protective order filed under:

(A) Chapter 82, Family Code; or

(B) Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence; and

(2) a protective order issued under:

(A) Chapter 83 or 85, Family Code; or

(B) Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

Sec. 72.153. PROTECTIVE ORDER REGISTRY.

(a) In consultation with the Department of Public Safety and the courts of this state, the office shall establish and maintain a centralized Internet-based registry for applications for protective orders filed in this state and protective orders issued in this state.

(b) The office shall establish and maintain the registry in a manner that allows municipal and county case management systems to easily interface with the registry.

Sec. 72.154. PUBLIC ACCESS TO PROTECTIVE ORDER REGISTRY.

(a) Subject to Subsections (c) and (d) and Section 72.158, the office shall establish and maintain the registry in a manner that allows a member of the public, free of charge, to electronically search for and receive publicly accessible information contained in the registry regarding each protective order issued in this state. The registry must be searchable by:

- (1) the county of issuance;
- (2) the name of a person who is the subject of the protective order; and
- (3) the birth year of a person who is the subject of the protective order.

(b) Publicly accessible information regarding each protective order must consist of the following:

- (1) the court that issued the protective order;
- (2) the case number;
- (3) the full name, county of residence, birth year, and race or ethnicity of the person who is the subject of the protective order;
- (4) the dates the protective order was issued and served;
- (5) the date the protective order was vacated, if applicable; and
- (6) the date the protective order expired or will expire, as applicable.

(c) A member of the public may only access the information in the registry described by Subsection (b).

(d) The office may not allow a member of the public to access through the registry any information related to a protective order issued under Article 17.292, Code of Criminal Procedure, or Chapter 83, Family Code.

Sec. 72.155. RESTRICTED ACCESS TO PROTECTIVE ORDER REGISTRY.

(a) The registry must include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including a vacated or expired order. Only an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer may access that information under the registry.

(b) The office shall ensure that an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer is able to search for and receive a copy of a filed application for a protective order or a copy of an issued protective order through the registry's Internet website.

Sec. 72.156. ENTRY OF APPLICATIONS.

(a) Except as provided by Subsection (b), as soon as possible but not later than 24 hours after the time an application for a protective order is filed, the clerk of the court shall enter a copy of the application into the registry.

(b) A clerk may delay entering information under Subsection (a) into the registry only to the extent that the clerk lacks the specific information required to be entered.

(c) The office shall ensure that a member of the public is not able to access through the registry's Internet website the application or any information related to the application entered into the registry under Subsection (a).

Sec. 72.157. ENTRY OF ORDERS.

(a) Except as provided by Subsection (c), as soon as possible but not later than 24 hours after the time a court issues an original or modified protective order or

extends the duration of a protective order, the clerk of the court shall enter into the registry:

- (1) a copy of the order and, if applicable, a notation regarding any modification or extension of the order; and
- (2) the information required under Section 72.154(b).

(b) For a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order's status as vacated or expired.

(c) A clerk may delay entering information under Subsection (a) into the registry only to the extent that the clerk lacks the specific information required to be entered.

Sec. 72.158. REQUEST FOR GRANT OR REMOVAL OF PUBLIC ACCESS.

(a) The office shall ensure that the public may access information about protective orders, other than information about orders under Article 17.292, Code of Criminal Procedure, or Chapter 83, Family Code, through the registry, only if:

- (1) a protected person requests that the office grant the public the ability to access the information described by Section 72.154(b) for the order protecting the person; and
- (2) the office approves the request.

(b) A person whose request under Subsection (a) was approved by the office may request that the office remove the ability of the public to access the information that was the subject of the person's earlier approved request. Not later than the third business day after the office receives a request under this subsection, the office shall remove the ability of the public to access the information.

(c) The Supreme Court of Texas:

(1) shall prescribe a form for use by a person requesting a grant or removal of public access as described by Subsections (a) and (b); and

(2) by rule may prescribe procedures for requesting a grant or removal of public access as described by Subsections (a) and (b).

Sec. 76.015. REIMBURSEMENT [ADMINISTRATIVE] FEE.

(a) A department may collect money from an individual as ordered by a court served by the department regardless of whether the individual is under the department's supervision.

(a-1) This section does not apply to an individual ordered to pay an administrative fee to a personal bond office under Section 521.2462(a-3), Transportation Code.

(c) A department may assess a reasonable reimbursement [~~administrative~~] fee of not less than \$25 and not more than \$60 per month on an individual who participates in a program operated by the department or receives services from the department and who is not paying a monthly reimbursement fee under Article 42A.652, Code of Criminal Procedure.

Sec. 101.141. JUSTICE COURT AND SMALL CLAIMS COURT FEES AND COSTS COLLECTED BY CLERK.

(b) A clerk of a justice court shall collect fees and costs under other laws as follows:

(1) the cost of a special program that a court may order a child to attend after a finding that the child committed an offense, if ordered by the court (Art. 45.057, Code of Criminal Procedure) . . . costs of the program not to exceed \$100;

(2) additional filing fees:

- (A) to fund Dallas County civil court facilities (Sec. 51.705, Government Code) . . . not more than \$15;
- (B) for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$6;
- (C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than \$15; and
- (D) to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) . . . not more than \$15;
- (3) ~~[for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . \$1.50;~~
- ~~[(4)]~~ fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 2308.457, Occupations Code) . . . \$20; and
- ~~(4)~~ ~~[(5)]~~ statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$10.

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE.

A person convicted of an offense shall pay ~~[the following under the Code of Criminal Procedure]~~, in addition to all other costs and:

- ~~[(1)]~~ court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art.

~~102.0045, Code of Criminal Procedure) . . . \$4;~~

- ~~[(2)]~~ a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

- ~~[(3)]~~ fees for services of peace officer:

- ~~[(A)]~~ issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

- ~~[(B)]~~ executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$50;

- ~~[(C)]~~ summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

- ~~[(D)]~~ serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

- ~~[(E)]~~ taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

- ~~[(F)]~~ commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

- ~~[(G)]~~ summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;

- ~~[(H)]~~ attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

- ~~[(I)]~~ mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

- ~~[(J)]~~ services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;

- ~~[(4)]~~ services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal

- Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;
- ~~[(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;~~
- ~~[(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;~~
- ~~[(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;~~
- ~~[(8) court costs on an offense of parent contributing to student nonattendance (Art. 102.014, Code of Criminal Procedure) . . . \$20;~~
- ~~[(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;~~
- ~~[(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;~~
- ~~[(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;~~
- ~~[(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;~~
- ~~[(13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;~~
- ~~[(14) court cost for DNA testing for certain misdemeanors and felonies (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;~~
- ~~[(15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;~~
- ~~[(16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;~~
- ~~[(17)] if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action under Article [Art.] 45.041, Code of Criminal Procedure, in the amount of [Procedure] . . . part or all of the costs as directed by the judge[; and~~
- ~~[(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60].~~

Sec. 102.0212. COURT COSTS ON CONVICTION: LOCAL GOVERNMENT CODE.

A person convicted of an offense shall pay the following under the Local Government Code, in addition to all other costs:

- (1) court costs on conviction of a felony (Sec. 133.102, Local Government Code) . . . ~~\$185~~ [\$133];
- (2) court costs on conviction of a Class A or Class B misdemeanor (Sec. 133.102, Local Government Code) . . . ~~\$147~~ [\$83];
- (3) court costs on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Sec. 133.102, Local Government Code) . . . ~~\$62~~ [\$40];

- (4) ~~court costs on conviction of a felony (Sec. 134.101, Local Government Code) . . . \$105 [a time payment fee if convicted of a felony or misdemeanor for paying any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution (Sec. 133.103, Local Government Code) . . . \$25];~~
- (5) ~~court costs on conviction of a Class A or Class B misdemeanor (Sec. 134.102, Local Government Code) . . . \$123 [a cost on conviction of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle (Sec. 133.105, Local Government Code) . . . \$6]; and~~
- (6) ~~court costs on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance (Sec. 134.103, Local Government Code) . . . \$14 [a cost on conviction of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle (Sec. 133.107, Local Government Code) . . . \$2].~~

Sec. 102.0213. COURT COSTS ON CONVICTION: TRANSPORTATION CODE.

A person convicted of an offense shall pay the following under the Transportation Code, in addition to all other costs:

- (1) ~~court cost on conviction of a misdemeanor under Subtitle C, Title 7, Transportation Code (Sec. 542.403, Transportation Code) . . . \$3;~~
- (2) ~~cost for impoundment of vehicle (Sec. 601.263, Transportation Code) . . . \$15 per day; and~~
- (3) ~~a civil and criminal enforcement cost on conviction of an offense of, or related to, the nonpayment of a toll in certain counties (Sec. 284.2031, Transportation Code) . . . \$1.~~

Sec. 102.0214. COURT COSTS ON CONVICTION: PARKS AND WILDLIFE CODE.

~~A person convicted of an offense shall pay under Section 12.110, Parks and Wildlife Code, in addition to all other costs, the actual cost of any storage, care, feeding, cold storage, or processing necessary for an unlawfully taken, shipped, or possessed game bird, fowl, animal, game fish, or exotic animal.~~

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE.

~~A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:~~

- (1) ~~a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;~~
- (2) ~~a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;~~
- (3) ~~a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;~~
- (4) ~~a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;~~
- (5) ~~a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;~~
- (6) ~~a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5 if the court employs a juvenile case manager;~~
- (7) ~~a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check or similar sight order (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; and~~

~~(8) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.~~

~~Sec. 102.103. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: HUMAN RESOURCES CODE.~~

~~A clerk of a justice court shall collect from a defendant a court cost of \$1.50 under Section 152.0522, Human Resources Code, on conviction in Comal County.~~

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE.

An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

- ~~(1) [a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;~~
- ~~[(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;~~
- ~~[(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;~~
- ~~[(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;~~
- ~~[(3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;~~

~~[(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;~~

~~[(5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42A.301(17), Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;~~

~~[(6) payment to a crime stoppers organization as condition of community supervision (Art. 42A.301(20), Code of Criminal Procedure) . . . not to exceed \$50;~~

~~[(7) children's advocacy center fee (Art. 42A.455, Code of Criminal Procedure) . . . not to exceed \$50;~~

~~[(8) family violence center fee (Art. 42A.504(b), Code of Criminal Procedure) . . . \$100;~~

~~[(9) community supervision fee (Art. 42A.652(a), Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;~~

~~[(10) additional community supervision fee for certain offenses (Art. 42A.653(a), Code of Criminal Procedure) . . . \$5 per month;~~

~~[(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42A.452, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;~~

~~[(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;~~

~~[(13) costs of certain testing, assessments, or programs during a~~

- ~~deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;~~
- ~~[(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;~~
- ~~[(15) an additional fee:~~
- ~~[(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;~~
- ~~[(B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or~~
- ~~[(C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;~~
- ~~[(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;~~
- ~~[(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;~~
- ~~[(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;~~
- ~~[(19)] certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;~~
- ~~(2) [(20)] certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2, plus postage;~~
- ~~(3) [(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;~~
- ~~[(21) sight orders:~~
- ~~[(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;~~
- ~~[(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;~~
- ~~[(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;~~
- ~~[(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and~~
- ~~[(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;~~
- ~~[(22) fees for a pretrial intervention program:~~
- ~~[(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and~~

~~[(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;~~

~~[(23) parking fee violations for child safety fund in municipalities with populations:~~

~~[(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and~~

~~[(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;~~

~~[(24)] an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction; and~~

~~(4) [(25)] a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due; and~~

~~[(26) a cost on conviction for the truancy prevention and diversion fund (Art. 102.015, Code of Criminal Procedure) . . . \$2].~~

Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE.

An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Government Code if ordered by the court or otherwise required:

(1) a court reporter fee when testimony is taken[; and

~~[(A) in a criminal court in Dallas County (Sec. 25.0593, Government Code) . . . \$3;~~

~~[(B) in a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) . . . \$3;~~

~~[(C) in a civil case in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . \$3; [and~~

~~[(D) in a county criminal court in Tarrant County (Sec. 25.2223, Government Code) . . . \$3;]~~

(2) a court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) . . . \$15 or, in specified counties, \$30;

~~[(3) a speedy trial rights waiver motion filing fee in El Paso County (Sec. 54.745, Government Code) . . . \$100;~~

~~[(4) the costs of a criminal magistrate if the court determines that the nonprevailing party is able to defray the costs:~~

~~[(A) in Bexar County (Sec. 54.913, Government Code) . . . magistrate's fees;~~

~~[(B) in Dallas County (Sec. 54.313, Government Code) . . . magistrate's fees;~~

~~[(C) in Lubbock County (Sec. 54.883, Government Code) . . . magistrate's fees;~~

~~[(D) in Tarrant County (Sec. 54.663, Government Code) . . . magistrate's fees; and~~

~~[(E) in Travis County (Sec. 54.983, Government Code) . . . magistrate's fees;~~

~~[(5) an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) . . . not less than~~

~~\$25 and not more than \$60 per month;~~
and

- ~~(3) [(6)] fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain cases (Secs. 411.072 and 411.0745, Government Code) . . . \$28.~~

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE.

An accused or defendant, or a party to a civil suit, as applicable, shall pay an ~~the following fees and costs under the Transportation Code if ordered by the court or otherwise required:~~

- ~~[(1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$20;~~
- ~~[(2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) . . . not to exceed \$20;~~
- ~~[(2-a) administrative fee on remediation of charge of operation of a vehicle without a registration insignia (Sec. 502.473, Transportation Code) . . . not to exceed \$10;~~
- ~~[(3) administrative fee on remediation of charge of operating a vehicle without complying with inspection requirements as certified (Sec. 548.605, Transportation Code) . . . not to exceed \$20;~~
- ~~[(4) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation;~~
- ~~[(5) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30; and~~

- ~~[(6)] administrative fee on dismissal of charge of driving a commercial motor vehicle without a commercial driver's license or commercial learner's permit (Sec. 522.011, Transportation Code) . . . not to exceed \$10.~~

Sec. 103.0214. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: HEALTH AND SAFETY CODE.

An accused or defendant, or a party to a civil suit, as applicable, shall pay the following court ~~fees and~~ costs under the Health and Safety Code if ordered by the court or otherwise required[:

- ~~[(1) a fee to defray the cost of notifying state agencies of orders of expungement (Sec. 161.255, Health and Safety Code) . . . \$30 per application; and~~
- ~~[(2)] on a finding that an animal's owner has cruelly treated the animal, [court costs] including:
 - ~~(1) [(A)] investigation (Sec. 821.023, Health and Safety Code) . . . actual costs;~~
 - ~~(2) [(B)] expert witnesses (Sec. 821.023, Health and Safety Code) . . . actual costs;~~
 - ~~(3) [(C)] housing and caring for the animal during its impoundment (Sec. 821.023, Health and Safety Code) . . . actual costs;~~
 - ~~(4) [(D)] conducting any public sale ordered by the court (Sec. 821.023, Health and Safety Code) . . . actual costs; and~~
 - ~~(5) [(E)] humanely destroying the animal if destruction is ordered by the court (Sec. 821.023, Health and Safety Code) . . . actual costs.~~~~

Sec. 103.024. MISCELLANEOUS FEES AND COSTS: CODE OF CRIMINAL PROCEDURE.

Fees and costs shall be paid or collected under the Code of Criminal Procedure as follows:

- (1) filing of a restitution lien (Art. 42.22, Code of Criminal Procedure) . . . \$5; and
- (2) [~~issuance and service of a warrant of arrest for certain offenses if prescribed by the municipality (Art. 45.203, Code of Criminal Procedure) . . . not to exceed \$25; and~~
- ~~[(3)]~~ a fee for each agency or organization designated by a registered sex offender for receipt of a copy of an order making the registration nonpublic (Art. [~~Sec.~~] 62.353, Code of Criminal Procedure) . . . \$20.

Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL GOVERNMENT CODE.

Fees and costs shall be paid or collected under the Local Government Code as follows:

- (1) services by the offices of the sheriff and constables (Sec. 118.131, Local Government Code) . . . amount set by county commissioners court;
- (2) a filing fee or recording fee for each page of a legal paper presented for filing or recording that fails to meet certain requirements regarding paper size, weight, substance, headings, legibility, the presence of typed or printed names under each signature, and number and size of riders or attachments (Sec. 191.007, Local Government Code) . . . twice the regular filing fee or recording fee provided by statute for that page, rider, or attachment;
- ~~[(3)]~~ a processing fee as authorized by the commissioners court for the

~~payment by credit card of a fee, court cost, or other charge processed by a county or precinct officer (Secs. 132.002 and 132.003, Local Government Code) . . . an amount reasonably related to the expense incurred by the county or precinct officer but not to exceed five percent of the amount of the fee, court cost, or other charge being paid;~~

~~[(4)]~~ a processing fee as authorized by the governing body of the municipality for the payment by credit card of a fee, court cost, or other charge processed by a municipal official (Secs. 132.002 and 132.003, Local Government Code) . . . an amount reasonably related to the expense incurred by the municipal official but not to exceed five percent of the amount of the fee, court cost, or other charge being paid;

~~[(5)]~~ a handling fee, if authorized by the commissioners court under Section 132.002, Local Government Code, for electronically processing the payment of a fee, fine, court cost, or other charge (Secs. 132.002 and 132.003, Local Government Code):

~~[(A)]~~ charged at a flat rate that does not exceed \$5 for each payment transaction; or

~~[(B)]~~ charged at a rate reasonably related to the expense incurred in processing a payment and that does not exceed five percent of the amount of the fee, court cost, or other charge being paid;

~~[(6)]~~ a fee, if authorized by the commissioners court, collected by a county or precinct officer on behalf of the county from a person making payment by credit card of a fee, court cost, or other charge (Sec. 132.003, Local Government Code) . . . an amount equal to the amount of any transaction fee charged to the county by a vendor providing services in

~~connection with payments made by credit card;] and~~

- (3) ~~[(7)]~~ a records technology and infrastructure fee, if authorized by the commissioners court of the county (Secs. 118.026, 118.069, and 118.102, Local Government Code) . . . \$2.00.

Sec. 411.042. BUREAU OF IDENTIFICATION AND RECORDS.

- (b) The bureau of identification and records shall:

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(D) the residence address and place of employment or business of the person protected by the order~~;~~ ~~unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure];~~

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends~~;~~ ~~unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure];~~

Sec. 411.110. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF STATE HEALTH SERVICES.

- (f) The Department of State Health Services may not consider offenses

~~described by [for which points are assessed under] Section 542.304 [708.052], Transportation Code, to determine whether to hire or retain an employee or to contract with a person on whom criminal history record information is obtained under this section.~~

Sec. 411.199. HONORABLY RETIRED PEACE OFFICERS.

- (a) A person who is licensed as a peace officer under Chapter [1701](#), Occupations Code, and who has been employed full-time as a peace officer by a law enforcement agency may apply for a license under this subchapter at any time after retirement.

(b) The person shall submit two complete sets of legible and classifiable fingerprints and a sworn statement from the head of the law enforcement agency employing the applicant. A head of a law enforcement agency may not refuse to issue a statement under this subsection. If the applicant alleges that the statement is untrue, the department shall investigate the validity of the statement. The statement must include:

- (1) the name and rank of the applicant;
- (2) the status of the applicant before retirement;
- (3) whether or not the applicant was accused of misconduct at the time of the retirement;
- (4) the physical and mental condition of the applicant;
- (5) the type of weapons the applicant had demonstrated proficiency with during the last year of employment;
- (6) whether the applicant would be eligible for reemployment with the agency, and if not, the reasons the applicant is not eligible; ~~and]~~
- (7) a recommendation from the agency head regarding the issuance of a license under this subchapter; and

- (8) whether the applicant holds a current certificate of proficiency under Section 1701.357, Occupations Code.
- (d) The department shall waive any fee required [An applicant under this section must pay a fee of \$25] for a license issued under this subchapter to an applicant under this section.
- (e) An applicant under this section who complies with Subsections (b) and (c) or Subsection (g), as applicable, and with the other requirements of this subchapter is not required to complete the classroom instruction portion of the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.
- (e-1) An applicant described by Subsection (e) who holds a current certificate of proficiency under Section 1701.357, Occupations Code, is not required to complete the range instruction portion of the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.
- (f) A license issued under this subchapter to an applicant under this section expires as provided by Section 411.183.
- (g) A retired officer of the United States who was eligible to carry a firearm in the discharge of the officer's official duties is eligible to apply under this section for a license issued under this subchapter [section]. An applicant described by this subsection may submit the application at any time after retirement. The applicant shall submit with the application proper proof of retired status by presenting the following documents prepared by the agency from which the applicant retired:
- (1) retirement credentials; and
 - (2) a letter from the agency head stating the applicant retired in good standing.

Sec. 411.1992. FORMER RESERVE LAW ENFORCEMENT OFFICERS.

- (a) A person who served as a reserve law enforcement officer, as defined by Section 1701.001, Occupations Code, not less than a total of 10 [45] years of cumulative service with one or more state or local law enforcement agencies may apply for a license under this subchapter at any time.
- (c) The department may issue a license under this subchapter to an applicant under this section if the applicant was a reserve law enforcement officer for not less than a total of 10 [45] years of cumulative service with one or more state or local law enforcement agencies and is physically and emotionally fit to possess a handgun.

Sec. 411.209. WRONGFUL EXCLUSION OF HANDGUN LICENSE HOLDER.

- (a) Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of [provide] notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies [or by any sign expressly referring to that law or to a license to carry a handgun,] that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code, or other law.
- (d) A resident of this state or a person licensed to carry a handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident or license holder [person] provides the agency or

subdivision a written notice that describes the location and general facts of the violation [~~and specific location of the sign found to be in violation~~] and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed with the attorney general under this subsection must include evidence of the violation and a copy of the written notice provided to the agency or subdivision.

(f) Before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a), the attorney general must investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:

- (1) describes the violation [~~and specific location of the sign found to be in violation~~];
- (2) states the amount of the proposed penalty for the violation; and
- (3) gives the agency or political subdivision 15 days from receipt of the notice to [~~remove the sign and~~] cure the violation to avoid the penalty, unless the agency or political subdivision was found liable by a court for previously violating Subsection (a).

(j) In this section, "premises" has the meaning assigned by Section 46.035, Penal Code.

Sec. 441.094. RECORDS SCHEDULE AND IMPLEMENTATION PLAN.

~~(e) A records schedule, implementation plan, or amendment takes effect when the custodian files a copy of the schedule, plan, or amendment in the office of the county clerk and with the director and librarian.~~

Sec. 441.0945. DISPOSITION OF SCHEDULED RECORDS.

(a) A county record may be destroyed if the record is listed on a valid [~~the~~] records schedule and implementation plan [~~accepted for filing by the director and librarian~~] and either its retention period has expired or it has been microfilmed or stored electronically in accordance with applicable law.

(b) The retention period of a record as listed on [~~director and librarian or a person on the staff of the director and librarian may reject~~] the records schedule and implementation plan must be at least as long as [~~for a record if the retention period of the record as listed on the plan is less than~~] the retention period for the record established on a records retention schedule issued by the commission [~~by the county records manual. If the plan is rejected, the director and librarian or staff person shall file with the custodian the rejected schedule and a statement of the reasons for rejection not later than the 30th day after the date the director and librarian or staff person received the records schedule and implementation plan. If a schedule is rejected under this subsection, the custodian may submit an amended schedule~~].

~~(c) The director and librarian or a person on the staff of the director and librarian may condition acceptance of the records schedule and implementation plan on the transfer of a record listed on the schedule to the custody of the Texas State Library when the retention period for the record has expired.~~

Sec. 441.095. DISPOSITION OF UNSCHEDULED RECORDS.

~~(a) A custodian may dispose of a county record that is not listed on an approved records schedule and implementation plan if, not later than 60 days before the date that the record is destroyed, the custodian gives written notice of the~~

~~intent to destroy the record to the director and librarian. The notice must sufficiently describe the record to enable the director and librarian to determine if the record has been assigned a minimum retention period.~~

~~(b) Not later than the 30th day after the date the director and librarian receives the notice, the director and librarian shall:~~

~~(1) notify the custodian of the approval or disapproval of the intended disposition;~~

~~(2) request any additional information required by the director and librarian to evaluate the record; or~~

~~(3) request that the record or a part of the record be transferred to the Texas State Library for preservation in a regional historical resource depository.~~

~~(c) The custodian shall comply with the request or notice of the director and librarian or withdraw the notice of intent to destroy the record.~~

(d) A custodian may dispose of a county record that is not listed on a records retention schedule issued by the commission if, not [Not] later than the 10th day before the date the [a] record is destroyed, the custodian files and records [shall file and record] a notice with the county clerk. The notice must indicate the record to be destroyed, how it is to be destroyed, and the date of its destruction. On the day the notice is filed, the county clerk shall post a copy of it in the same manner that a notice of a meeting is posted under Chapter 551.

(e) The custodian may destroy the record at any time after ~~[the director and librarian has approved the destruction and]~~ the notice required by Subsection (d) has been posted for 10 days by the county clerk.

(f) A county record may be destroyed only by sale or donation for recycling purposes, shredding, burning, burial in a landfill, or pulping.

(g) A person is not civilly liable for destruction of a record in accordance with this subchapter.

Sec. 441.167. ASSISTANCE
[STATUTORY FILING] AND
INFORMATION [REVIEW].

The director and librarian may designate employees of the commission to provide assistance and information to local governments on records management issues under [act as deputies in the approval or disapproval or acceptance or rejection for filing of any records control schedule, destruction authorization request, electronic storage authorization request, or other statutory filing required by] Subtitle C, Title 6, Local Government Code, or rules adopted under it.

Sec. 441.169. DUTIES OF LOCAL GOVERNMENTS.

Each local government shall:

(1) submit to the director and librarian the name of the local government's records management officer identified under Section 203.001, Local Government Code, or designated under Section 203.025, Local Government Code, and the name of the new officer in the event of a change;

(2) file a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian as required by Sections 203.005 and 203.026, Local Government Code;

(3) notify the commission at least 10 days before destroying a local government record that does not appear on a records retention schedule issued by the commission; and

(4) file with the director and librarian a written certification as provided by Section 203.041, Local Government Code, that the local government has

prepared a records control schedule that:

(A) establishes a retention period for each local government record as required by Subchapter C, Chapter 203, Local Government Code; and

(B) complies with a local government records retention schedule distributed by the director and librarian under Section 441.158 and any other state and federal requirements.

Sec. 469.052. ADOPTION OF STANDARDS AND SPECIFICATIONS; RULEMAKING.

(a) The commission shall adopt standards, specifications, and other rules under this chapter that are consistent with standards, specifications, and other rules adopted under federal law.

(b) The standards and specifications adopted by the commission under this chapter must be consistent in effect with the standards and specifications adopted by the American National Standards Institute or that entity's federally recognized successor in function.

(b-1) Subject to Subsection (b), the standards and specifications adopted by the commission under this chapter must provide that:

(1) if an accessible parking space provided in accordance with a requirement of the standards and specifications is paved:

(A) the international symbol of access must be painted on the parking space; and

(B) the words "NO PARKING" must be painted on any access aisle adjacent to the parking space; and

(2) a sign identifying an accessible parking space provided in accordance with a requirement of the standards and specifications must include a

statement regarding the potential consequences of illegally parking a vehicle in the space, including the towing of the vehicle or the assessment of a fine or other penalty against the vehicle owner or operator.

Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND PERSONAL FAMILY INFORMATION.

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(15) [({42}) a current or former federal judge or state judge, as those terms are defined by Section 1.005 [43-0024(a)], Election Code, or a spouse of a current or former federal judge or state judge.

Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS, COUNTY JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN STATE AGENCIES OR CERTAIN CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES, AND FEDERAL AND STATE JUDGES.

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure, or special investigators as described by Article 2.122, Code of Criminal Procedure;

(13) federal judges and state judges as defined by Section 1.005 [43-0024], Election Code.

Sec. 571.1211. DEFINITIONS.

- (2) "Category One violation" means a violation of a law within jurisdiction of the commission as to which it is generally not difficult to ascertain whether the violation occurred or did not occur, including:
- (A) the failure by a person required to file a statement or report to:
- (i) file the required statement or report in a manner that complies with applicable requirements; or
 - (ii) timely file the required statement or report;
- (B) a violation of Section 255.001, Election Code;
- (C) a misrepresentation in political advertising or a campaign communication relating to the office held by a person in violation of Section 255.006, Election Code;
- (D) a failure to include in any written political advertising intended to be seen from a road the right-of-way notice in violation of Section 259.001 [~~255.007~~], Election Code; or
- (E) a failure to timely respond to a written notice under Section 571.123(b).

SUBCHAPTER L. RETIREMENT OF LAW ENFORCEMENT ANIMAL

Sec. 614.211. DEFINITIONS.

- (1) "Head of a law enforcement agency" means the highest-ranking peace officer in a law enforcement agency, including the director, sheriff, constable, or police chief, as applicable.
- (2) "Law enforcement agency" means an office, department, or other division of this state or a political subdivision of this state, including a county, municipality, school district, or hospital district, that is authorized by law to employ peace officers.

Sec. 614.212. SUITABILITY AND ELIGIBILITY OF ANIMAL.

- (a) The governing body of a state agency or political subdivision may enter into a contract with a person for the transfer of a law enforcement dog, horse, or other animal that has been determined by the applicable head of a law enforcement agency or that person's designee to be:
- (1) suitable for transfer, after consulting with the animal's veterinarian, handlers, and other caretakers; and
 - (2) surplus to the needs of the state agency or political subdivision because the animal is:
 - (A) at the end of the animal's working life; or
 - (B) subject to circumstances that justify making the animal available for transfer before the end of the animal's working life, including:
 - (i) the death of the animal's handler in the line of duty or as a result of injuries sustained in the line of duty; or
 - (ii) the medical retirement of the animal's handler as a result of injuries sustained in the line of duty.
- (b) The head of a state law enforcement agency may execute a contract under this subchapter on behalf of the state agency.

Sec. 614.213. TRANSFEREE.

- (a) A law enforcement animal determined to be suitable and eligible for transfer under Section 614.212 may be transferred only to a person who is:
- (1) capable of humanely caring for the animal; and
 - (2) selected by the applicable head of a law enforcement agency or that person's designee in the following order of priority, as applicable:

(A) the animal's former handler who medically retired as a result of injuries sustained in the line of duty;

(B) the parent, child, spouse, or sibling of the animal's former handler if the handler was killed in the line of duty or died from injuries sustained in the line of duty;

(C) a former handler not described by Paragraph (A);

(D) a peace officer, county jailer, or telecommunicator other than the animal's handler; or

(E) another person.

(b) If more than one person in a category of authorized transferees under Subsection (a)(2) requests to receive the animal, the applicable head of a law enforcement agency or that person's designee shall determine which of the potential transferees would best serve the best interest of the animal and the applicable state agency or political subdivision.

Sec. 614.214. CONTRACT.

A contract for a transfer under this subchapter:

(1) may provide for the transfer without charge to the transferee;

(2) must require the transferee to:

(A) humanely care for the animal, including providing food, shelter, and regular and appropriate veterinary care, including medication, to properly provide for the animal's health;

(B) comply with all state and local laws applicable to keeping domestic animals; and

(C) notify the applicable state agency or political subdivision if the transferee is no longer able to humanely care for the animal; and

(3) must require the applicable state agency or political subdivision to take possession of the animal on:

(A) receipt of the notice under Subdivision (2)(C); or

(B) a finding by the governing body of the state agency or political subdivision that the transferee is no longer able to humanely care for the animal.

Sec. 614.215. LIABILITY.

A state agency or political subdivision that transfers an animal under this subchapter:

(1) is not liable in a civil action for any damages arising from the transfer, including damages arising from the animal's law enforcement training; and

(2) is not liable for veterinary expenses of the transferred animal, including expenses associated with care for a condition of the animal that existed before or at the time of transfer, regardless of whether the applicable law enforcement agency, state agency, or political subdivision was aware of the condition.

Sec. 614.216. EFFECT OF SUBCHAPTER.

This subchapter does not:

(1) require an animal to be transferred under this subchapter;

(2) affect a state agency's or political subdivision's authority to care for retired law enforcement animals; or

(3) waive sovereign or governmental immunity to suit and from liability of the state agency or political subdivision transferring an animal.

Sec. 614.217. EFFECT OF SURPLUS OR SALVAGE LAW.

Subchapter D, Chapter 2175, of this code, Subchapter D, Chapter 263, Local

Government Code, and other similar laws regarding the disposition of surplus or salvage property do not apply to the transfer of a law enforcement animal under this subchapter.

CHAPTER 2272. CERTAIN CONSTRUCTION LIABILITY CLAIMS

Sec. 2272.001. DEFINITIONS.

In this chapter:

- (1) "Action" means a court or judicial proceeding or an arbitration. The term does not include an administrative action.
- (2) "Construction" includes:
 - (A) the initial construction of an improvement to real property;
 - (B) the construction of an addition to an improvement to real property; or
 - (C) the repair, alteration, or remodeling of an improvement to real property.
- (3) "Construction defect" means a deficiency in the construction of an improvement to real property, including a deficiency in or arising out of the design, specifications, surveying, planning, or supervision of the construction, that is the result of:
 - (A) the use of defective materials, products, or components in the construction;
 - (B) a violation of a building code applicable by law to the construction;
 - (C) a failure of the design of an improvement to real property to meet the professional standards of care applicable at the time of governmental approval of the design or as otherwise applicable if no governmental approval of the design was required or obtained; or
 - (D) a failure to perform the construction in accordance with the

accepted trade standards for good and workmanlike construction.

- (4) "Contractor" means a person engaged in the business of developing, constructing, fabricating, repairing, altering, or remodeling improvements to real property.
- (5) "Design professional" means an individual registered as an architect under Chapter 1051, Occupations Code, or a person licensed as an engineer under Chapter 1001, Occupations Code.
- (6) "Governmental entity" means:
 - (A) the state;
 - (B) a municipality, county, public school district, or special-purpose district or authority;
 - (C) a district, county, or justice of the peace court;
 - (D) a board, commission, department, office, or other agency in the executive branch of state government, including an institution of higher education as defined by Section 61.003, Education Code;
 - (E) the legislature or a legislative agency; or
 - (F) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or the State Bar of Texas or another judicial agency having statewide jurisdiction.
- (7) "Subcontractor" means a contractor directly retained and compensated by another contractor to perform labor or perform labor and supply materials in the construction.
- (8) "Supplier" means a person who provides only materials, equipment, or other supplies for the construction.

Sec. 2272.002. APPLICABILITY OF CHAPTER.

- (a) This chapter applies only to a claim:

- (1) for:
 - (A) damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work; or
 - (B) indemnity or contribution for damages described by Paragraph (A);
- (2) asserted by a governmental entity with an interest in the public building or public work affected by the alleged construction defect; and
- (3) asserted against a contractor, subcontractor, supplier, or design professional.

(b) This chapter does not apply to:

- (1) a claim for personal injury, survival, or wrongful death;
- (2) a claim involving the construction of residential property covered under Chapter 27, Property Code;
- (3) a contract entered into by the Texas Department of Transportation;
- (4) a project that receives money from a state or federal highway fund; or
- (5) a civil works project as defined by Section 2269.351.

Sec. 2272.003. REPORT.

- (a) Before bringing an action asserting a claim to which this chapter applies, the governmental entity must provide each party with whom the governmental entity has a contract for the design or construction of an affected structure a written report by certified mail, return receipt requested, that clearly:
 - (1) identifies the specific construction defect on which the claim is based;
 - (2) describes the present physical condition of the affected structure; and
 - (3) describes any modification, maintenance, or repairs to the affected

structure made by the governmental entity or others since the affected structure was initially occupied or used.

- (b) Not later than the fifth day after the date a contractor receives a report under Subsection (a), the contractor must provide a copy of the report to each subcontractor retained on the construction of the affected structure whose work is subject to the claim.

Sec. 2272.004. OPPORTUNITY TO INSPECT AND CORRECT.

- (a) Before bringing an action asserting a claim to which this chapter applies, the governmental entity must allow each party with whom the governmental entity has a contract for the design or construction of an affected structure and who is subject to the claim and any known subcontractor or supplier who is subject to the claim:

- (1) a reasonable opportunity to inspect any construction defect or related condition identified in the report for a period of 30 days after sending the report required by Section 2272.003; and

- (2) at least 120 days after the inspection to:

(A) correct any construction defect or related condition identified in the report; or

(B) enter into a separate agreement with the governmental entity to correct any construction defect or related condition identified in the report.

- (b) The governmental entity is not required to allow a party to make a correction or repair under Subsection (a) if:

- (1) the party:

(A) is a contractor and cannot provide payment and performance bonds to cover the corrective work;

- (B) cannot provide liability insurance or workers' compensation insurance;
- (C) has been previously terminated for cause by the governmental entity; or
- (D) has been convicted of a felony; or
- (2) the governmental entity previously complied with the process required by Subsection (a) regarding a construction defect or related condition identified in the report and:
 - (A) the defect or condition was not corrected as required by Subsection (a)(2)(A) or an agreement under Subsection (a)(2)(B); or
 - (B) the attempt to correct the construction defect or related condition identified in the report resulted in a new construction defect or related condition.

Sec. 2272.005. TOLLING OF LIMITATIONS AND REPOSE PERIODS.

If the report and opportunity to correct required by Sections 2272.003 and 2272.004 are provided during the final year of a limitations or repose period applicable to the claim, the limitations or repose period is tolled until the first anniversary of the date on which the report is provided.

Sec. 2272.006. DISMISSAL.

- (a) If a governmental entity brings an action asserting a claim to which this chapter applies without complying with Sections 2272.003 and 2272.004, the court, arbitrator, or other adjudicating authority shall dismiss the action without prejudice.
- (b) If an action is dismissed without prejudice under Subsection (a) and the governmental entity brings a second action asserting a claim to which this chapter applies without complying with Sections 2272.003 and 2272.004, the

court, arbitrator, or other adjudicating authority shall dismiss the action with prejudice.

Sec. 2272.007. RECOVERY OF REPORT COSTS.

If a report provided by a governmental entity under Section 2272.003 identifies a construction defect that is corrected under Section 2272.004 or for which the governmental entity recovers damages, the party responsible for that construction defect shall pay the reasonable amounts incurred by the governmental entity to obtain the report with respect to identification of that construction defect.

Sec. 2272.008. EMERGENCY REPAIRS BY GOVERNMENTAL ENTITY.

This chapter does not prohibit or limit a governmental entity from making emergency repairs to the property as necessary to protect the health, safety, and welfare of the public or a building occupant.

Sec. 2272.009. INSURANCE TREATMENT OF CLAIM.

If a party, in connection with a potential claim against the party, receives a written notice of an alleged construction defect or a report under Section 2272.003 identifying a construction defect and provides the notice or report to the party's insurer, the insurer shall treat the provision of the notice or report to the party as the filing of a suit asserting that claim against the party for purposes of the relevant policy terms.

HEALTH & SAFETY CODE

Section	Bill Modifying
161.081	SB 21
161.0815	SB 21
161.082 – 161.087	SB 21
161.089	SB 21
161.251	SB 21
161.252	SB 21
161.254 <i>repealed</i>	SB 21
161.255	SB 21, SB 346
161.256	SB 21
161.452	SB 21
161.453	SB 21
161.455 <i>repealed</i>	SB 21
443.001 – 443.004	HB 1325
443.151	HB 1325
443.201	HB 1325
443.203	HB 1325
481.002	HB 1325
481.076	HB 3284
481.0769	HB 3284
711.002	HB 2248

HEALTH & SAFETY CODE

Sec. 161.081. DEFINITIONS.

(1-b) "Minor" means a person under 21 years of age.

Sec. 161.0815. NONAPPLICABILITY.

This subchapter does not apply to a product that is:

(1) approved by the United States Food and Drug Administration for use in the treatment of nicotine or smoking addiction; and

(2) labeled with a "Drug Facts" panel in accordance with regulations of the United States Food and Drug Administration.

Sec. 161.082. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 21 [48] YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED.

(a) A person commits an offense if the person, with criminal negligence:

(1) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 21 [48] years of age; or

(2) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to another person who intends to deliver it to someone who is younger than 21 [48] years of age.

(e) A proof of identification satisfies the requirements of Subsection (d) if it contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is 21 [48] years of age or

older, and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport, or an identification card issued by a state or the federal government.

(f) It is an exception to the application of Subsection (a)(1) that the person to whom the cigarette, e-cigarette, or tobacco product was sold:

(1) is at least 18 years of age; and

(2) presented at the time of purchase a valid military identification card of the United States military forces or the state military forces.

Sec. 161.083. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 30 [27] YEARS OF AGE.

(a) ~~A [Pursuant to federal regulation under 21 C.F.R. Section 1140.14(b), a] person may not sell, give, or cause to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 30 [27] years of age unless the person to whom the cigarette, e-cigarette, or tobacco product was sold or given presents an apparently valid proof of identification.~~

~~(a-1) A person may not sell, give, or cause to be sold or given an e-cigarette to someone who is younger than 27 years of age unless the person to whom the e-cigarette was sold or given presents an apparently valid proof of identification.~~

(b) A retailer shall adequately supervise and train the retailer's agents and employees to prevent a violation of Subsection [Subsections] (a) [and (a-1)].

(c) A proof of identification described by Section 161.082(e) satisfies the requirements of Subsection [Subsections] (a) [and (a-1)].

Sec. 161.084. WARNING NOTICE.

(b) The sign must include the statement:

PURCHASING OR ATTEMPTING TO PURCHASE CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY A PERSON [MINOR] UNDER 21 [48] YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO A PERSON [MINOR] UNDER 21 [48] YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO \$500, MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING (insert toll-free telephone number). PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT. THE PROHIBITIONS ON THE PURCHASE OR ATTEMPT TO PURCHASE DESCRIBED ABOVE DO NOT APPLY TO A PERSON WHO IS IN THE UNITED STATES MILITARY FORCES OR STATE MILITARY FORCES.

(b-1) Immediately following the statement described by Subsection (b), the sign described by that subsection must include the statement:

THE PROHIBITIONS ON THE PURCHASE OR ATTEMPT TO PURCHASE DESCRIBED ABOVE DO NOT APPLY TO A PERSON WHO WAS BORN ON OR BEFORE AUGUST 31, 2001.

(b-2) This subsection and Subsection (b-1) expire September 1, 2022.

Sec. 161.085. NOTIFICATION OF EMPLOYEES AND AGENTS.

(a) Each retailer shall notify each individual employed by that retailer who is to be engaged in retail sales of cigarettes, e-cigarettes, or tobacco products that state law:

(1) prohibits the sale or distribution of cigarettes, e-cigarettes, or tobacco products to any person who is younger than 21 [48] years of age as provided by Section 161.082 and that a violation of that section is a Class C misdemeanor; and

(2) requires each person who sells cigarettes, e-cigarettes, or tobacco products at retail or by vending machine to post a warning notice as provided by Section 161.084, requires each employee to ensure that the appropriate sign is always properly displayed while that employee is exercising the employee's duties, and provides that a violation of Section 161.084 is a Class C misdemeanor.

(b) The notice required by this section [Subsection (a)] must be provided within 72 hours of the date an individual begins to engage in retail sales of cigarettes, e-cigarettes, or tobacco products. The individual shall signify that the individual has received the notice required by this section [Subsection (a)] by signing a form stating that the law has been fully explained, that the individual understands the law, and that the individual, as a condition of employment, agrees to comply with the law.

Sec. 161.086. VENDOR ASSISTED SALES REQUIRED; VENDING MACHINES.

(a) Except as provided by Subsection (b), a retailer or other person may not:

(1) offer cigarettes, e-cigarettes, or tobacco products for sale in a manner that permits a customer direct access

to the cigarettes, e-cigarettes, or tobacco products; or

(2) install or maintain a vending machine containing cigarettes, e-cigarettes, or tobacco products.

(b) Subsection (a) does not apply to:

(1) a facility or business that is not open to persons younger than 21 [~~18~~] years of age at any time;

(2) that part of a facility or business that is a humidor or other enclosure designed to store cigars in a climate-controlled environment and that is not open to persons younger than 21 years of age at any time; or

(3) a premises for which a person holds a package store permit issued under the Alcoholic Beverage Code and that is not open to persons younger than 21 years of age at any time.

Sec. 161.087. DISTRIBUTION OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS.

(a) A person may not distribute [~~to persons younger than 18 years of age~~]:

(1) a free sample of a cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a free [~~or discounted~~] cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product.

(a-1) A person may not distribute to persons younger than 21 years of age a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product.

(b) Except as provided by Subsection (c), a person, including a permit holder, may not accept or redeem, offer to accept or redeem, or hire a person to accept or redeem:

(1) a coupon or other item that the recipient may use to receive a free [~~or discounted~~] cigarette, e-cigarette, or

tobacco product or a sample cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a discounted cigarette, e-cigarette, or tobacco product if the recipient is younger than 21 [~~18~~] years of age.

(b-1) A coupon or other item that [such] a recipient described by Subsection (b) may use to receive a [free or] discounted cigarette, e-cigarette, or tobacco product [or a sample cigarette, e-cigarette, or tobacco product] may not be redeemable through mail or courier delivery.

(c) Subsections (a)(2), (a-1), [~~and~~] (b), and (b-1) do not apply to a transaction between permit holders unless the transaction is a retail sale.

Sec. 161.089. PREEMPTION OF LOCAL LAW.

(a) Except as provided by Subsection (b), this [This] subchapter does not preempt a local regulation of the sale, distribution, or use of cigarettes or tobacco products or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the sale, distribution, or use of cigarettes or tobacco products if the regulation, ordinance, or requirement:

(1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2) relates to an issue that is not specifically addressed by this subchapter or Chapter 154 or 155, Tax Code.

(b) A political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by this subchapter.

Sec. 161.251. DEFINITIONS.

(1-b) "Minor" means a person under 21 years of age.

Sec. 161.252. POSSESSION, PURCHASE, CONSUMPTION, OR RECEIPT OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY MINORS PROHIBITED.

(a) An individual who is younger than 21 ~~[48]~~ years of age commits an offense if the individual:

(1) possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or

(2) falsely represents himself or herself to be 21 ~~[48]~~ years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

(b) It is an exception to the application of this section that the individual younger than 21 ~~[48]~~ years of age possessed the cigarette, e-cigarette, or tobacco product in the presence of[:

~~[(1) an adult parent, a guardian, or a spouse of the individual; or~~

~~[(2) an employer of the individual, if possession or receipt of the cigarette, e-cigarette, or tobacco product is required in the performance of the employee's duties as an employee.~~

(c) It is an exception to the application of this section that the individual younger than 21 ~~[48]~~ years of age is participating in an inspection or test of compliance in accordance with Section 161.088.

(c-1) It is an exception to the application of this section that the individual younger than 21 years of age:

(1) is at least 18 years of age; and

(2) presents at the time of purchase a valid military identification card of the

United States military forces or the state military forces.

(d) An offense under this section is punishable by a fine not to exceed \$100 ~~[\$250]~~.

(e) On conviction of an individual under this section, the court shall give notice to the individual that the individual may apply to the court to have the individual's conviction expunged as provided by Section 161.255 on or after the individual's 21st birthday.

~~Sec. 161.254. DRIVER'S LICENSE SUSPENSION OR DENIAL.~~

~~(a) If the defendant does not provide the evidence required under Section 161.253(e) within the period specified by that subsection, the court shall order the Department of Public Safety to suspend or deny issuance of any driver's license or permit to the defendant. The order must specify the period of the suspension or denial, which may not exceed 180 days after the date of the order.~~

~~(b) The Department of Public Safety shall send to the defendant notice of court action under Subsection (a) by first class mail. The notice must include the date of the order and the reason for the order and must specify the period of the suspension or denial.~~

Sec. 161.255. EXPUNGEMENT OF CONVICTION.

(a) An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged on or after the individual's 21st birthday. ~~The [If the court finds that the individual satisfactorily completed the e-cigarette and tobacco awareness program or e-cigarette and tobacco-related community service ordered by the court, the] court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be~~

expunged from the individual's record and the conviction may not be shown or made known for any purpose.

- (b) The court shall charge an applicant a reimbursement fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

Sec. 161.256. JURISDICTION OF COURTS.

A justice court or municipal court may exercise jurisdiction over any matter in which a court under this subchapter may[:

- ~~[(4)]~~ impose a requirement that a defendant attend an e-cigarette and tobacco awareness program or perform e-cigarette- and tobacco-related community service[; or
~~[(2) order the suspension or denial of a driver's license or permit].~~

Sec. 161.452. REQUIREMENTS FOR DELIVERY SALES.

- (a) A person may not make a delivery sale of cigarettes or e-cigarettes to an individual who is under the age prescribed by Section 161.082.
- (b) A person taking a delivery sale order of cigarettes shall comply with:
- (1) the age verification requirements prescribed by Section 161.453;
 - (2) the disclosure requirements prescribed by Section 161.454;
 - (3) ~~[the shipping requirements prescribed by Section 161.455;~~
 - ~~[(4)]~~ the registration and reporting requirements prescribed by Section 161.456;
 - ~~[(4) [(5)]]~~ the tax collection requirements prescribed by Section 161.457; and
 - ~~[(5) [(6)]]~~ each law of this state that generally applies to sales of cigarettes

that occur entirely within this state, including a law:

- (A) imposing a tax; or
 - (B) prescribing a permitting or tax-stamping requirement.
- (c) A person taking a delivery sale order of e-cigarettes shall comply with:
- (1) the age verification requirements prescribed by Section 161.453;
 - (2) the disclosure requirements prescribed by Section 161.454;
 - (3) ~~[the shipping requirements prescribed by Section 161.455;~~
 - ~~[(4)]~~ the registration and reporting requirements prescribed by Section 161.456; and
 - ~~[(4) [(5)]]~~ each law of this state that generally applies to sales of e-cigarettes that occur entirely within this state.

Sec. 161.453. AGE VERIFICATION REQUIREMENT.

- (a) A person may not mail or ship cigarettes in connection with a delivery sale order unless before mailing or shipping the cigarettes the person accepting the delivery sale order first:
- (1) obtains from the prospective customer a certification that includes:
 - (A) reliable confirmation that the purchaser is at least 21 ~~[18]~~ years of age; and
 - (B) a statement signed by the prospective purchaser in writing and under penalty of law:
 - (i) certifying the prospective purchaser's address and date of birth;
 - (ii) confirming that the prospective purchaser understands that signing another person's name to the certification is illegal, that sales of cigarettes to an individual under the age prescribed by Section 161.082

are illegal under state law, and that the purchase of cigarettes by an individual under that age is illegal under state law; and

- (iii) confirming that the prospective purchaser wants to receive mailings from a tobacco company;
 - (2) makes a good faith effort to verify the information contained in the certification provided by the prospective purchaser under Subdivision (1) against a commercially available database or obtains a photocopy or other image of a government-issued identification bearing a photograph of the prospective purchaser and stating the date of birth or age of the prospective purchaser;
 - (3) sends to the prospective purchaser, by e-mail or other means, a notice that complies with Section 161.454; and
 - (4) for an order made over the Internet or as a result of an advertisement, receives payment for the delivery sale from the prospective purchaser by a credit or debit card that has been issued in the purchaser's name or by check.
- (c) A person may not mail or ship e-cigarettes in connection with a delivery sale order unless before accepting a delivery sale order the person verifies that the prospective purchaser is at least 21 [~~18~~] years of age through a commercially available database or aggregate of databases that is regularly used for the purpose of age and identity verification. After the order is accepted, the person must use a method of mailing or shipping that requires an adult signature.

Sec. ~~161.455.~~ SHIPPING REQUIREMENTS.

- (a) ~~A person who mails or ships cigarettes in connection with a delivery sale order shall:~~
- (1) ~~include as part of the shipping documents a clear and conspicuous statement: "CIGARETTES: TEXAS LAW PROHIBITS SHIPPING TO INDIVIDUALS UNDER 18 YEARS OF AGE AND REQUIRES THE PAYMENT OF ALL APPLICABLE TAXES";~~
 - (2) ~~use a method of mailing or shipping that obligates the delivery service to require:~~
 - (A) ~~the purchaser placing the delivery sale order, or an adult who is at least 18 years of age and who resides at the purchaser's address, to sign to accept delivery of the shipping container; and~~
 - (B) ~~the person signing to accept delivery of the shipping container to provide proof, in the form of a government-issued identification bearing a photograph that the person is:~~
 - (i) ~~the addressee or an adult who is at least 18 years of age and who resides at the purchaser's address; and~~
 - (ii) ~~at least 18 years of age if the person appears to be younger than 27 years of age; and~~
 - (3) ~~provide to the delivery service retained to make the delivery evidence of full compliance with Section 161.457.~~
- (a-1) ~~A person who mails or ships e-cigarettes in connection with a delivery sale order shall include as part of the shipping documents a clear and conspicuous statement: "E-CIGARETTES: TEXAS LAW PROHIBITS SHIPPING TO INDIVIDUALS YOUNGER THAN 18 YEARS OF AGE AND REQUIRES~~

~~PAYMENT OF ALL APPLICABLE TAXES."~~

- ~~(b) A person taking a delivery sale order who delivers the cigarettes or e-cigarettes without using a third-party delivery service shall comply with the delivery requirements prescribed by this subchapter that apply to a delivery service.~~

CHAPTER 443. MANUFACTURE, DISTRIBUTION, AND SALE OF CONSUMABLE HEMP PRODUCTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 443.001. DEFINITIONS.

In this chapter:

- (1) "Consumable hemp product" means food, a drug, a device, or a cosmetic, as those terms are defined by Section 431.002, that contains hemp or one or more hemp-derived cannabinoids, including cannabidiol.
- (2) "Department" means the Department of State Health Services.
- (3) "Establishment" means each location where a person processes hemp or manufactures a consumable hemp product.
- (4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.
- (5) "Hemp" has the meaning assigned by Section 121.001, Agriculture Code.
- (6) "License" means a consumable hemp product manufacturer's license issued under this chapter.
- (7) "License holder" means an individual or business entity holding a license.
- (8) "Manufacture" has the meaning assigned by Section 431.002.

(9) "Process" means to extract a component of hemp, including cannabidiol or another cannabinoid, that is:

- (A) sold as a consumable hemp product;
- (B) offered for sale as a consumable hemp product;
- (C) incorporated into a consumable hemp product; or
- (D) intended to be incorporated into a consumable hemp product.

(10) "QR code" means a quick response machine-readable code that can be read by a camera, consisting of an array of black and white squares used for storing information or directing or leading a user to additional information.

(11) "Smoking" means burning or igniting a substance and inhaling the smoke or heating a substance and inhaling the resulting vapor or aerosol.

Sec. 443.002. APPLICABILITY OF OTHER LAW.

Except as provided by Section 431.011(c), Chapter 431 applies to a license holder and a consumable hemp product regulated under this chapter.

Sec. 443.003. LOCAL REGULATION PROHIBITED.

A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the processing of hemp or the manufacturing or sale of a consumable hemp product as authorized by this chapter.

Sec. 443.004. SEVERABILITY.

(a) A provision of this chapter or its application to any person or circumstance is invalid if the secretary of

the United States Department of Agriculture determines that the provision or application conflicts with 7 U.S.C. Chapter 38, Subchapter VII, and prevents the approval of the state plan submitted under Chapter 121, Agriculture Code.

(b) The invalidity of a provision or application under Subsection (a) does not affect the other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SUBCHAPTER D. TESTING OF CONSUMABLE HEMP PRODUCTS

Sec. 443.151. TESTING REQUIRED.

(a) A consumable hemp product must be tested as provided by:

- (1) Subsections (b) and (c); or
- (2) Subsection (d).

(b) Before a hemp plant is processed or otherwise used in the manufacture of a consumable hemp product, a sample representing the plant must be tested, as required by the executive commissioner, to determine:

- (1) the concentration of various cannabinoids; and
- (2) the presence or quantity of heavy metals, pesticides, and any other substance prescribed by the department.

(c) Before material extracted from hemp by processing is sold as, offered for sale as, or incorporated into a consumable hemp product, the material must be tested, as required by the executive commissioner, to determine:

- (1) the presence of harmful microorganisms; and
- (2) the presence or quantity of:

(A) any residual solvents used in processing, if applicable; and

(B) any other substance prescribed by the department.

(d) Except as otherwise provided by Subsection (e), before a consumable hemp product is sold at retail or otherwise introduced into commerce in this state, a sample representing the hemp product must be tested:

(1) by a laboratory that is accredited by an accreditation body in accordance with International Organization for Standardization ISO/IEC 17025 or a comparable or successor standard to determine the delta-9 tetrahydrocannabinol concentration of the product; and

(2) by an appropriate laboratory to determine that the product does not contain a substance described by Subsection (b) or (c) in a quantity prohibited for purposes of those subsections.

(e) A consumable hemp product is not required to be tested under Subsection (d) if each hemp-derived ingredient of the product:

- (1) has been tested in accordance with:
 - (A) Subsections (b) and (c); or
 - (B) Subsection (d); and

(2) does not have a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent.

SUBCHAPTER E. RETAIL SALE OF CONSUMABLE HEMP PRODUCTS

Sec. 443.201. POSSESSION, TRANSPORTATION, AND SALE OF CONSUMABLE HEMP PRODUCTS.

(a) A person may possess, transport, sell, or purchase a consumable hemp product processed or manufactured in compliance with this chapter.

(b) The executive commissioner by rule must provide to a retailer of consumable hemp products fair notice of a potential violation concerning consumable hemp products sold by the retailer and an opportunity to cure a violation made unintentionally or negligently.

Sec. 443.203. DECEPTIVE TRADE PRACTICE.

(a) A person who sells, offers for sale, or distributes a cannabinoid oil, including cannabidiol oil, that the person claims is processed or manufactured in compliance with this chapter commits a false, misleading, or deceptive act or practice actionable under Subchapter E, Chapter 17, Business & Commerce Code, if the oil is not processed or manufactured in accordance with this chapter.

(b) A person who sells, offers for sale, or distributes a cannabinoid oil commits a false, misleading, or deceptive act or practice actionable under Subchapter E, Chapter 17, Business & Commerce Code, if the oil:

- (1) contains harmful ingredients;
- (2) is not produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII; or
- (3) has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent.

Sec. 481.002. DEFINITIONS.

In this chapter:

(5) "Controlled substance" means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Section 121.001, Agriculture Code, or the tetrahydrocannabinols in hemp.

(26) "Marihuana" means the plant Cannabis sativa L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds. The term does not include:

- (A) the resin extracted from a part of the plant or a compound, manufacture, salt, derivative, mixture, or preparation of the resin;
- (B) the mature stalks of the plant or fiber produced from the stalks;
- (C) oil or cake made from the seeds of the plant;
- (D) a compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; [øf]
- (E) the sterilized seeds of the plant that are incapable of beginning germination; or
- (F) hemp, as that term is defined by Section 121.001, Agriculture Code.

Sec. 481.076. OFFICIAL PRESCRIPTION INFORMATION; DUTIES OF TEXAS STATE BOARD OF PHARMACY.

(a-6) A patient, the patient's parent or legal guardian, if the patient is a minor, or the patient's legal guardian, if the patient is an incapacitated person, as defined by Section 1002.017(2), Estates Code, is entitled to a copy of the patient's prescription record as provided by Subsection (a)(9), including a list of persons who have accessed that record, if a completed patient data request form and any supporting documentation required by the board is submitted to the board. The board may charge a reasonable fee for providing the copy. The board shall adopt rules to implement this subsection, including rules prescribing the patient data request form, listing the documentation required for

receiving a copy of the prescription record, and setting the fee.

Sec. 481.0769. CRIMINAL OFFENSES RELATED TO PRESCRIPTION INFORMATION.

- (a) A person authorized to receive information under Section 481.076(a) commits an offense if the person discloses or uses the information in a manner not authorized by this subchapter or other law.
- (b) A person requesting information under Section 481.076(a-6) commits an offense if the person makes a material misrepresentation or fails to disclose a material fact in the request for information under that subsection.
- (c) An offense under Subsection (a) is a Class A misdemeanor.
- (d) An offense under Subsection (b) is a Class C misdemeanor.

Sec. 711.002. DISPOSITION OF REMAINS; DUTY TO INTER.

- (a) Except as provided by Subsection (l), unless a decedent has left directions in writing for the disposition of the decedent's remains as provided in Subsection (g), the following persons, in the priority listed, have the right to control the disposition, including cremation, of the decedent's remains, shall inter the remains, and in accordance with Subsection (a-1) are liable for the reasonable cost of interment:
 - (1) the person designated in a written instrument signed by the decedent;
 - (2) the decedent's surviving spouse;
 - (3) any one of the decedent's surviving adult children;
 - (4) either one of the decedent's surviving parents;
 - (5) any one of the decedent's surviving adult siblings;

(6) any one or more of the duly qualified executors or administrators of the decedent's estate; or

(7) any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

(k) Any dispute among any of the persons listed in Subsection (a) concerning their right to control the disposition, including cremation, of a decedent's remains shall be resolved by a court with ~~[of competent]~~ jurisdiction over probate proceedings for the decedent, regardless of whether a probate proceeding has been initiated. A cemetery organization or funeral establishment shall not be liable for refusing to accept the decedent's remains, or to inter or otherwise dispose of the decedent's remains, until it receives a court order or other suitable confirmation that the dispute has been resolved or settled.

HUMAN RESOURCES CODE

Section	Bill Modifying
152.0522 <i>repealed</i>	SB 346

HUMAN RESOURCES CODE

~~Sec. 152.0522. COMAL COUNTY
JUVENILE PLACEMENT SPECIAL FUND.~~

~~(a) A person who files a civil suit in a district or statutory county court in Comal County shall pay to the clerk of the court a \$4 filing fee. A person who files a civil suit in the justice court or small claims court in Comal County shall pay to the clerk of the justice court a \$1.50 filing fee. A fee imposed under this subsection is in addition to other fees imposed for filing a civil suit in a district, statutory county, justice, or small claims court in Comal County and is collected at the time the case is filed.~~

~~(b) A person convicted of a criminal offense in a district or statutory county court in Comal County shall pay \$4 as court costs in addition to other taxable court costs. A person convicted of a criminal offense in a justice court in Comal County shall pay \$1.50 as court costs in addition to other taxable court costs. The additional costs shall be collected in the same manner that other fines or court costs in the case are collected.~~

~~(c) The officer collecting funds under Subsection (a) or (b) shall keep separate records of the funds collected under this section and shall deposit the funds in the juvenile placement special fund.~~

~~(d) The county treasurer shall keep records of the amount of money in the fund and the disbursements from the fund. The juvenile board may require the treasurer to file reports of the fund's status.~~

~~(e) The juvenile board shall use the fund to assist organizations in providing housing facilities or treatment programs for juveniles. The board may direct the county treasurer to disburse money from the fund to an organization if the organization:~~

~~(1) is a nonprofit corporation as defined by the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes);~~

~~(2) provides a temporary or permanent housing facility or treatment program for delinquent children, children in need of supervision, or children who otherwise need care; and~~

~~(3) is approved by the board to provide the facilities or programs.~~

LOCAL GOVERNMENT CODE

Section	Bill Modifying
118.131	HB 145
132.002	SB 346
132.003	SB 346
133.001	SB 346
133.003	SB 346
133.058	SB 891, SB 346
133.102	SB 346
133.103 <i>renumbered as Code of Criminal Procedure Art. 102.030</i>	SB 346, SB 891
133.105 <i>repealed</i>	SB 346
133.107 <i>repealed</i>	SB 346
133.122	SB 346
133.124	SB 346
133.125 <i>renumbered from Code of Criminal Procedure Art. 102.015</i>	SB 346
134.001	SB 346
134.002	SB 346
134.003	SB 346
134.051	SB 346
134.052	SB 346
134.103	SB 346
134.151	SB 346
134.154	SB 346
134.155	SB 346
134.156	SB 346

Section	Bill Modifying
159.055	HB 1872
159.071	SB 489
202.001	HB 1962
203.002	HB 1962
203.023	HB 1962
203.041	HB 1962
203.042	HB 1962
203.043 <i>repealed</i>	HB 1962
203.044	HB 1962
203.045 <i>repealed</i>	HB 1962
204.007	HB 1962
204.008 <i>repealed</i>	HB 1962
205.007 <i>repealed</i>	HB 1962
205.008	HB 1962
216.903 <i>renumbered as Election Code Sec. 259.003</i>	HB 2554
292.001	SB 40
292.002	SB 40
321.101 – 321.103	HB 1628

LOCAL GOVERNMENT CODE

Sec. 118.131. FEES SET BY COMMISSIONERS COURT.

(h) If the commissioners court does not set fees under this section, the fees for services by the offices of the sheriff and constables are those fees provided by law in effect for the preceding fiscal year [on August 31, 1981].

Sec. 132.002. PAYMENT OF FEES OR COSTS BY CREDIT CARD OR ELECTRONIC MEANS.

(a) The commissioners court of a county may authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to accept payment by credit card, the electronic processing of checks, or other electronic means of a fee, fine, court costs, or other charge. The commissioners court may also authorize a county or precinct officer to collect and retain a reimbursement fee for processing the payment by credit card, the electronic processing of checks, or other electronic means.

(b) The governing body of a municipality may authorize a municipal official who collects fees, fines, court costs, or other charges to:

(1) accept payment by credit card of a fee, fine, court cost, or other charge; and

(2) collect a reimbursement fee for processing the payment by credit card.

(c) The governing body of a municipality may authorize the acceptance of

payment by credit card without requiring collection of a reimbursement fee.

(d) The commissioners court may authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to accept payment by electronic means of a fee, fine, court costs, or other charge. The commissioners court may also authorize a county or precinct officer to collect and retain a reimbursement [~~handling~~] fee for processing the payment by electronic means.

(e) A commissioners court may authorize the acceptance of payment by credit card or by electronic means without requiring collection of a reimbursement fee.

(f) The director of a community supervision and corrections department, with the approval of the judges described by Section 76.002, Government Code, may authorize a community supervision official who collects fees, fines, court costs, and other charges to:

(1) accept payment by debit card or credit card of a fee, fine, court cost, or other charge; and

(2) collect a reimbursement fee for processing the payment by debit card or credit card.

Sec. 132.003. REIMBURSEMENT [PROCESSING OR HANDLING] FEE FOR PROCESSING CERTAIN PAYMENTS.

(a) The commissioners court shall set a reimbursement [~~processing~~] fee in an amount that is reasonably related to the expense incurred by the county or precinct officer in processing the payment by credit card. However, the court may not set the [~~processing~~] fee authorized by this subsection in an amount that exceeds five percent of the amount of the fee, court cost, or other charge being paid.

(b) The governing body of a municipality shall set the reimbursement [~~processing~~]

fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card. However, the governing body may not set the ~~[processing]~~ fee authorized by this subsection in an amount that exceeds five percent of the amount of the fee, fine, court cost, or other charge being paid.

(c) If the commissioners court authorizes collection of a reimbursement [handling] fee for processing a payment by electronic means under Section 132.002(d) ~~[132.002(e)]~~, the reimbursement fee shall be set:

- (1) at a flat rate that does not exceed \$5 for each payment transaction; or
- (2) at a rate that is reasonably related to the expense incurred by the county or precinct officer in processing a payment by electronic means and that does not exceed five percent of the amount of the fee, court cost, or other charge being paid.

(d) In addition to the reimbursement fee set under Subsection (a), the commissioners court of a county may authorize a county or precinct officer to collect on behalf of the county from a person making payment by credit card a reimbursement fee in an amount equal to the amount of any transaction fee charged to the county by a vendor providing services in connection with payments made by credit card. The limitation prescribed by Subsection (a) on the amount of a reimbursement fee under that subsection does not apply to a reimbursement fee collected under this subsection.

Sec. 133.001. PURPOSE.

The purpose of this chapter is to consolidate and standardize:

- (1) collection of fees payable to the comptroller in criminal and civil matters by:

(A) an officer of a court for deposit in a county or municipal treasury; or

(B) an officer of a county or municipality for deposit in the county or municipal treasury, as appropriate;

(2) remittance of those fees to the comptroller as required by this chapter and other law; and

(3) distribution of those fees by the comptroller to the proper accounts and funds in the state treasury.

Sec. 133.003. CRIMINAL FEES.

This chapter applies to the following criminal fees:

(1) the consolidated fee imposed under Section 133.102;

(2) ~~[the time payment fee imposed under Section 133.103;~~

~~[(3)]~~ fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104 of this code; and

~~[(3)]~~ ~~[(4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;~~

~~[(5) costs on conviction imposed in certain county courts under Section 51.703, Government Code, and deposited in the judicial fund;~~

~~[(6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code;~~

~~[(7)]~~ fines on conviction imposed under Section 621.506(g), Transportation Code;

~~[(8) the fee imposed under Article 102.0045, Code of Criminal Procedure;~~

~~[(9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund; and~~

~~[(10) the cost on conviction imposed under Section 133.107].~~

Sec. 133.058. PORTION OF FEE RETAINED.

- (a) Except as otherwise provided by this section, a municipality or county may retain 10 percent of the money collected from fees as a service fee for the collection if the municipality or county remits the remainder of the fees to the comptroller within the period prescribed by Section 133.055(a).
- (d) A county may not retain a service fee on the collection of a fee or fine:
- (1) for the judicial fund;
 - (2) under Article 42A.303 or 42A.653, Code of Criminal Procedure;
 - (3) under Section 51.851, Government Code; or
 - (4) under Section 51.971, Government Code.
- ~~(e) A municipality or county may not retain a service fee if, during an audit under Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure, and the municipality or county is unable to reestablish compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from the office. After any period in which the municipality or county becomes unable to retain a service fee under this subsection, the municipality or county may begin once more to retain the fee only on receipt of a written confirmation from the office that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.~~

Sec. 133.102. CONSOLIDATED FEES ON CONVICTION.

- (a) A person convicted of an offense shall pay as a court cost, in addition to all other costs:
- (1) ~~\$185~~ \$133 on conviction of a felony;
 - (2) ~~\$147~~ \$83 on conviction of a Class A or Class B misdemeanor; or
 - (3) ~~\$62~~ \$40 on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle.
- (b) The court costs under Subsection (a) shall be collected and remitted to the comptroller in the manner provided by Subchapter B.
- (c) The money collected under this section as court costs imposed on offenses committed on or after January 1, 2020 ~~[2004]~~, shall be allocated according to the percentages provided in Subsection (e).
- (d) The money collected as court costs imposed on offenses committed before January 1, 2004, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately. The money collected as court costs imposed on offenses committed on or after January 1, 2004, but before January 1, 2020, shall be allocated according to the percentages provided in Subsection (e), as that subsection existed and was applied on December 31, 2019.
- (e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or

fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- (1) crime stoppers assistance account 0.2427 [~~0.2584~~] percent;
- (2) breath alcohol testing account 0.3900 [~~0.5507~~] percent;
- (3) Bill Blackwood Law Enforcement Management Institute account 1.4741 [~~2.1683~~] percent;
- (4) Texas Commission on Law Enforcement account 3.4418 [~~law enforcement officers standards and education 5.0034~~] percent;
- (5) law enforcement and custodial officer supplement [~~supplemental~~] retirement trust fund 7.2674 [~~11.1426~~] percent;
- (6) criminal justice planning account 8.5748 [~~12.5537~~] percent;
- (7) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University 0.8540 [~~1.2090~~] percent;
- (8) compensation to victims of crime account 24.6704 [~~fund 37.6338~~] percent;
- (9) emergency radio infrastructure account 3.6913 [~~5.5904~~] percent;
- (10) judicial and court personnel training account 3.3224 [~~fund 4.8362~~] percent;
- (11) an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account 0.8522 [~~1.2090~~] percent; [~~and~~]
- (12) fair defense account 17.8857 [~~17.8448~~] percent;

- (13) judicial fund 12.2667 percent;
- (14) DNA testing account 0.1394 percent;
- (15) specialty court account 1.0377 percent;
- (16) statewide electronic filing system account 0.5485 percent;
- (17) jury service fund 6.4090 percent;
- (18) truancy prevention and diversion account 2.5956 percent; and
- (19) transportation administrative fee account 4.3363 percent.

(f) Of each dollar credited to the Texas Commission on Law Enforcement [~~law enforcement officers standards and education~~] account under Subsection (e)(4) [(e)(5)]:

- (1) 33.3 cents may be used only to pay administrative expenses; and
- (2) the remainder may be used only to pay expenses related to continuing education for persons licensed under Chapter 1701, Occupations Code.

Sec. 133.103. TIME PAYMENT FEE. (Renamed and renumbered as Code of Criminal Procedure Art. 102.030.)

~~Sec. 133.105. FEE FOR SUPPORT OF COURT-RELATED PURPOSES.~~

- (a) ~~A person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to all other costs, a fee of \$6 to be used for court-related purposes for the support of the judiciary.~~
- (b) ~~The treasurer shall deposit 60 cents of each fee collected under this section in the general fund of the municipality or county to promote the efficient operation of the municipal or county courts and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the courts.~~

~~(c) The treasurer shall remit the remainder of the fees collected under this section to the comptroller in the manner provided by Subchapter B. The comptroller shall deposit the fees in the judicial fund.~~

Sec. 133.107. FEE FOR SUPPORT OF INDIGENT DEFENSE REPRESENTATION.

~~(a) A person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to other costs, a fee of \$2 to be used to fund indigent defense representation through the fair defense account established under Section [79.031](#), Government Code.~~

~~(b) The treasurer shall remit a fee collected under this section to the comptroller in the manner provided by Subchapter B. The comptroller shall credit the remitted fees to the credit of the fair defense account established under Section [79.031](#), Government Code.~~

SUBCHAPTER C-1. ALLOCATION AND USE OF CERTAIN CRIMINAL FEES

Sec. 133.122. ALLOCATION OF FEES TO JURY SERVICE FUND.

(a) The jury service fund is created in the state treasury. The fund consists of money allocated to the fund under Section 133.102(e). Money in the fund may be appropriated only to provide juror reimbursements to counties.

(b) If, at any time, the unexpended balance of the jury service fund exceeds \$10 million, the comptroller shall transfer the amount in excess of \$10 million to the fair defense account.

Sec. 133.124. ALLOCATION OF FEES TO TRANSPORTATION ADMINISTRATIVE FEE ACCOUNT.

The transportation administrative fee account is an account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e). Money in the account may be appropriated only to the Department of Public Safety to defray the administrative costs associated with implementing Chapter 706, Transportation Code.

Sec. 133.125 [Art. 102.015]. ALLOCATION OF FEES TO [COURT COSTS:] TRUANCY PREVENTION AND DIVERSION ACCOUNT [FUND]. (Renumbered from Code of Criminal Procedure Art. 102.015)

(a) The truancy prevention and diversion account [fund] is a dedicated account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e).

~~(b) [A person convicted in municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost \$2 in addition to other court costs.~~

~~[(c) For purposes of this article, a person is considered to have been convicted if:~~

~~[(1) a sentence is imposed; or~~

~~[(2) the defendant receives deferred disposition in the case.~~

~~[(d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury or municipal treasury, as applicable.~~

~~[(e) The custodian of a county treasury or municipal treasury, as applicable, shall:~~

~~[(1) keep records of the amount of funds on deposit collected under this article; and~~

~~[(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter, except that the custodian may retain 50 percent of funds collected under this article for the purpose of operating or establishing a juvenile case manager program, if the county or municipality has established or is attempting to establish a juvenile case manager program.~~

~~[(f) If no funds due as costs under this article are deposited in a county treasury or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.~~

~~[(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the truancy prevention and diversion fund.] The legislature may appropriate money from the truancy prevention and diversion account only to the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services.~~

~~[(h)] A local governmental entity may request funds from the criminal justice division of the governor's office for providing truancy prevention and intervention services. The division may award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.~~

~~[(i) Funds collected under this article are subject to audit by the comptroller.]~~

CHAPTER 134. CRIMINAL FEES PAYABLE TO LOCAL GOVERNMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 134.001. PURPOSE.

The purpose of this chapter is to consolidate and standardize collection of fees payable to a local government in criminal matters by:

- (1) an officer of a court for deposit in a county or municipal treasury; or
- (2) an officer of a county or municipality for deposit in the county or municipal treasury, as appropriate.

Sec. 134.002. DEFINITIONS.

(a) In this chapter:

- (1) "Fee" means a criminal fee listed under Section 134.003.
- (2) "Treasurer" means the custodian of money in a municipal or county treasury, as appropriate.

(b) In this chapter, a person is considered to have been convicted in a case if:

- (1) a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- (2) the person receives community supervision, deferred adjudication, or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgment and sentence.

Sec. 134.003. CRIMINAL FEES.

This chapter applies to the criminal fees imposed under Sections 134.101, 134.102, and 134.103.

SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CRIMINAL FEES

Sec. 134.051. COLLECTION, REMITTANCE, AND DEPOSIT OF FEES.

- (a) A court clerk shall collect and remit to the county or municipal treasurer, as applicable, all fees in the manner provided by this section.
- (b) An officer collecting a fee in a case in municipal court shall remit the money to the municipal treasurer for deposit in the municipal treasury.
- (c) An officer collecting a fee in a justice, county, or district court shall remit the money to the county treasurer for deposit in the county treasury.
- (d) A court clerk collecting a fee shall remit the money to the municipal or county treasurer, as applicable, for deposit in the municipal or county treasury, as appropriate.

Sec. 134.052. ALLOCATION OF DEPOSITED FEES.

- (a) Money collected under Subchapter C as court costs imposed on offenses committed on or after January 1, 2020, shall be allocated according to the percentages provided by Sections 134.101, 134.102, and 134.103, as applicable.
- (b) Money collected under Subchapter C as court costs imposed on offenses committed before January 1, 2020, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately.

SUBCHAPTER C. LOCAL CRIMINAL FEES

Sec. 134.103. LOCAL CONSOLIDATED FEE ON CONVICTION OF NONJAILABLE MISDEMEANOR.

- (a) A person convicted of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, shall pay \$14 as a court cost, in addition to all other costs, on conviction.
- (b) The treasurer shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:
 - (1) the courthouse security fund or municipal court building security fund, as appropriate 35 percent;
 - (2) the local truancy prevention and diversion fund 35.7143 percent;
 - (3) the justice court technology fund or municipal court technology fund, as appropriate 28.5714 percent; and
 - (4) the county or municipal jury fund, as appropriate 0.7143 percent.

SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CRIMINAL FEES

Sec. 134.151. MAINTENANCE OF FUNDS AND ACCOUNTS.

- (a) A county or municipal treasurer, as applicable, shall maintain in the county or municipal treasury a fund or account to which money is allocated under Section 134.101, 134.102, or 134.103, to the extent that the fund or account is not

required by other law. Money in an account maintained under this section may be used only for the purposes provided by this subchapter.

(b) An account or fund maintained under this section in a county treasury may be administered by or at the direction of the county commissioners court.

Sec. 134.154. COUNTY OR MUNICIPAL JURY FUND.

Money allocated under Section 134.101, 134.102, or 134.103 to the county or municipal jury fund maintained in the county or municipal treasury, as applicable, and as required by Section 134.151 may be used by a county or municipality only to fund juror reimbursements and otherwise finance jury services.

Sec. 134.155. COUNTY RECORDS MANAGEMENT AND PRESERVATION FUND.

Money allocated under Section 134.101 or 134.102 to the county records management and preservation fund maintained in the county treasury as required by Section 134.151 may be used by a county only to fund records management and preservation services performed by the court clerk.

Sec. 134.156. LOCAL TRUANCY PREVENTION AND DIVERSION FUND.

(a) Money allocated under Section 134.103 to the local truancy prevention and diversion fund maintained in the county or municipal treasury as required by Section 134.151 may be used by a county or municipality to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056, Code of Criminal Procedure. If there is money in

the fund after those costs are paid, subject to the direction of the governing body of the county or municipality and on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court.

(b) Money in the fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

Sec. 159.055. PUBLIC ACCESS TO STATEMENTS AND RELATED RECORDS.

(a) Except as provided by Subsection (b), a financial statement filed under this subchapter or a document filed under Section 159.052(b) is a public record. The county clerk or the commission shall maintain the financial statements or documents in a manner that is accessible to the public during regular business hours.

(b) ~~The [On the written request of a county judicial officer or candidate, the]~~ county clerk or the commission shall remove the officer's or candidate's home address and the names of the officer's or candidate's dependent children from the officer's or candidate's financial statement and any county or commission record derived from the financial statement before the statement or record is made available to a member of the public.

SUBCHAPTER D. PROTECTION FOR JUDICIAL OFFICERS

Sec. 159.071. OMISSION OF ADDRESS.

(a) In this section:

(1) "County attorney" means a county attorney whose jurisdiction includes any criminal law or child protective services matter.

(2) "State judge" has the meaning assigned by Section 13.0021, Election Code.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of a county attorney's or state judge's qualifications for office or on receipt of a written request from a county attorney, state judge, spouse of a county attorney or state judge, or candidate for the office of county attorney or state judge, the county clerk shall remove or redact the residence address of the county attorney, state judge, spouse of a county attorney or state judge, or candidate for the office of county attorney or state judge from any report filed under this chapter by the county attorney, state judge, or candidate before the statement is made available to a member of the public.

Sec. 202.001. DESTRUCTION OF RECORDS.

(a) A local government record may be destroyed if:

(1) the record is listed on a valid records control schedule [~~accepted for filing by the director and librarian as provided by Section 203.041~~] and either its retention period has expired or it has been microfilmed or stored electronically in accordance with the requirements of Chapters 204 and 205;

(2) the record appears on a list of obsolete records [~~approved by the director and librarian~~] as provided by Section 203.044; or

(3) the [~~a destruction request is filed with and approved by the director and librarian as provided by Section~~

~~203.045 for a] record is not listed on a records retention [an approved control] schedule issued by the commission and the local government provides notice to the commission at least 10 days before destroying the record as required by Section 441.169, Government Code.~~

(b) The following records may be destroyed without meeting the conditions of Subsection (a):

(1) records the destruction or obliteration of which is directed by an expunction order issued by a court pursuant to state law; and

(2) records defined as exempt from scheduling or filing requirements by rules adopted by the commission or listed as exempt in a records retention schedule issued by the commission.

Sec. 203.002. DUTIES AND RESPONSIBILITIES OF ELECTED COUNTY OFFICERS AS RECORDS MANAGEMENT OFFICERS.

The elected county officer shall:

(1) develop policies and procedures for the administration of an active and continuing records management program;

(2) administer the records management program so as to reduce the costs and improve the efficiency of recordkeeping;

(3) [~~prepare and file with the director and librarian the records control schedules and amended schedules required by Section 203.041 and the list of obsolete records as provided by Section 203.044;~~

~~(4) prepare requests for authorization to destroy records not on an approved control schedule as provided by Section 203.045, requests to destroy the originals of permanent records that have been microfilmed as provided by Section 204.008, and electronic~~

~~storage authorization requests as provided by Section 205.007;~~

- ~~(5)~~ identify and take adequate steps to preserve records that are of permanent value;
- ~~(4)~~ ~~(6)~~ identify and take adequate steps to protect the essential records of the office;
- ~~(5)~~ ~~(7)~~ ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the records management program and the requirements of this subtitle and rules adopted under it; and
- ~~(6)~~ ~~(8)~~ cooperate with the commission in its conduct of statewide records management surveys.

Sec. 203.023. DUTIES OF RECORDS MANAGEMENT OFFICER.

The records management officer in each local government shall:

- (1) assist in establishing and developing policies and procedures for a records management program for the local government;
- (2) administer the records management program and provide assistance to custodians for the purposes of reducing the costs and improving the efficiency of recordkeeping;
- (3) in cooperation with the custodians of the records,
 - ~~(A)~~ prepare ~~[and file with the director and librarian]~~ the records control schedules and amended schedules required by Section 203.041 and the list of obsolete records as provided by Section 203.044~~;~~ and
 - ~~(B)~~ ~~prepare or direct the preparation of requests for authorization to destroy records not on an approved control schedule as provided by Section 203.045, of requests to destroy the~~

~~originals of permanent records that have been microfilmed as provided by Section 204.008, and of electronic storage authorization requests as provided by Section 205.007];~~

- (4) in cooperation with custodians, identify and take adequate steps to preserve local government records that are of permanent value;
- (5) in cooperation with custodians, identify and take adequate steps to protect essential local government records;
- (6) in cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the local government's records management program and the requirements of this subtitle and rules adopted under it;
- (7) disseminate to the governing body and custodians information concerning state laws, administrative rules, and the policies of the government relating to local government records; and
- (8) in cooperation with custodians, establish procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for:
 - (A) the duties and responsibilities of custodians that may be imposed by law; and
 - (B) the confidentiality of information in records to which access is restricted by law.

Sec. 203.041. PREPARATION [AND FILING] OF RECORDS CONTROL SCHEDULES.

- (a) On or before January 4, 1999, the records management officer shall

~~[prepare and file with the director and librarian]:~~

(1) prepare a records control schedule listing the following records and establishing a retention period for each as provided by Section 203.042:

(A) all records created or received by the local government or elective county office;

(B) any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has not expired; and

(C) any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has expired but which will not be destroyed as provided by Section 203.044; and ~~[or]~~

(2) ~~[the records management officer, in lieu of filing a records control schedule, may]~~ file with the director and librarian a written certification of compliance that the local government or the elective county office has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by the commission.

~~(b) At the discretion of the records management officer the records control schedule may also list and provide retention periods for material that is excluded from the definition of a local government record by Section 201.003(8) and exempted records described by Section 202.001(b) if in the officer's opinion the inclusion of the material or records is necessary to ensure the periodic destruction of the material or records in the interest of efficient records management.~~

(c) A records management officer, in lieu of filing an amended records control schedule, may file with the director and librarian an amended written certification of compliance that the local government or the elective county office has adopted amended records control schedules to comply with the minimum requirements established on records retention schedules issued by the commission including any revised schedules issued by the commission.

(d) The records management officer shall review the records control schedules of the local government or elective county office and prepare amendments to the schedules as needed to reflect new records created or received by the government or office or revisions to retention periods established in a records retention schedule issued by the commission. The records management officer shall file with the director and librarian a written certification of compliance that the local government or the elective county office has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by the commission ~~[Amendments to records control schedules shall be filed with the director and librarian in the same manner as the original schedules].~~

(f) Records control schedules may be prepared ~~[filed]~~ on an office-by-office basis or on a department-by-department basis within each office.

(g) A local government that intends to retain all records permanently or that destroys only those records for which no retention periods have been established in a records retention schedule established under Section 441.158, Government Code, is not required to prepare ~~[submit]~~ a records control schedule under this section.

~~(h) The director and librarian shall determine the form and manner of the~~

~~filing of records control schedules, amended schedules, the written certification of compliance described by Subsection (a)(2), and the amended written certification of compliance described by Subsection (c). The director and librarian may request that the records management officer file with the written certification of compliance or the amended written certification of compliance any amendment that establishes a records series or retention requirement other than that issued on a commission records retention schedule.~~

Sec. 203.042. RETENTION PERIODS.

- (a) A retention period for each record on the records control schedule shall be determined by the governing body or under its direction or by the elected county officer, as applicable.
- (b) A retention period may not be less than:
 - (1) a retention period prescribed by a state or federal law, regulation, or rule of court; or
 - (2) a retention period for the record established on a records retention schedule issued by the commission.
- (c) ~~If at the time a records control schedule is filed by a local government or elected county officer with the director and librarian as provided by Section 203.041, a records retention schedule for the records of that type of local government or elective county office has not been issued by the commission, the records control schedule filed with the director and librarian must be amended to conform with the commission schedule when it is issued to the extent that any retention period on a records control schedule is less than a retention period for the same record on the commission schedule.~~

Sec. 203.043. FILING OF RECORDS CONTROL SCHEDULES.

- (a) ~~If the director and librarian or the designee of the director and librarian accepts the records control schedule, amended schedule, written certification of compliance described by Section 203.041(a)(2), or amended written certification of compliance described by Section 203.041(c) for filing, the acceptable records control schedule may be used as the basis for the destruction of records listed on it without additional notice to the director and librarian.~~
- (b) ~~If the director and librarian or the designee of the director and librarian rejects the records control schedule, amended schedule, written certification of compliance described by Section 203.041(a)(2), or amended written certification of compliance described by Section 203.041(c) for filing, the reasons for the rejection shall be stated in writing within a reasonable time to the records management officer and the schedule, amended schedule, written certification of compliance, or amended written certification of compliance shall be corrected and resubmitted.~~
- (c) ~~The director and librarian or the designee of the director and librarian may reject a records control schedule or amended schedule for filing only if a retention period listed on it is less than a retention period for the same record established on a records retention schedule issued by the commission or if the schedule is in violation of this subtitle or a rule adopted under it. The director and librarian or the designee of the director and librarian may reject a written certification of compliance described by Section 203.041(a)(2) or an amended written certification of compliance described by Section 203.041(c) for filing only if the records management officer files a written certification of compliance in a form and manner that has not been approved by the director and librarian.~~

~~(d) The director and librarian or the designee of the director and librarian may make it a condition of acceptance of a records control schedule or amended schedule for filing that a record listed on the schedule be transferred to the custody of the commission on the expiration of its retention period rather than being destroyed.~~

Sec. 203.044. INITIAL DESTRUCTION OF OBSOLETE RECORDS.

- (a) In preparing a records control schedule required by Section 203.041, the records management officer may list separately those obsolete records no longer created or received by the local government or elective county office whose retention periods on a records retention schedule issued by the commission have expired and that the local government or elected county officer wishes to destroy.
- (b) The lists of obsolete records to be destroyed must be reviewed or approved in the same manner as records control schedules must be reviewed or approved under Section 203.041(e).
- (c) ~~The lists shall be submitted to the director and librarian for approval. If the director and librarian or the designee of the director and librarian approves the list, the records listed on it may be destroyed. If the director and librarian or the designee of the director and librarian disapproves the list, the director and librarian or the designee shall state in writing within a reasonable time to the records management officer the record or records on the list that must be retained by the government or elective county office or transferred to the custody of the commission.~~
- (d) ~~The director and librarian shall determine the form and manner of submission of requests to destroy obsolete records.~~

Sec. 203.045. DESTRUCTION OF UNSCHEDULED RECORDS.

- (a) ~~Before the filing of a records control schedule or a written certification of compliance as provided by Section 203.041, a local government record may be destroyed only with the prior approval of the director and librarian.~~
- (b) ~~After the filing of a records control schedule, amended schedule, written certification of compliance as provided by Section 203.041(a)(2), or amended written certification of compliance as provided by Section 203.041(c), a record that does not appear on a records control schedule or amended schedule may be destroyed only with the prior approval of the director and librarian.~~
- (c) ~~Requests for authorization to destroy unscheduled records shall be submitted by the records management officer or under the officer's direction. However, if the request is submitted before the filing of a records control schedule or a written certification of compliance as provided by Section 203.041 and a records management officer has not yet been designated as provided by Section 203.025, the request shall be submitted by the custodian.~~
- (d) ~~If the director and librarian or the designee of the director and librarian approves the request, the records listed on it may be destroyed. If the director and librarian or the designee disapproves the request, the director and librarian or the designee shall state in writing within a reasonable time to the records management officer or custodian the record or records on the list that must be retained by the government or transferred to the custody of the commission.~~
- (e) ~~The director and librarian shall determine the form and manner of submission of requests to destroy unscheduled records.~~

Sec. 204.007. DESTRUCTION OF ORIGINAL RECORDS.

- (a) ~~The [Except as provided by Section 204.008, the] original of a record that has been microfilmed pursuant to this chapter and rules adopted under it may be destroyed before the expiration of its retention period on a records retention schedule issued by the commission.~~

~~**Sec. 204.008. DESTRUCTION OF PERMANENT RECORDS.**~~

- ~~(a) The original of a permanent record may not be destroyed until a destruction authorization request is submitted to the director and librarian certifying that the microfilm of the record meets the standards of this chapter and rules adopted under it.~~
- ~~(b) Requests shall be submitted by the records management officer or under the officer's direction or, if a records management officer has not yet been designated under Section 203.025, by the custodian of the microfilm records.~~
- ~~(c) If the director and librarian or the designee of the director and librarian approves the request, the original record may be destroyed.~~
- ~~(d) In lieu of destruction, the director and librarian may require that the original record be transferred to the custody of the commission.~~
- ~~(e) If the director and librarian or the designee of the director and librarian disapproves the request, the reasons for the disapproval shall be stated in writing within a reasonable time to the records management officer or custodian. The original records may not be destroyed until the microfilm of the records is brought into compliance with this chapter and the rules adopted under it as evidenced by the submission of a new destruction authorization request.~~
- ~~(f) The director and librarian shall determine the form and manner of~~

~~submission of destruction authorization requests required by this section.~~

~~**Sec. 205.007. ELECTRONIC STORAGE AUTHORIZATION REQUESTS.**~~

- ~~(a) Before the electronic storage of any local government record data of permanent value or, if stipulated in commission rules, any local government record data whose retention period is at least 10 years on a records retention schedule issued by the commission, an electronic storage authorization request shall be submitted to the director and librarian for approval.~~
- ~~(b) Electronic storage authorization requests shall be submitted by the records management officer or under the officer's direction or, if a records management officer has not yet been designated under Section 203.025, by the custodian of the local government record data to be stored electronically.~~
- ~~(c) If the director and librarian or the designee of the director and librarian approves the request, the local government record data may be stored electronically.~~
- ~~(d) If the director and librarian or the designee of the director and librarian disapproves the request, the reasons for the disapproval shall be stated in writing within a reasonable time to the records management officer or custodian. Electronic storage of the local government record data may not take place until an electronic storage authorization request receives the approval of the director and librarian or the designee of the director and librarian.~~
- ~~(e) The director and librarian or the designee of the director and librarian may disapprove an electronic storage authorization request only if the standards and procedures proposed for the electronic storage of the local~~

~~government record data are in violation of this chapter or rules adopted under it.~~

- ~~(f) The director and librarian shall determine the form and manner of submission of authorization requests required by this chapter.~~

Sec. 205.008. DESTRUCTION OF SOURCE DOCUMENTS.

- (a) The source document, if any, for electronically stored local government record data covered by rules adopted under Section 205.003(a) ~~[205.007(a)]~~ may be destroyed or returned to the person who filed it for record ~~[if the electronic storage authorization request is approved]~~.
- (b) The magnetic tape, optical disk, or similar medium containing the local government record data and the hardware and software necessary to provide access to it must be retained by the local government or be available to the local government until the expiration of the retention period for all source documents, subject to the rules adopted under this chapter.
- (c) The source document, if any, for electronically stored local government record data not covered by rules adopted under Section 205.003(a) ~~[205.007(a)]~~ may be destroyed before the expiration of the retention period for the source document in a records retention schedule issued by the commission if the magnetic tape, optical disk, or similar medium and hardware and software necessary to provide access to local government record data on the media are retained for the retention period in the schedule. Conversely, the magnetic tape, optical disk, or similar medium may be erased, written over, or destroyed before the expiration of the retention period for a source document for local government record data not covered by rules adopted under Section 205.003(a) ~~[205.007(a)]~~, if the source document, if any, is retained

until the expiration of its retention period or, if the source document has already been destroyed, paper or microfilm copies are generated from the magnetic tape, optical disk, or similar medium before destruction or erasure and retained until the expiration of the retention period for the source document.

Sec. 216.903. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY. (Renumbered as Election Code Sec. 259.003).

Sec. 292.001. AUTHORITY FOR BUILDINGS OTHER THAN COURTHOUSE; LEASE TO OTHER PERSONS; LOCATION OF JUSTICE OF PEACE COURT.

- (a) The commissioners court of a county may purchase, construct, or provide by other means, including a lease or a lease with an option to purchase, or may reconstruct, improve, or equip a building or rooms, other than the courthouse, for the housing of county or district offices, county or district courts, justice of the peace courts, county records or equipment (including voting machines), or county jail facilities, or for the conducting of other public business, if the commissioners court determines that the additional building or rooms are necessary. The commissioners court may purchase and improve the necessary site for the building or rooms.
- (b) Except as provided by this subsection and to the extent permitted under other law, the [The] building or rooms must be located in the county seat. If [However, if] the building or rooms are for housing a county or district court in buildings or rooms designated for that purpose, or for housing county jail facilities, the building or rooms may be located anywhere in the county at the discretion of the commissioners court.

(d) A justice of the peace court may not be housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f) or 27.0515, Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 275,000 persons but no more than 285,000 persons.

Sec. 292.002. FACILITIES OUTSIDE COUNTY SEAT.

(a) The commissioners court of a county may provide an office building or a jail facility at a location in the county outside the county seat in the same manner that is applicable to such a building or facility at the county seat. The commissioners court may provide for the building or facility through the issuance of bonds as provided by Subtitles A, C, and D, Title 9, Government Code, or through the issuance of other evidences of indebtedness in the same manner as bonds or evidences of indebtedness applicable to a courthouse or jail at the county seat. The commissioners court may provide office space in the building or facility for any county or precinct office ~~[except a court required by law to sit at the county seat]~~. However, a county officer who is provided space in the building or facility shall maintain an office at the county seat and shall keep the original records of office at that office unless otherwise required during a disaster, as defined by Section 418.004, Government Code.

CHAPTER 321. ~~[PARKS BOARD AND PARK BONDS:] ISLAND PARKS, BEACH PARKS, AND PUBLIC BEACHES OF COASTAL COUNTIES~~

SUBCHAPTER E. COASTAL COUNTY ISLAND PARK, BEACH PARK, AND PUBLIC BEACH RULES

Sec. 321.101. APPLICABILITY.

Notwithstanding Section 321.001, this subchapter applies only to:

- (1) a county described by Section 321.001; and
- (2) a county that borders on the Gulf of Mexico and has within its boundaries a beach that:
 - (A) is wholly or partly operated by the county as a park; or
 - (B) is otherwise controlled or maintained by the county.

Sec. 321.102. RULES.

The commissioners court of a county by order may adopt reasonable rules on camping, access, litter, resource protection, or waste disposal if the rules:

- (1) are consistent with Chapter 352 of this code, Chapters 61 and 63, Natural Resources Code, and rules adopted under those chapters; and
- (2) apply only in the following locations controlled or maintained by the county:
 - (A) an island park;
 - (B) a beach park; or
 - (C) any part of a public beach.

Sec. 321.103. OFFENSE.

- (a) A person commits an offense if the person violates a rule adopted under Section 321.102.
- (b) An offense under this section is a Class C misdemeanor.

NATURAL RESOURCES CODE

Section	Bill Modifying
63.002	HB 1548

NATURAL RESOURCES CODE

Sec. 63.002. DEFINITIONS.

In this chapter:

- (4) "Recreational vehicle" means a dune buggy, marsh buggy, minibike, trail bike, jeep, ~~[all-terrain vehicle, recreational]~~ off-highway vehicle, as defined by Section 551A.001, Transportation Code, or any other mechanized vehicle that is being used for recreational purposes, but does not include a vehicle that is not being used for recreational purposes.
- ~~(4-a) "All-terrain vehicle" has the meaning assigned by Section 502.001, Transportation Code.~~
- ~~(4-b) "Recreational off-highway vehicle" has the meaning assigned by Section 502.001, Transportation Code.~~

OCCUPATIONS CODE

Section	Bill Modifying
651.401	HB 1540
1701.3545	HB 1415
1701.357	HB 1552
2310.001	SB 2119
2310.002	SB 2119
2310.057	SB 2119
2310.059	SB 2119
2310.060	SB 2119
2310.061	SB 2119
2310.101	SB 2119
2310.109	SB 2119
2310.110	SB 2119
2310.111	SB 2119
2310.112	SB 2119
2310.151	SB 2119
2310.2001 <i>renumbered from Agriculture Code Sec. 17.001</i>	SB 2119
2310.2011 – 2310.2015 <i>renumbered from Agriculture Code Sec. 17.051 – 17.055</i>	SB 2119
2310.202 – 2310.206	SB 2119
2310.209 <i>renumbered from Agriculture Code Sec. 17.154</i>	SB 2119

OCCUPATIONS CODE

Sec. 651.401. FIRST CALL; REMOVAL OF BODY.

(a) First call occurs at the beginning of a relationship between a funeral director and a person authorized by Section 711.002, Health and Safety Code, to control the disposition of the decedent's remains.

(b) Notwithstanding Subsection (c), a [A] funeral director [or embalmer] must direct [and personally supervise] the pickup of a dead human body under this chapter [on first call].

(c) ~~[(b)]~~ A dead human body may be transferred without a funeral director directing [personally making] the transfer at the direction of a justice of the peace or other law enforcement official[:

~~[(1) from one funeral establishment to another;~~

~~[(2) from a funeral establishment to and from a morgue in which an autopsy is performed;~~

~~[(3) to and from an airport, crematory, or both; or~~

~~[(4) in circumstances in which there is no reasonable probability that an unlicensed person will encounter a family member or other person with whom funeral arrangements are normally made by a funeral director or embalmer].~~

(d) A funeral director may direct an unlicensed person, a provisional license holder, or an embalmer in the removal of a dead human body. A funeral director who directs the removal of a dead human body by an unlicensed person is strictly accountable for compliance with the

requirements of this chapter. [(e)] If an unlicensed person, a provisional license holder, or an embalmer inadvertently encounters a family member or other person with whom funeral arrangements are normally made, the [unlicensed] person shall restrict communication with the family member or other person to:

(1) identifying the [unlicensed] person's employer; and

(2) ~~[arranging an appointment with the unlicensed person's employer for a family member or other person who indicates a desire to make funeral arrangements for the deceased; and~~

~~[(3)] making any disclosure to the family member or other person that is required by federal or state law or regulation.~~

~~[(d) A funeral director or embalmer who directs the removal or transfer of a dead human body without personally supervising the transfer is strictly accountable for compliance with the requirements of first call as provided by this section.]~~

Sec. 1701.3545. INITIAL TRAINING AND CONTINUING EDUCATION FOR CONSTABLES.

(a) A public institution of higher education selected by the commission shall establish and offer a program of initial training and a program of continuing education for constables. The curriculum for each program must relate to law enforcement management ~~[and civil process issues]~~. The institution selected under this subsection shall develop the curriculum for the programs. The curriculum must be approved by the commission.

(b) Each constable must complete at least 40 hours of continuing education provided by the selected institution under Subsection (a) [this section] each 48-month period. The commission by rule

shall establish a uniform 48-month continuing education training period.

(b-1) In addition to the requirements of Subsection (b), during each 48-month continuing education training period each constable must complete at least 20 hours of continuing education instruction on civil process to be provided by a public institution of higher education selected by the commission under this subsection. The commission shall establish minimum curriculum requirements for the continuing education course on civil process required by this subsection. The commission may waive the continuing education requirements of this subsection if:

(1) a constable requests a waiver because of hardship; and

(2) the commission determines that a hardship exists.

(f) An individual who is subject to the continuing education requirements of Subsections [Subsection] (b) and (b-1) is exempt from other continuing education requirements under this subchapter.

Sec. 1701.357. WEAPONS PROFICIENCY FOR QUALIFIED [CERTAIN] RETIRED [PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS AND FOR FORMER _____ RESERVE] LAW ENFORCEMENT OFFICERS.

(a) In this section, "qualified retired law enforcement officer" has the meaning assigned by 18 U.S.C. Section 926C.

(a-1) This section applies only to:

[~~(1) a peace officer;~~

[~~(2) a federal criminal investigator designated as a special investigator under Article 2.122, Code of Criminal Procedure;~~

[~~(3) a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C.~~

Section 926C [and is not otherwise described by Subdivision (1) or (2); and

[~~(4) a former reserve law enforcement officer who served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies].~~

(b) The head of a state or local law enforcement agency may allow a qualified retired law enforcement officer who is a [an honorably] retired commissioned peace officer an opportunity to demonstrate weapons proficiency if the [retired] officer provides to the agency a sworn affidavit stating that:

(1) the officer:

(A) honorably retired after not less than a total of 10 [~~15~~] years of cumulative service as a commissioned officer with one or more state or local law enforcement agencies; or

(B) before completing 10 [~~15~~] years of cumulative service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer[, as defined by 18 U.S.C. Section 926C];

(2) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and

(3) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

(c) The state or local law enforcement agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this subsection [section]. The agency shall issue the certificate to a retired

~~commissioned peace officer who satisfactorily demonstrates weapons proficiency under Subsection (b); provides proof that the officer is entitled to receive a pension or annuity for service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired employees;] and satisfies the written procedures established by the agency. [The agency shall issue the certificate to a person described by Subsection (a)(4) who satisfactorily demonstrates weapons proficiency under Subsection (b-1).] The agency shall maintain records of any person who holds a certificate issued under this subsection [section].~~

~~(c-1) For purposes of this section [Subsection (c)], proof that an individual [a retired officer] is a qualified retired law enforcement officer [entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity] may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code, or other form of identification as described by 18 U.S.C. Section 926C(d).~~

~~(d) A certificate issued under this section expires on the first [second] anniversary of the date the certificate was issued. [A person to whom this section applies may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with applicable federal or other laws.]~~

~~(h) The head of a state law enforcement agency may allow [an honorably retired federal criminal investigator or] a qualified retired law enforcement officer, other than a retired commissioned peace officer, [to whom this section applies] an~~

~~opportunity to demonstrate weapons proficiency in the same manner as, and subject to the same requirements applicable to, a [an honorably] retired commissioned peace officer as described by Subsection (b) [this section]. The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this subsection. The agency shall issue a certificate of proficiency to [an honorably retired federal criminal investigator or] a qualified retired law enforcement officer who satisfactorily demonstrates weapons proficiency under this subsection and satisfies the written procedures established by the agency. The agency [otherwise meets the requirements of this section and] shall maintain records regarding the issuance of that certificate.~~

~~(i) On request of a qualified [an honorably] retired law enforcement officer who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency from which the officer retired or most recently separated shall issue to the [retired] officer identification that indicates that the officer honorably retired or separated from the agency. An identification under this subsection must include a photograph of the [retired] officer.~~

CHAPTER 2310. MOTOR FUEL METERING AND QUALITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2310.001. DEFINITIONS.

(a) In this chapter:

(1) "Commercial weighing or measuring device" means a weighing or measuring device used in a commercial transaction.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Dealer" means a person who:

(A) is the operator of a service station or other retail outlet; and

(B) delivers motor fuel into the fuel tanks of motor vehicles or motor boats.

(4) "Department" means the Texas Department of Licensing and Regulation.

(5) "Executive director" means the executive director of the department.

(6) "Motor fuel" has the meaning assigned by Section 162.001, Tax Code.

(7) "Motor fuel metering device" means a commercial weighing or measuring device used for motor fuel sales.

(8) "Operator" or "user" means a person in possession or control of a weighing or measuring device.

(9) "Sell" includes barter or exchange.

(10) "Weighing or measuring device" means a scale or a mechanical or electronic device used to dispense or deliver a motor fuel by weight, volume, flow rate, or other measure or to compute the charge for a service related to motor fuel.

(11) "Weight or measure of a motor fuel" means the weight or measure of a motor fuel as determined by a weighing or measuring device.

(b) A reference to the weight of a motor fuel in this chapter is a reference to the net weight of the motor fuel.

Sec. 2310.002. ENFORCEMENT OF CHAPTER.

(a) Notwithstanding any other law, the department shall administer and enforce the provisions of this chapter and shall regulate all motor fuel metering devices

sold or offered for sale in this state. The department may purchase apparatus as necessary for the administration of this chapter.

(b) To the extent this chapter conflicts with Chapter 13, Agriculture Code, with regard to motor fuel metering devices, this chapter controls.

(c) The department may contract with one or more license holders under Subchapter D of this chapter or Subchapter I, Chapter 13, Agriculture Code, to perform the department's duties under this chapter related to motor fuel metering devices. A reference in this chapter to the commission or department in the context of a contracted service means the contractor.

Sec. 2310.057. USE OF INCORRECT MOTOR FUEL METERING DEVICE.

(a) A person commits an offense if the person or the person's representative or agent knowingly uses an incorrect weighing or measuring device in:

(1) buying or selling motor fuel;

(2) computing a charge for services rendered on the basis of weight or measure; or

(3) determining the weight or measure of motor fuel, if a charge is made for the determination.

(b) For the purpose of this section, a weighing or measuring device is incorrect if it:

(1) does not conform as closely as practicable to the official standards;

(2) is not accurate;

(3) is of a construction that is not reasonably permanent in adjustment or does not correctly repeat its indications;

(4) facilitates the perpetration of fraud; or

(5) does not conform to the specifications and tolerances under Section 2310.107.

Sec. 2310.059. TESTING BY DEPARTMENT.

(a) The department shall from time to time weigh or measure an amount of motor fuel that is kept or offered for sale, sold, or in the process of delivery, in order to determine:

(1) if the motor fuel is of the amount or quantity represented; or

(2) if the motor fuel is being offered for sale or sold in accordance with law.

(b) If the department finds that any lot of motor fuel contains less of the motor fuel than the amount represented, the department may seize the motor fuel as evidence.

(c) A person commits an offense if the person or the person's employee or agent refuses to exhibit motor fuel being sold or offered for sale at a given weight or quantity, or ordinarily sold in that manner, to the department for testing and proving as to quantity.

Sec. 2310.060. STOP-SALE ORDER.

(a) If the department has reason to believe that motor fuel is being sold or kept, offered, or exposed for sale in violation of this chapter or that motor fuel is being sold or offered for sale by or through the use of a motor fuel metering device that is in violation of this chapter, the executive director may issue an order to stop the sale of the motor fuel. The executive director shall issue the order to the owner or custodian of the motor fuel or seller of the motor fuel. The person receiving the order may not sell the motor fuel until discharged by a court under Subsection (b) or until the executive director finds that the motor fuel or motor fuel metering device is in compliance with this chapter.

(b) The owner, custodian, or seller of motor fuel prohibited from sale by an order of the executive director is entitled to sue in a court where the motor fuel is found or is being sold or offered for sale for a judgment as to the justification of the order and for the discharge of the motor fuel in accordance with the findings of the court.

(c) This section does not limit the right of the department to proceed as authorized by other sections of this code.

Sec. 2310.061. PENALTIES; DEFENSE.

(a) An offense under Section 2310.057 or 2310.059 is a Class C misdemeanor.

(b) It is a defense to prosecution or to the imposition of a civil or administrative penalty for a violation of Section 2310.057 or 2310.059 that a discrepancy between the actual weight or volume at the time of sale to a consumer or a discrepancy between the fill of a container and the capacity of the container is due to unavoidable leakage, shrinkage, evaporation, waste, or causes beyond the control of the seller acting in good faith.

SUBCHAPTER C. INSPECTION AND REGISTRATION OF MOTOR FUEL METERING DEVICES

Sec. 2310.101. AUTHORITY TO INSPECT.

(a) If the department has reason to believe that a motor fuel metering device is being used for a commercial transaction and the device is not registered with the department, the department may inspect the device and the records of the owner, operator, or user of the device that relate to use of the device to determine whether the device is in compliance with this chapter.

(b) The department has reason to believe a motor fuel metering device is being used for a commercial transaction if:

(1) the motor fuel metering device is found near motor fuel being sold or offered for sale by weight or measure and the device appears to be under the control or in the possession of the person selling the motor fuel or offering the motor fuel for sale; or

(2) other available evidence is sufficient for a prudent person to believe that the motor fuel metering device is being used for a commercial transaction.

Sec. 2310.109. REFUSING TO ALLOW TEST OF MOTOR FUEL METERING DEVICE.

(a) A person commits an offense if the person refuses to allow a motor fuel metering device under the person's control or in the person's possession to be inspected, tested, or examined by the department, and the inspection, test, or examination is required or authorized by this chapter.

(b) A person commits an offense if the person hinders or obstructs in any way the department, a department inspector, or other department employee in the performance of official duties.

(c) A person commits an offense if the person removes or obliterates a tag or device placed or required by the department to be placed on a motor fuel metering device under this chapter.

Sec. 2310.110. SALE OR USE OF INCORRECT MOTOR FUEL METERING DEVICE.

(a) The department may condemn and prohibit the sale or distribution of any incorrect motor fuel metering device that is sold, offered for sale, or about to be sold in this state.

(b) A person commits an offense if the person or the person's representative or agent knowingly:

(1) offers or exposes for sale, hire, or award or sells an incorrect motor fuel metering device;

(2) possesses an incorrect motor fuel metering device; or

(3) sells, offers for sale, uses, or possesses for the purpose of sale or use a device or instrument to be used to falsify or intended to falsify a weight or measure for motor fuel.

Sec. 2310.111. DISPOSING OF CONDEMNED MOTOR FUEL METERING DEVICE.

A person commits an offense if the person or the person's representative or agent disposes of a motor fuel metering device condemned under Section 2310.105 or 2310.110 in a manner contrary to those sections.

Sec. 2310.112. PENALTIES.

An offense under Section 2310.109, 2310.110, or 2310.111 is a Class C misdemeanor.

SUBCHAPTER D. LICENSING OF MOTOR FUEL METERING DEVICE SERVICE TECHNICIANS AND MOTOR FUEL METERING DEVICE SERVICE COMPANIES

Sec. 2310.151. DEFINITIONS.

In this subchapter:

(1) "Device maintenance activities" means activities described by Section 2310.152.

(2) "License holder" means a person who holds a motor fuel metering device service company license or a motor fuel metering device service technician license.

(3) "Service company" means a person who holds a motor fuel metering device service company license issued by the department under this subchapter.

(4) "Service technician" means an individual who holds a motor fuel metering device service technician license issued by the department under this subchapter.

Sec. 2310.2001 (renumbered from Ag. Code 17.001.) DEFINITIONS.

In this subchapter [chapter]:

(1) "Automotive fuel rating" has the meaning assigned by 15 U.S.C. Section 2821.

(2) "Dealer" means a person who:

(A) is the operator of a service station or other retail outlet; and

(B) delivers motor fuel into the fuel tanks of motor vehicles or motor boats.

(3) "Distributor" has the meaning assigned by Section 162.001, Tax Code.

(4) "Jobber" means a person who purchases tax-paid gasoline for resale or distribution at wholesale.

(5) "Motor fuel" has the meaning assigned by Section 162.001, Tax Code.

(6) "Supplier" has the meaning assigned by Section 162.001, Tax Code.

(7) "Wholesaler" means a person who purchases tax-paid gasoline for resale or distribution at wholesale.

Sec. 2310.2011. NOTICE OF SALE OF ALCOHOL AND FUEL MIXTURE. (renumbered from Ag. Code 17.051.)

Sec. 2310.2012. DOCUMENTATION OF MOTOR FUEL MIXTURE SALES. (renumbered from Ag. Code 17.052.)

Sec. 2310.2013. RECORD OF DELIVERY DOCUMENTS; INSPECTION AUTHORIZED. (renumbered from Ag. Code 17.053.)

Sec. 2310.2014. DOCUMENTS RELATING TO POSTING OR CERTIFICATION OF AUTOMOTIVE FUEL RATINGS. (renumbered from Ag. Code 17.054.)

Sec. 2310.2015. SALE OF MOTOR FUEL WITH INACCURATE AUTOMOTIVE FUEL RATING. (renumbered from Ag. Code 17.055.)

Sec. 2310.202. MINIMUM MOTOR FUEL QUALITY AND TESTING STANDARDS.

(a) The commission by rule shall adopt minimum motor fuel quality and testing standards for motor fuel that is sold or offered for sale in this state. The standards must comply with the nationally recognized minimum standards established by:

(1) the American Society for Testing and Materials, for motor fuels other than motor fuels blended with ethanol; and

(2) the National Institute of Standards and Technology, for motor fuels blended with ethanol.

(b) The commission may adopt rules as necessary to bring about uniformity between the standards established under this subchapter and the nationally recognized standards described by Subsection (a).

Sec. 2310.203. TESTING OF MOTOR FUEL QUALITY.

(a) The department or a representative of the department may collect samples and conduct testing at any location where motor fuel is kept, transferred, sold, or offered for sale to verify that the motor fuel complies with the minimum standards required by Section 2310.202.

(b) The collection of samples and conducting of testing at a dealer's location must be performed by a license holder under Subchapter D of this chapter or Subchapter I, Chapter 13, Agriculture Code, under contract with the dealer. The license holder is considered a representative of the department for purposes of this section.

(c) On arriving at a facility to conduct testing under Subsection (a), a representative of the

department shall notify the owner or manager of the facility of the representative's presence and purpose. The department representative shall follow the most recent applicable procedures specified by the American Society for Testing and Materials (ASTM) International Standard D4057, D4177, D5842, or D5854 for the collection, sampling, and handling of fuel to prepare for laboratory analysis.

(d) A person commits an offense if the person refuses to allow a department representative to collect samples or conduct motor fuel testing under Subsection (a).

(e) An offense under Subsection (d) is a Class C misdemeanor.

Sec. 2310.204. RULES; FEES.

(a) The commission may adopt rules consistent with this subchapter for the regulation of the sale of motor fuels, including motor fuels that contain ethanol and methanol.

(b) The commission by rule may impose a fee for testing, inspection, or the performance of other services provided as determined necessary by the commission in the administration of this subchapter. A fee imposed under this subsection shall be collected from each dealer, distributor, and supplier, as defined by Section 162.001, Tax Code, on a periodic basis determined by the

commission without regard to whether the motor fuel is subject to regulation under this subchapter.

(c) The commission by rule shall prescribe the form for reporting and remitting the fees imposed under this section.

(d) Fees collected under this section may be used only to administer and enforce this subchapter.

Sec. 2310.205. CIVIL PENALTY.

A person who sells or offers for sale motor fuel in violation of this subchapter or a rule adopted under this subchapter is liable to this state for a civil penalty of not less than \$200 and not more than \$2,500.

Sec. 2310.206. ADMINISTRATIVE PENALTY.

The commission may impose an administrative penalty on a person under Subchapter F, Chapter 51, if the person sells or offers for sale motor fuel in violation of this subchapter or a rule adopted under this subchapter.

Sec. 2310.209 CRIMINAL OFFENSES. (renumbered from Ag. Code 17.154.)

(a) A person commits an offense if the person knowingly violates Section ~~2310.2011, 2310.2012, 2310.2013, 2310.2014, or 2310.2015~~ [17.051, 17.052, 17.053, 17.054, or 17.055] or a rule adopted by the commission [~~commissioner~~] to enforce or implement those sections.

(c) An offense under Subsection (a) is a Class C misdemeanor.

(e) The department or executive director [~~commissioner or the authorized representative of the commissioner~~] may request the appropriate prosecuting attorney to prosecute a violation of this chapter.

PARKS & WILDLIFE CODE

Section	Bill Modifying
12.110	SB 346
29.001	HB 1548
29.011 <i>repealed</i>	HB 1548
31.1071	HB 337
31.127	HB 337, SB 346
42.002	SB 317
42.005	SB 317
47.0121	HB 1828
47.051	HB 1828
47.053	HB 1828
86.022	HB 2038

PARKS & WILDLIFE CODE

Sec. 12.110. DISPOSITION OF CONFISCATED GAME.

(a) Except as provided by Subsection (d), the department shall donate, whenever donation is reasonably practicable, any wild game animal, bird, fowl, game fish, or exotic animal that is unlawfully killed, taken, shipped, held in storage, possessed, or offered for sale in a public eating place to a charitable institution, hospital, or person or persons.

~~(b) The expense of any storage, care, feeding, cold storage, or processing that may be necessary for an unlawfully possessed game bird, fowl, animal, game fish, or exotic animal shall be assessed against the violator on the violator's conviction.~~

(d) The department may sell confiscated live game described by Subsection (a) to the highest of three bidders. At the time of a sale under this subsection, the department shall provide the buyer a receipt for all game sold to the buyer. The department shall deposit the proceeds of the sale in the state treasury to the credit of the appropriate suspense fund pending the outcome of any action against the person charged with an unlawful action described by Subsection (a). ~~[If that person is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense, the department shall transfer the proceeds of the sale to the credit of the game, fish, and water safety account.]~~ If the person

is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom the game was seized.

Sec. 29.001. DEFINITION.

In this chapter, "off-highway vehicle" means:

(1) an off-highway vehicle, as defined by Section 551A.001 ~~[all terrain vehicle, as defined by Section 502.001],~~ Transportation Code;

(2) an off-highway motorcycle; or

(3) ~~[a recreational off-highway vehicle, as defined by Section 502.001,~~ Transportation Code; and

~~[(4)]~~ any other motorized vehicle used for off-highway recreation on:

(A) public land over which the department has authority or on land purchased or leased by the department; or

(B) land acquired or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department.

~~Sec. 29.011. SAFETY APPAREL REQUIRED; SEAT BELTS.~~

~~(a) A person may not operate, ride, or be carried on an off-highway vehicle on public property unless the person wears:~~

~~(1) a safety helmet that complies with United States Department of Transportation standards;~~

~~(2) eye protection; and~~

~~(3) seat belts, if the vehicle is equipped with seat belts.~~

~~(b) An offense under this section is a Class C Parks and Wildlife Code misdemeanor.~~

~~(c) This section does not apply to a motor vehicle that:~~

- ~~(1) has at least four wheels and is registered by the Texas Department of Transportation for use on a public highway, unless the vehicle is an all-terrain vehicle as defined by Section 502.001, Transportation Code;~~
- ~~(2) has four wheels and is equipped with bench or bucket seats and seat belts and includes a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover; or~~
- ~~(3) is in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the motor vehicle.~~

Sec. 31.1071. OPERATION OF MOTORBOAT WITH EMERGENCY ENGINE CUTOFF SWITCH.

(a) In this section, "engine cutoff switch" means an emergency switch installed on a motorboat that:

- (1) is designed to shut off the engine if:
 - (A) the motorboat operator using a lanyard attachment activates the switch by falling overboard or otherwise moving beyond the length of the lanyard; or
 - (B) the motorboat operator or a passenger using a wireless attachment activates the switch by falling overboard and submerging a man-overboard transmitter; and
- (2) attaches:
 - (A) physically to the motorboat operator through the use of a lanyard worn by the operator; or
 - (B) wirelessly through the use of a water-activated man-overboard transmitter worn by the motorboat operator or any similarly equipped passenger on the motorboat.

(b) A motorboat operator may not operate a motorboat less than 26 feet in length and equipped by the manufacturer with an engine cutoff switch while the motorboat is under way and moving at greater than headway speed without first verifying that the switch is operational and fully functional and properly attaching the lanyard or wireless attachment, as appropriate for the specific motorboat, to the operator's body or to the clothing or personal flotation device being worn by the operator.

Sec. 31.127. PENALTIES AND FINES.

(f) A court may dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 if:

- (1) the defendant remedies the defect not later than the 10th working day after the date of the offense and pays a fine [an administrative fee] not to exceed \$10; and
- (2) the certificate of number has not been expired for more than 60 days.

(g) A person who operates a motorboat in violation of Section 31.1071 commits an offense punishable by a fine of not more than \$200.

Sec. 42.002. RESIDENT LICENSE REQUIRED; EXEMPTION.

(c) A resident landowner or any person, with the consent of the landowner, [the landowner's agent or lessee] may take feral hogs [causing depredation] on the resident landowner's land without having acquired a hunting license.

Sec. 42.005. NONRESIDENT LICENSE REQUIRED.

(f) A nonresident landowner or any person, with the consent of the landowner, [the landowner's agent or lessee] may take feral hogs [causing depredation] on the

nonresident landowner's land without having acquired a hunting license required by this chapter.

Sec. 47.0121. UNLAWFUL COMMERCIAL SALE OR PURCHASE OF AQUATIC PRODUCTS.

(a) A person commits an offense if the person purchases for resale or receives for sale, barter, exchange, transport, or any other commercial purpose aquatic products that are taken, possessed, transported, or sold in violation of a federal or state law or regulation.

(b) It is an affirmative defense to prosecution under this section that the person:

(1) had no reason to believe at the time the offense was committed that the aquatic products purchased for resale or received for sale, barter, exchange, transport, or any other commercial purpose were taken, possessed, transported, or sold in violation of a federal or state law or regulation; and

(2) purchased or received the aquatic products described by Subdivision (1) from a seller who had a valid commercial license to sell aquatic products.

Sec. 47.051. PENALTY.

Except as provided by Sections ~~[Section] 47.052 and 47.053 [of this code]~~, a person who violates a provision of this chapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

Sec. 47.053. PENALTY.

(a) A person who violates or fails to comply with Section 47.0121 commits an offense that is:

(1) a Class B Parks and Wildlife Code misdemeanor punishable by a fine of at least:

(A) \$500 if the weight of the aquatic products totals 10 pounds or more but less than 50 pounds; or

(B) \$1,000 if the weight of the aquatic products totals 50 pounds or more but less than 100 pounds;

(2) a Class A Parks and Wildlife Code misdemeanor punishable by a fine of at least:

(A) \$1,500 if the weight of the aquatic products totals 100 pounds or more but less than 200 pounds; or

(B) \$2,000 if the weight of the aquatic products totals 200 pounds or more but less than 300 pounds; or

(3) a Parks and Wildlife Code state jail felony for which, in addition to confinement, the person may be punished by a fine of at least:

(A) \$3,000 if the weight of the aquatic products totals 300 pounds or more but less than 500 pounds; or

(B) \$4,000 if the weight of the aquatic products totals 500 pounds or more.

(b) An offense under this section may be prosecuted in the county in which the aquatic products were unlawfully taken, possessed, transported, or sold or in any county through or into which the aquatic products were taken or transported.

(c) When aquatic products are obtained in violation of Section 47.0121 under one scheme or continuing course of conduct, whether from the same or several sources, the scheme or conduct may be considered as one offense and the weight of the aquatic products aggregated in determining the grade of the offense.

Sec. 86.022. PENALTY.

(a) A person who violates Section 86.002 ~~[or 86.018]~~ commits an offense that is a Class B ~~[C]~~ Parks and Wildlife Code misdemeanor.

(b) A person who violates Section 86.018
commits an offense that is a Class C
Parks and Wildlife Code misdemeanor.

PENAL CODE

Section	Modifying
21.19	HB 2789
22.012	SB 194
30.05	HB 302
30.06	HB 121, HB 302
30.07	HB 121, HB 302
32.47	HB 427

PENAL CODE

Sec. 21.19. UNLAWFUL ELECTRONIC TRANSMISSION OF SEXUALLY EXPLICIT VISUAL MATERIAL.

- (a) In this section, "intimate parts," "sexual conduct," and "visual material" have the meanings assigned by Section 21.16.
- (b) A person commits an offense if the person knowingly transmits by electronic means visual material that:
 - (1) depicts:
 - (A) any person engaging in sexual conduct or with the person's intimate parts exposed; or
 - (B) covered genitals of a male person that are in a discernibly turgid state; and
 - (2) is not sent at the request of or with the express consent of the recipient.
- (c) An offense under this section is a Class C misdemeanor.
- (d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

Sec. 22.012. INDECENT ASSAULT.

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
 - (1) touches the anus, breast, or any part of the genitals of another person;
 - (2) touches another person with the anus, breast, or any part of the genitals of any person;
 - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or

- (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Sec. 30.05. CRIMINAL TRESPASS.

- (a) A person commits an offense if the person enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, or an aircraft or other vehicle, without effective consent and the person:
 - (1) had notice that the entry was forbidden; or
 - (2) received notice to depart but failed to do so.
- (f-1) It is a defense to prosecution under this section that:
 - (1) the basis on which entry on the property was forbidden is that entry with a firearm or firearm ammunition was forbidden;
 - (2) the actor is:
 - (A) an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;
 - (B) an owner of a condominium unit governed by Chapter 82, Property Code;
 - (C) a tenant or guest of an owner described by Paragraph (A) or (B); or
 - (D) a guest of a tenant of an owner described by Paragraph (A) or (B);
 - (3) the actor:
 - (A) carries or stores a firearm or firearm ammunition in the condominium apartment or unit owner's apartment or unit;

- (B) carries a firearm or firearm ammunition directly en route to or from the condominium apartment or unit owner's apartment or unit;
- (C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for residents or guests of the condominium property; or
- (D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for residents or guests of the condominium property; and
- (4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.
- (f-2) It is a defense to prosecution under this section that:
 - (1) the basis on which entry on a leased premises governed by Chapter 92, Property Code, was forbidden is that entry with a firearm or firearm ammunition was forbidden;
 - (2) the actor is a tenant of the leased premises or the tenant's guest;
 - (3) the actor:
 - (A) carries or stores a firearm or firearm ammunition in the tenant's manufactured home;
 - (B) carries a firearm or firearm ammunition directly en route to or from the tenant's manufactured home;
 - (C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or
 - (D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; and
 - (4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.
- (f-3) It is a defense to prosecution under this section that:
 - (1) the basis on which entry on a leased premises governed by Chapter 94, Property Code, was forbidden is that entry with a firearm or firearm ammunition was forbidden;
 - (2) the actor is a tenant of a manufactured home lot or the tenant's guest;
 - (3) the actor:
 - (A) carries or stores a firearm or firearm ammunition in the tenant's manufactured home;
 - (B) carries a firearm or firearm ammunition directly en route to or from the tenant's manufactured home;
 - (C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or
 - (D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; and
 - (4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.

Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN.

- (a) A license holder commits an offense if the license holder:
 - (1) carries a concealed handgun under the authority of Subchapter H, Chapter [411](#), Government Code, on property of another without effective consent; and

(2) received notice that entry on the property by a license holder with a concealed handgun was forbidden.

(e-1) It is a defense to prosecution under this section that:

(1) the license holder is:

(A) an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;

(B) an owner of a condominium unit governed by Chapter 82, Property Code;

(C) a tenant or guest of an owner described by Paragraph (A) or (B); or

(D) a guest of a tenant of an owner described by Paragraph (A) or (B); and

(2) the license holder:

(A) carries or stores a handgun in the condominium apartment or unit owner's apartment or unit;

(B) carries a handgun directly en route to or from the condominium apartment or unit owner's apartment or unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for residents or guests of the condominium property; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for residents or guests of the condominium property.

(e-2) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a leased premises governed by Chapter 92, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's rental unit;

(B) carries a handgun directly en route to or from the tenant's rental unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises.

(e-3) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a manufactured home lot governed by Chapter 94, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's manufactured home;

(B) carries a handgun directly en route to or from the tenant's manufactured home;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises.

(g) It is a defense to prosecution under this section that the license holder was personally given notice by oral communication described by Subsection (b) and promptly departed from the property.

Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN.

(a) A license holder commits an offense if the license holder:

(1) openly carries a handgun under the authority of Subchapter H, Chapter

411, Government Code, on property of another without effective consent; and

(2) received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

(e-1) It is a defense to prosecution under this section that:

(1) the license holder is:

(A) an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;

(B) an owner of a condominium unit governed by Chapter 82, Property Code;

(C) a tenant or guest of an owner described by Paragraph (A) or (B); or

(D) a guest of a tenant of an owner described by Paragraph (A) or (B); and

(2) the license holder:

(A) carries or stores a handgun in the condominium apartment or unit owner's apartment or unit;

(B) carries a handgun directly en route to or from the condominium apartment or unit owner's apartment or unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for residents or guests of the condominium property; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for residents or guests of the condominium property.

(e-2) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a leased premises governed by Chapter 92, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's rental unit;

(B) carries a handgun directly en route to or from the tenant's rental unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises.

(e-3) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a manufactured home lot governed by Chapter 94, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's manufactured home;

(B) carries a handgun directly en route to or from the tenant's manufactured home;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises.

(h) It is a defense to prosecution under this section that the license holder was personally given notice by oral communication described by Subsection (b) and promptly departed from the property.

Sec. 32.47. FRAUDULENT DESTRUCTION, REMOVAL, OR CONCEALMENT OF WRITING.

(a) A person commits an offense if, with intent to defraud or harm another, he

destroys, removes, conceals, alters, substitutes, or otherwise impairs the verity, legibility, or availability of a writing, other than a governmental record.

(b) For purposes of this section, "writing" includes:

- (1) printing or any other method of recording information;
- (2) money, coins, tokens, stamps, seals, credit cards, badges, trademarks;
- (3) symbols of value, right, privilege, or identification; and
- (4) universal product codes, labels, price tags, or markings on goods.

(c) Except as provided by ~~[in]~~ Subsection

(d), an offense under this section is a Class A misdemeanor, provided that:

(1) the writing is not attached to tangible property to indicate the price for the sale of that property; and

(2) the actor did not engage in the conduct described by Subsection (a) with respect to that writing for the purpose of obtaining the property for a lesser price indicated by a separate writing.

(d) An offense under this section is a state jail felony if the writing:

(1) is a will or codicil of another, whether or not the maker is alive or dead and whether or not it has been admitted to probate; or

(2) is a deed, mortgage, deed of trust, security instrument, security agreement, or other writing for which the law provides public recording or filing, whether or not the writing has been acknowledged.

(e) If at the time of the offense the writing was attached to tangible property to indicate the price for the sale of that property and the actor engaged in the conduct described by Subsection (a) with respect to that writing for the purpose of obtaining the property for a lesser price

indicated by a separate writing, an offense under this section is:

(1) a Class C misdemeanor if the difference between the impaired writing and the lesser price indicated by the other writing is less than \$100;

PROPERTY CODE

Section	Bill Modifying
11.008	SB 489
42.0021	HB 2779
42.0022 <i>repealed</i>	HB 2779
42.005	HB 2779
82.002	HB 302
82.121	HB 302
92.0132	HB 1002
92.016	SB 234
92.0162	HB 69
92.019	SB 1414
92.0191	SB 1414
92.026	HB 302
94.257	HB 302
202.009 <i>renumbered as Election Code Sec. 259.002</i>	HB 2554

PROPERTY CODE

Sec. 11.008. PERSONAL INFORMATION IN REAL PROPERTY RECORDS.

(a) In this section, "instrument" means a deed, ~~or~~ deed of trust, or any other record recorded by a county clerk related to real property, including a mineral lease, a mechanic's lien, and the release of a mechanic's lien.

Sec. 42.0021. ADDITIONAL EXEMPTION FOR CERTAIN SAVINGS PLANS.

(a) In this section, "qualified savings plan" means ~~addition to the exemption prescribed by Section 42.001, a person's right to the assets held in or to receive payments, whether vested or not, under~~ any stock bonus, pension, annuity, deferred compensation, profit-sharing, health, education, or similar plan or account, to the extent the plan or account is exempt from federal income tax or to the extent federal income tax on a person's interest in the plan or account is deferred until actual payment of benefits to the person. A plan or account that is subject to federal income tax is considered to be exempt from federal income tax for purposes of this section if the plan or account is subject to the tax solely under Sections 511 through 514, Internal Revenue Code of 1986. The term includes:

- (1) a retirement plan sponsored by a private employer, government, or church;
- (2) ~~including~~ a retirement plan for self-employed individuals;
- (3) ~~or~~ a simplified employee pension plan;

(4) ~~an individual retirement account or individual retirement annuity, including an inherited individual retirement account or individual retirement annuity;~~

(5) a Roth IRA, including an inherited Roth IRA;

(6) ~~or~~ a health savings account;

(7) a Coverdell education savings account;

(8) a plan or account established under Subchapter F, Chapter 54, Education Code, including a prepaid tuition contract;

(9) a plan or account established under Subchapter G, Chapter 54, Education Code, including a savings trust account;

(10) a qualified tuition program of any state that meets the requirements of Section 529, Internal Revenue Code of 1986;

(11) a qualified ABLE program of any state that meets the requirements of Section 529A, Internal Revenue Code of 1986; and

(12) ~~an and under any~~ annuity or similar contract purchased with assets distributed from ~~a that type of~~ plan or account described by this subsection.

(b) In addition to the exemption prescribed by Section 42.001 and except as provided by this section, a person's interest in and right to receive payments from a qualified savings plan, whether vested or not, is exempt from attachment, execution, and seizure for the satisfaction of debts.

(c) An interest or right in a qualified savings plan that was ~~to the extent the plan, contract, annuity, or account is exempt from federal income tax, or to the extent federal income tax on the person's interest is deferred until actual payment of benefits to the person under Section 223, 401(a), 403(a), 403(b), 408(a), 408A, 457(b), or 501(a), Internal~~

Revenue Code of 1986, including a government plan or church plan described by Section 414(d) or (e), Internal Revenue Code of 1986. For purposes of this subsection, the interest of a person in a plan, annuity, account, or contract] acquired by reason of the death of another person, whether as an owner, participant, beneficiary, survivor, coannuitant, heir, or legatee, is exempt to the same extent that the interest or right of the decedent [person from whom the plan, annuity, account, or contract was acquired] was exempt on the date of the decedent's [person's] death.

~~(d)~~ [If this subsection is held invalid or preempted by federal law in whole or in part or in certain circumstances, the subsection remains in effect in all other respects to the maximum extent permitted by law.

~~(b)~~ Contributions to a qualified savings plan that are excess contributions under Section 4973, [an individual retirement account that exceed the amounts permitted under the applicable provisions of the] Internal Revenue Code of 1986, and any accrued earnings on such contributions are not exempt under this section unless otherwise exempt by law. [Amounts qualifying as nontaxable rollover contributions under Section 402(a)(5), 403(a)(4), 403(b)(8), or 408(d)(3) of the Internal Revenue Code of 1986 before January 1, 1993, are treated as exempt amounts under Subsection (a). Amounts treated as qualified rollover contributions under Section 408A, Internal Revenue Code of 1986, are treated as exempt amounts under Subsection (a). In addition, amounts qualifying as nontaxable rollover contributions under Section 402(c), 402(e)(6), 402(f), 403(a)(4), 403(a)(5), 403(b)(8), 403(b)(10), 408(d)(3), or 408A of the Internal Revenue Code of 1986 on or after January 1, 1993, are treated as exempt amounts under Subsection (a). Amounts

qualifying as nontaxable rollover contributions under Section 223(f)(5) of the Internal Revenue Code of 1986 on or after January 1, 2004, are treated as exempt amounts under Subsection (a).]

~~(e)~~ [(e)] Amounts distributed from a qualified savings plan are exempt from attachment, execution, and [plan, annuity, account, or contract entitled to an exemption under Subsection (a) are not subject to] seizure for a creditor's claim for 60 days after the date of distribution. If [if] the amounts qualify as a [nontaxable] rollover contribution under the Internal Revenue Code of 1986, whether taxable or nontaxable, the amounts will continue to be exempt thereafter under this section [Subsection (b)].

~~(f)~~ A person's interest in a retirement plan that is solely an unfunded, unsecured promise by an employer to pay deferred compensation is not exempt under this section unless otherwise exempt by law.

~~(g)~~ A person [(d) A participant or beneficiary of a plan, annuity, account, or contract entitled to an exemption under Subsection (a), other than an individual retirement account or individual retirement annuity,] is not prohibited by this section from granting a valid and enforceable security interest in the person's interest in or right [participant's or beneficiary's right to the assets held in or] to receive payments from a qualified savings plan to the extent permitted by, and in accordance with, the Internal Revenue Code of 1986 and the terms of the qualified savings plan [under the exempt plan, annuity, account, or contract] to secure a loan to the person [participant or beneficiary] from the qualified savings plan. The person's interest in or right [exempt plan, annuity, account, or contract, and the right to the assets held in or] to receive payments from the plan[, annuity, account, or contract] is subject to attachment, execution, and seizure for the

satisfaction of the security interest or lien granted by the person [~~participant or beneficiary~~] to secure the loan.

~~(h) [(e)] If any provision of this section is held [Subsection (a) is declared] invalid or preempted by federal law, in whole or in part or in certain circumstances, the remaining provisions of this section remain [as applied to a person who has not brought a proceeding under Title 11, United States Code, the subsection remains] in effect, to the maximum extent permitted by law[, as to any person who has filed that type of proceeding].~~

~~(i) [(f)] A reference in this section to the Internal Revenue Code of 1986 or a specific provision of the Internal Revenue Code of 1986 includes a subsequent amendment of that code or of the substance of that provision.~~

~~**Sec. 42.0022. EXEMPTION FOR COLLEGE SAVINGS PLANS.**~~

~~(a) In addition to the exemption prescribed by Section 42.001, a person's right to the assets held in or to receive payments or benefits under any of the following is exempt from attachment, execution, and seizure for the satisfaction of debts:~~

- ~~(1) any fund or plan established under Subchapter F, Chapter 54, Education Code, including the person's interest in a prepaid tuition contract;~~
- ~~(2) any fund or plan established under Subchapter G, Chapter 54, Education Code, including the person's interest in a savings trust account; or~~
- ~~(3) any qualified tuition program of any state that meets the requirements of Section 529, Internal Revenue Code of 1986, as amended.~~

~~(b) If any portion of this section is held to be invalid or preempted by federal law in whole or in part or in certain circumstances, this section remains in effect in all other respects to the maximum extent permitted by law.~~

Sec. 42.005. CHILD SUPPORT LIENS.

(a) Except as provided by Subsection (b), Sections 42.001, 42.002, and 42.0021 [of this code] do not apply to a child support lien established under Subchapter G, Chapter 157, Family Code.

(b) The exemption from attachment, execution, and seizure for the satisfaction of debts provided under Section 42.0021 for a plan or account described by Section 42.0021(a)(8), (9), or (10) applies to a child support lien established under Subchapter G, Chapter 157, Family Code.

Sec. 82.002. APPLICABILITY.

(a) This chapter applies to all commercial, industrial, residential, and other types of condominiums in this state for which the declaration is recorded on or after January 1, 1994.

(c-1) Section 82.121 applies to a condominium for which the declaration was recorded before January 1, 1994.

Sec. 82.121. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON CONDOMINIUM PROPERTY.

(a) Unless possession of a firearm or firearm ammunition on condominium property is prohibited by state or federal law, a condominium unit owner, or a tenant or guest of a condominium unit owner, or a guest of a tenant of a condominium unit owner may not be prohibited from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition:

- (1) in the condominium unit owner's unit;
- (2) in a vehicle located in a parking area provided for the residents or guests of the condominium property; or
- (3) in other common element locations as necessary to:

(A) enter or exit the condominium property;

(B) enter or exit the condominium unit owner's unit; or

(C) enter or exit a vehicle on the condominium property or located in a parking area provided for residents or guests of the condominium property.

(b) This section applies notwithstanding any provision of a dedicatory instrument to the contrary and regardless of the date of the provision's adoption.

Sec. 92.0132. TERM OF PARKING PERMIT.

A landlord who issues a parking permit to a tenant:

(1) must issue the permit for a term that is coterminous with the tenant's lease term; and

(2) may not terminate or suspend the permit until the date the tenant's right of possession ends.

Sec. 92.016. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING FAMILY VIOLENCE.

(b) A tenant may terminate the tenant's rights and obligations under a lease and may vacate the dwelling and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling before the end of the lease term if the tenant complies with Subsection (c).

(b-1) A tenant may obtain relief under Subsection (b) if the tenant [and] provides the landlord or the landlord's agent:

(1) a copy of one or more of the following orders protecting the tenant or an occupant from family violence:

(A) [(4)] a temporary injunction issued under Subchapter F, Chapter 6, Family Code;

(B) [(2)] a temporary ex parte order issued under Chapter 83, Family Code; [or]

(C) [(3)] a protective order issued under Chapter 85, Family Code; or

(D) an order of emergency protection under Article 17.292, Code of Criminal Procedure; or

(2) a copy of documentation of the family violence against the tenant or an occupant from:

(A) a licensed health care services provider who examined the victim;

(B) a licensed mental health services provider who examined or evaluated the victim; or

(C) an advocate as defined by Section 93.001, Family Code, who assisted the victim.

(c) A tenant may exercise the rights to terminate the lease under Subsection (b), vacate the dwelling before the end of the lease term, and avoid liability beginning on the date after all of the following events have occurred:

(1) a judge signs an order described by Subsection (b-1)(1) if the tenant obtained such an order [(b)];

(2) the tenant provides a copy of the relevant documentation described by Subsection (b-1)(1) or (2), as applicable, [(b)] to the landlord;

(3) the tenant provides written notice of termination of the lease to the landlord on or before the 30th day before the date the lease terminates;

(4) the 30th day after the date the tenant provided notice under Subdivision (3) expires; and

(5) the tenant vacates the dwelling.

(c-1) If the family violence is committed by a cotenant or occupant of the dwelling, a tenant may exercise the right to terminate the lease under the procedures provided by Subsection (b-1)(1)(A), (C), or (D) or (b-1)(2) [(b)(1) or (3)] and Subsection (c),

except that the tenant is not required to provide the notice described by Subsection (c)(3).

Sec. 92.0162. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING TENANT'S DEATH.

(a) A representative of the estate of a tenant who dies before the expiration of the tenant's lease and was, at the time of the tenant's death, the sole occupant of a rental dwelling may terminate the tenant's rights and obligations under the lease and may vacate the leased premises and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the leased premises before the end of the lease term if:

(1) the representative provides to the landlord or the landlord's agent written notice of the termination of the lease under this section;

(2) the deceased tenant's property is removed from the leased premises in accordance with Section 92.014(c) or (d); and

(3) the representative signs an inventory of the removed property, if required by the landlord or the landlord's agent.

(b) Termination of a lease under this section is effective on the later of:

(1) the 30th day after the date on which the notice under Subsection (a) was provided; or

(2) the date on which all of the conditions in Subsection (a) have been met.

(c) After receipt of the notice provided under Subsection (a), the landlord shall provide a copy of the written lease agreement to the person who provided the notice on written request of that person.

(d) This section does not affect the obligations or liability of the tenant or the tenant's estate under the lease before

the lease is terminated under this section, including the liability of the tenant or the tenant's estate for:

(1) delinquent, unpaid rent; and

(2) damages to the leased premises not caused by normal wear and tear.

(e) A landlord or landlord's agent who lawfully permits a person described by Subsection (a) to enter or facilitates the person's entry into the leased premises under this section is not liable for an act or omission that arises in connection with permitting or facilitating the entry.

Sec. 92.019. LATE PAYMENT OF RENT; FEES.

(a) A landlord may not collect from [charge] a tenant a late fee for failing to pay any portion of the tenant's rent unless:

(1) notice of the fee is included in a written lease;

(2) the fee is [a] reasonable [estimate of uncertain damages to the landlord that are incapable of precise calculation and result from late payment of rent]; and

(3) any portion of the tenant's rent has remained unpaid two [one] full days [day] after the date the rent was originally due.

(a-1) For purposes of this section, a late fee is considered reasonable if:

(1) the late fee is not more than:

(A) 12 percent of the amount of rent for the rental period under the lease for a dwelling located in a structure that contains not more than four dwelling units; or

(B) 10 percent of the amount of rent for the rental period under the lease for a dwelling located in a structure that contains more than four dwelling units; or

(2) the late fee is more than the applicable amount under Subdivision (1), but not more than uncertain damages to the landlord related to the late payment of rent, including direct or indirect expenses, direct or indirect costs, or overhead associated with the collection of late payment.

(b) A late fee under this section may include an initial fee and a daily fee for each day any portion of the tenant's rent continues to remain unpaid, and the combined fees are considered a single late fee for purposes of this section.

(c) A landlord who violates this section is liable to the tenant for an amount equal to the sum of \$100, three times the amount of the late fee collected [~~charged~~] in violation of this section, and the tenant's reasonable attorney's fees.

Sec. 92.0191. STATEMENT OF LATE FEES.

A tenant may request that the landlord provide to the tenant a written statement of whether the tenant owes a late fee to the landlord and, if so, the amount of the late fee. On request of the tenant, the landlord shall provide the statement to the tenant by any established means regularly used for written communication between the landlord and the tenant. A landlord's failure to respond does not affect the tenant's liability for any late fee owed to the landlord.

Sec. 92.026. POSSESSION OF FIREARMS OR FIREARM AMMUNITION ON LEASED PREMISES.

Unless possession of a firearm or firearm ammunition on a landlord's property is prohibited by state or federal law, a landlord may not prohibit a tenant or a tenant's guest from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition:

- (1) in the tenant's rental unit;
- (2) in a vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or
- (3) in other locations controlled by the landlord as necessary to:
 - (A) enter or exit the tenant's rental unit;
 - (B) enter or exit the leased premises;
or
 - (C) enter or exit a vehicle on the leased premises or located in a parking area provided by the landlord for tenants or guests.

Sec. 94.257. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON LEASED PREMISES.

Unless possession of a firearm or firearm ammunition on a landlord's property is prohibited by state or federal law, a landlord may not prohibit a tenant or a tenant's guest from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition:

- (1) in the tenant's manufactured home;
- (2) in a vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises;
or
- (3) in other locations controlled by the landlord as necessary to:
 - (A) enter or exit the tenant's manufactured home;
 - (B) enter or exit the leased premises; or
 - (C) enter or exit a vehicle on the leased premises or located in a parking area provided by the landlord for tenants or tenants' guests.

Sec. 202.009. REGULATION OF DISPLAY OF POLITICAL SIGNS. (Renumbered as Election Code Sec. 259.002).

TAX CODE

Section	Bill Modifying
151.704	HB 2358

(d) [(e)] An offense under this section is a misdemeanor punishable by a fine of not more than \$500.

TAX CODE

Sec. 151.704. SALES TAX ABSORPTION [PROHIBITED ADVERTISING]; CRIMINAL PENALTY.

- (a) Except as provided by Subsections (b) and (c), a [A] retailer commits an offense if the retailer directly or indirectly advertises, holds out, or states to a customer or to the public that the tax is not part of the sales price payable by the customer [retailer:
- [(1) will assume, absorb, or refund a part of the tax; or
- [(2) will not add the tax to the sales price of a taxable item sold, leased, or rented].
- (b) A retailer may directly or indirectly advertise, hold out, or state to a customer or to the public that the retailer will pay the tax for the customer if:
- (1) the retailer indicates in the advertisement, holding out, or statement that the retailer is paying the tax for the customer;
- (2) the retailer does not indicate or imply in the advertisement, holding out, or statement that the sale is exempt or excluded from taxation; and
- (3) any purchaser's receipt or other statement given to the customer listing the sales price paid or to be paid by the customer separately states the amount of the tax and indicates that the tax will be paid by the retailer.
- (c) This section does not prohibit a utility from billing a customer in one lump-sum price including the utility sales price and the amount of the tax imposed by this chapter.

TRANSPORTATION CODE

Section	Bill Modifying
284.2031	SB 346
284.2032	SB 346
463.001	HB 71
463.002	HB 71
463.061	HB 71
463.062	HB 71
463.063	HB 71
463.064	HB 71
501.002	HB 1755, HB 3171, HB 1548
502.001	HB 1755, HB 1548, SB 969
502.010	SB 346
502.061	SB 976
502.140	HB 1548
502.141	HB 1755
502.143	HB 2188
502.407	HB 2835, SB 346
502.473	SB 346
502.475	SB 346
503.013	HB 1755
504.151 – 504.154	SB 604
504.157	SB 604
504.943	SB 346
504.945	SB 346
504.947 <i>repealed</i>	HB 2837

Section	Bill Modifying
521.026	SB 346
521.054	SB 346
521.084	HB 3171
521.085	HB 3171
521.121	SB 489
521.122	HB 3171
521.221	SB 346
521.224	HB 3171
521.225 <i>repealed</i>	HB 3171
521.2462	HB 156
521.251	HB 156
521.271	SB 616
521.293	HB 162
521.312	HB 162
522.004	HB 2837
522.041	HB 3171
522.051	SB 616
522.052	SB 616
541.001	HB 2620
541.201	HB 2188, HB 3171
542.009 <i>renumbered as Transportation Code 552A.0101</i>	SB 969
542.304	HB 2048
542.402	SB 346
542.403	SB 346
542.4031	HB 2048
542.405 <i>repealed</i>	HB 1631
542.406 <i>repealed</i>	HB 1631

Section	Bill Modifying
542.501	HB 2620
544.004	HB 2620
544.0075	HB 3171
544.012 <i>repealed</i>	HB 1631
545.058	HB 2837
545.156	HB 2837
545.157	HB 61
545.361	HB 3171
545.364	HB 339
545.416	HB 3171
545.424	HB 3171
545.425	HB 771
546.002	HB 2837
547.001	HB 1548, HB 61
547.002	HB 1548
547.004	SB 346
547.305	HB 61
547.306	HB 3171
547.333	HB 3171
547.404	HB 3171
547.405	HB 2810
547.408	HB 3171
547.617	HB 3171
547.703	HB 2290, HB 2837, HB 1548
547.801	HB 3171
547.802	HB 3171
548.009	HB 1755

Section	Bill Modifying
548.052	HB 1548
548.605	SB 346
551.001	HB 2188
551.106	HB 2188
551.107	HB 2188
551.351	SB 969, HB 3171
551.401	HB 1548
551.402	HB 1548
551.403	HB 1548
551.4031	HB 1548
551.404	HB 1548
551.4041	HB 1548
551.405	HB 1548
551.451	HB 1548
551.457	HB 1548
551A.001 – 551A.091	HB 1548
552.011	HB 2775
552A.0001 – 552A.0010	SB 969
552A.0101 <i>renumbered from Transportation Code Sec. 542.009</i>	SB 969
601.052	HB 1548
601.081	HB 259
601.233	HB 2048
601.263	SB 346
621.207	HB 799
621.503	HB 2620
621.504	HB 799
621.511	HB 2620

Section	Bill Modifying
623.006 – 623.008	HB 2620
623.0171	HB 2620
623.081 <i>repealed</i>	HB 2620
623.099	HB 2620
623.148	HB 799
623.198	HB 799
623.272	HB 2620
623.324	HB 2620
623.404	HB 2620
643.253	HB 1505
644.101	HB 511
644.102	HB 511
663.001	HB 1755
681.013	SB 346
702.003	SB 346
706.005	SB 346
706.006	SB 346
706.007	SB 346
707.001	HB 1631
707.002 – 707.019 <i>repealed</i>	HB 1631
707.020	HB 1631
707.021	HB 1631
708.001 – 708.159 <i>repealed</i>	HB 2048
709.001	HB 2048
709.002	HB 2048
731.001 – 731.003	HB 1755
731.051 – 731.054	HB 1755

Section	Bill Modifying
731.101 – 731.102	HB 1755

TRANSPORTATION CODE

Sec. 284.2031. CIVIL AND CRIMINAL ENFORCEMENT: FINE [COST].

- (a) A county may impose, in addition to other costs, a fine of \$1 [as a court cost] on conviction to a defendant convicted of an offense under Section 284.070, 284.0701, or 284.203 in an action brought by the county or district attorney.

Sec. 284.2032. FINE [ADDITIONAL ADMINISTRATIVE COST] IN CERTAIN COUNTIES.

- (a) A county with a population of 3.3 million or more may impose a fine of [in addition to other costs,] \$1 [as an administrative cost associated with collecting a toll or charge] for each event of nonpayment of a required toll or charge imposed under Section 284.069.

CHAPTER 463. REGIONAL TRANSIT AUTHORITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 463.001. DEFINITIONS.

In this chapter:

- (1) "Authority" means a regional transit authority created under this chapter.
- (2) "Complementary transportation services" includes:
- (A) special transportation services for a person who is elderly or has a disability;
- (B) medical transportation services;

(C) assistance in street modifications as necessary to accommodate the public transportation system;

(D) construction of new general aviation facilities or renovation or purchase of existing facilities not served by certificated air carriers to relieve air traffic congestion at existing facilities; and

(E) any other service that complements the public transportation system, including providing parking garages.

(3) "Executive committee" means the authority directors who serve as the governing body of the authority.

(4) "Mass transit system" means a system constructed by an authority for the transportation of passengers and hand-carried packages or baggage of a passenger by any means of surface, overhead, or underground transportation, other than an aircraft or taxicab. The term includes a rail system and services coordinated with a transit system operated by a municipality.

(5) "Public transportation system" means:

(A) all property owned or held by an authority for public transportation service purposes;

(B) real property, facilities, and equipment for the protection and environmental enhancement of all the facilities; and

(C) property held:

(i) in accordance with a contract with the owner making the property subject to the control of or regulation by the authority; and

(ii) for public transportation service purposes.

(6) "Regional high capacity transit" means intercity transit service designed to transport more people than

typical, local fixed-route bus service by using dedicated lanes or rights-of-way or by having transit priority, including queue jumps or traffic signal priority. The term includes bus rapid transit, light rail, commuter rail, streetcars, high occupancy toll lanes, or other fixed guideway operations.

(7) "Service plan" means an outline of the service that would be provided by the authority to counties if confirmed at an election.

Sec. 463.002. APPLICATION.

This chapter applies to:

- (1) a county that is contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and that borders the United Mexican States; and
- (2) a county that borders a county described by Subdivision (1).

Sec. 463.061. FARES AND OTHER CHARGES.

(a) An authority shall impose reasonable and nondiscriminatory fares, tolls, charges, rents, and other compensation for the use of the public transportation system sufficient to produce revenue, together with grants received by the authority, in an amount adequate to:

- (1) pay all expenses necessary to operate and maintain the public transportation system;
- (2) pay when due the principal of and interest on, and sinking fund and reserve fund payments agreed to be made with respect to, all bonds that are issued by the authority and payable wholly or partly from the revenue; and
- (3) fulfill the terms of any other agreement with the holders of bonds described by Subdivision (2) or with a person acting on behalf of the bondholders.

(b) It is intended by this chapter that the compensation imposed under Subsection (a) not exceed the amounts necessary to produce revenue sufficient to meet the obligations of the authority under this chapter.

(c) Compensation for the use of the public transportation system may be set according to a zone system or to another classification that the authority determines to be reasonable.

(d) This section does not limit the state's power to regulate fares, tolls, charges, or rents imposed by an authority or other compensation authorized under this section. The state agrees with holders of bonds issued under this chapter, however, not to alter the power given to an authority under this section to impose fares, tolls, charges, rents, and other compensation in amounts sufficient to comply with Subsection (a), or to impair the rights and remedies of an authority bondholder, or a person acting on behalf of a bondholder, until the bonds, interest on the bonds, interest on unpaid installments of interest, costs and expenses in connection with an action or proceeding by or on behalf of a bondholder, and other obligations of the authority in connection with the bonds are discharged.

Sec. 463.062. ENFORCEMENT OF FARES AND OTHER CHARGES; PENALTIES.

(a) The executive committee by resolution may prohibit the use of the public transportation system by a person without payment of the appropriate fare for the use of the system and may establish reasonable and appropriate methods to ensure that persons using the public transportation system pay the appropriate fare for that use.

(b) The executive committee by resolution may provide that a fare for or charge for the use of the public transportation

system that is not paid incurs a reasonable administrative fee.

(c) An authority shall post signs designating each area in which a person is prohibited from using the transportation system without payment of the appropriate fare.

(d) A person commits an offense if the person or another for whom the person is criminally responsible under Section 7.02, Penal Code, uses the public transportation system without paying the appropriate fare. An offense under this section is:

(1) a misdemeanor punishable by a fine not to exceed \$100; and

(2) not a crime of moral turpitude.

(e) If the person fails to provide proof that the person paid the appropriate fare for the use of the public transportation system and fails to pay any administrative fee assessed under Subsection (b) on or before the 30th day after the date the authority notifies the person that the person is required to pay the amount of the fare and the administrative fee, it is prima facie evidence that the person used the public transportation system without paying the appropriate fare.

(f) The notice required by Subsection (e) may be included in a citation issued to the person by a peace officer under Article 14.06, Code of Criminal Procedure, or by a fare enforcement officer under Section 463.063, in connection with an offense relating to the nonpayment of the appropriate fare for the use of the public transportation system.

(g) It is an exception to the application of Subsection (d) that on or before the 30th day after the date the authority notified the person that the person is required to pay the amount of the fare and any administrative fee assessed under Subsection (b), the person:

(1) provided proof that the person paid the appropriate fare at the time the person used the public transportation system or at a later date or that the person was exempt from payment; and

(2) paid the administrative fee assessed under Subsection (b), if applicable.

(h) A justice court located in the territory of the authority may enter into an agreement with the authority to try all criminal cases that arise under Subsection (d). Notwithstanding Articles 4.12 and 4.14, Code of Criminal Procedure, if a justice court enters into an agreement with the authority:

(1) a criminal case that arises under Subsection (d) must be tried in the justice court; and

(2) the justice court has exclusive jurisdiction in all criminal cases that arise under Subsection (d).

Sec. 463.063. FARE ENFORCEMENT OFFICERS.

(a) An authority may employ or contract for persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:

(1) requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system; and

(2) issuing a citation to a person described by Section 463.062(d).

(b) Before commencing duties as a fare enforcement officer, a person must complete at least eight hours of training approved by the authority that is appropriate to the duties required of a fare enforcement officer.

(c) While performing duties, a fare enforcement officer shall:

(1) wear a distinctive uniform, badge, or insignia that identifies the person as a fare enforcement officer; and

(2) work under the direction of the authority's chief executive officer.

(d) A fare enforcement officer may:

(1) request evidence showing payment of the appropriate fare from passengers of the public transportation system or evidence showing exemption from the payment requirement;

(2) request personal identification or other documentation designated by the authority from a passenger who does not produce evidence showing payment of the appropriate fare on request by the officer;

(3) instruct a passenger to immediately leave the public transportation system if the passenger does not possess evidence showing payment or exemption from payment of the appropriate fare; or

(4) file a complaint in the appropriate court that charges the person with an offense under Section 463.062(d).

(e) A fare enforcement officer may not carry a weapon while performing duties under this section unless the officer is a certified peace officer.

(f) A fare enforcement officer who is not a certified peace officer is not a peace officer and has no authority to enforce a criminal law, except as provided by this section.

Sec. 463.064. ENFORCEMENT OF HIGH OCCUPANCY VEHICLE LANE USAGE.

(a) The executive committee by resolution may regulate or prohibit improper entrance into, exit from, and vehicle occupancy in high occupancy vehicle lanes operated, managed, or maintained by the authority.

(b) The executive committee by resolution may establish reasonable and appropriate methods to enforce regulations or prohibitions established under Subsection (a).

Sec. 501.002. DEFINITIONS.

(1) "Assembled vehicle" has the meaning assigned by Section 731.001.

(1-a) "Certificate of title" means a printed record of title issued under Section 501.021.

(7) "Commercial motor vehicle" means a motor vehicle, other than a motorcycle or moped, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail.

(8) "First sale" means:

(A) the bargain, sale, transfer, or delivery of a motor vehicle, other than an assembled vehicle, that has not been previously registered or titled, with intent to pass an interest in the motor vehicle, other than a lien, regardless of where the bargain, sale, transfer, or delivery occurred; and

(B) the registration or titling of that vehicle.

(17) "Motor vehicle" means:

(A) any motor driven or propelled vehicle required to be registered under the laws of this state;

(B) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;

(C) a travel trailer;

(D) an off-highway vehicle, as defined by Section 551A.001 [~~all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state~~]; or

(E) a motorcycle [~~motor-driven cycle,~~] or moped that is not required to be registered under the laws of this state.

- (24) "Serial number" means a vehicle identification number that is affixed to a part of a motor vehicle and that is:
- (A) the manufacturer's permanent vehicle identification number;
 - (B) a derivative number of the manufacturer's permanent vehicle identification number;
 - (C) the motor number; [ø]
 - (D) the vehicle identification number assigned by the department; or
 - (E) the vehicle identification number assigned by the maker of a kit, if the vehicle is an assembled vehicle that is assembled from a kit.
- (31) "Used motor vehicle" means:
- (A) a motor vehicle that has been the subject of a first sale; or
 - (B) an assembled vehicle that has been issued a title.
- (32) "Vehicle identification number" means:
- (A) the manufacturer's permanent vehicle identification number affixed by the manufacturer to the motor vehicle that is easily accessible for physical examination and permanently affixed on one or more removable parts of the vehicle; or
 - (B) a serial number affixed to a part of a motor vehicle that is:
 - (i) a derivative number of the manufacturer's permanent vehicle identification number;
 - (ii) the motor number; [ø]
 - (iii) a vehicle identification number assigned by the department; or
 - (iv) the vehicle identification number assigned by the maker of a kit, if the vehicle is an assembled vehicle that is assembled from a kit.

Sec. 502.001. DEFINITIONS.

- ~~(1) "All-terrain vehicle" means a motor vehicle that is:~~
- ~~(A) equipped with a seat or seats for the use of:
 - ~~(i) the rider; and~~
 - ~~(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;~~~~
 - ~~(B) designed to propel itself with three or more tires in contact with the ground;~~
 - ~~(C) designed by the manufacturer for off-highway use;~~
 - ~~(D) not designed by the manufacturer primarily for farming or lawn care; and~~
 - ~~(E) not more than 50 inches wide.~~
- ~~(18) "Golf cart" means a motor vehicle designed by the manufacturer primarily for use on a golf course.~~
- (26) "Motorized mobility device" has the meaning assigned by Section 552A.0101 [542.009].
- ~~(37) "Recreational off-highway vehicle" means a motor vehicle that is:~~
- ~~(A) equipped with a seat or seats for the use of:
 - ~~(i) the rider; and~~
 - ~~(ii) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;~~~~
 - ~~(B) designed to propel itself with four or more tires in contact with the ground;~~
 - ~~(C) designed by the manufacturer for off-highway use by the operator only; and~~
 - ~~(D) not designed by the manufacturer primarily for farming or lawn care~~

Sec. 502.010. COUNTY SCOFFLAW.

- (a) Except as otherwise provided by this section, a county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or

the department receives information that the owner of the vehicle:

- (1) owes the county money for a fine, fee, or tax that is past due; or
 - (2) failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.
- (b) A county may contract with the department to provide information to the department necessary to make a determination under Subsection (a).
- (f) Except as otherwise provided by this section, a county that has a contract under Subsection (b) may impose an additional reimbursement fee of \$20 to:
- (1) a person who fails to pay a fine, fee, or tax to the county by the date on which the fine, fee, or tax is due; or
 - (2) a person who fails to appear in connection with a complaint, citation, information, or indictment in a court in which a criminal proceeding is pending against the owner.
- (f-1) The additional reimbursement fee may be used only to reimburse the department or the county assessor-collector for its expenses for providing services under the contract, or another county department for expenses related to services under the contract.
- (i) A municipal court judge or justice of the peace who has jurisdiction over the underlying offense may waive an additional reimbursement fee imposed under Subsection (f) if the judge or justice makes a finding that the defendant is economically unable to pay the fee or that good cause exists for the waiver.
- (j) If a county assessor-collector is notified that the court having jurisdiction over the underlying offense has waived the past due fine or fee, including a reimbursement fee, due to the defendant's indigency, the county may not impose an additional reimbursement

fee on the defendant under Subsection (f).

Sec. 502.061. REGISTRATION BY OWNER WITH CONDITION THAT IMPEDES EFFECTIVE COMMUNICATION.

- (a) An application for registration must provide space for the applicant to voluntarily indicate that the applicant has a health condition or disability that may impede effective communication with a peace officer. The department may request from a person who makes an indication under this subsection verification of a condition in the form of:
- (1) for a physical health condition, a written statement from a licensed physician; or
 - (2) for a mental health condition, a written statement from a licensed physician, a licensed psychologist, or a non-physician mental health professional, as defined by Section 571.003, Health and Safety Code.
- (b) The department shall provide to the Department of Public Safety the vehicle registration information of a person who voluntarily indicated on an application under Subsection (a) that the person has a health condition or disability that may impede effective communication. The department may not provide to the Department of Public Safety information that shows the type of health condition or disability a person has.
- (c) The Department of Public Safety shall establish a system to include information received under Subsection (b) in the Texas Law Enforcement Telecommunications System for the purpose of alerting a peace officer who makes a traffic stop that the operator of the stopped vehicle may have a health condition or disability that may impede effective communication.
- (d) The Department of Public Safety may not make information received under

Subsection (b) available in the Texas Law Enforcement Telecommunications System to a person who has access to the system under a contract unless the contract prohibits the person from disclosing that information to a person who is not subject to the contract.

(e) The department may not issue to a person without the person's consent a license plate with a visible marking that indicates to the general public that the person voluntarily indicated on an application under Subsection (a) that the person has a health condition or disability that may impede effective communication.

(f) Except as provided by Subsection (d), information supplied to the department relating to an applicant's health condition or disability is for the confidential use of the department and the Department of Public Safety and may not be disclosed to any person.

Sec. 502.140. CERTAIN OFF-HIGHWAY VEHICLES.

(a) In this section, "off-highway vehicle" has the meaning assigned by Section 551A.001.

(b) Except as provided by Subsection (c) [(b)], the department [a person] may not register an [all-terrain vehicle or a recreational] off-highway vehicle, with or without design alterations, for operation on a public highway.

(c) [(b)] The department [state, a county, or a municipality] may register an [all-terrain vehicle or a recreational] off-highway vehicle that is owned by the state, county, or municipality for operation on a public beach or highway to maintain public safety and welfare.

(d) Section 504.401 does not apply to an [all-terrain vehicle or a recreational] off-highway vehicle.

(e) An [all-terrain vehicle or recreational] off-highway vehicle that is registered under this section:

(1) is not subject to the requirements of Subchapter D, Chapter 551A; and

(2) is subject to the requirements of Subchapter E, Chapter 551A [owned by the state, a county, or a municipality and operated in compliance with Section 663.037 does not require registration under Subsection (b)].

Sec. 502.141. OFF-HIGHWAY FORMER MILITARY VEHICLES.

(a) Except as provided by Subsections (b) and (c), a person may not register a former military vehicle designated for off-highway use, with or without design alterations, for operation on a public highway.

(b) A former military vehicle may be registered for on-road use if the vehicle:

(1) is a high mobility multipurpose wheeled vehicle designated for off-highway use; and

(2) has a gross vehicle weight rating of less than 10,000 pounds.

(c) A former military vehicle issued specialty license plates under Section 504.502 may be operated on a public highway in accordance with that section.

Sec. 502.143. OTHER VEHICLES.

An owner may not register the following vehicles for operation on a public highway:

(1) power sweepers;

(2) motorized mobility devices;

(3) electric personal assistive mobility devices; and

(4) electric bicycles, as defined by Section 664.001.

Sec. 502.407. OPERATION OF VEHICLE WITH EXPIRED LICENSE PLATE.

- (a) A person commits an offense if, after the fifth working day after the date the registration for the vehicle expires:
 - (1) the person operates on a public highway during a registration period a motor vehicle, trailer, or semitrailer that has attached to it a license plate for the preceding period; and
 - (2) the license plate has not been validated by the attachment of a registration insignia for the registration period in effect.
- (b) A justice of the peace or municipal court judge having jurisdiction of the offense may:
 - (1) dismiss a charge of driving with an expired motor vehicle registration if the defendant:
 - (A) remedies the defect not later than the 20th working day after the date of the offense or before the defendant's first court appearance date, whichever is later; and
 - (B) establishes that the fee prescribed by Section 502.045 has been paid; and
 - (2) assess a fine [~~an administrative fee~~] not to exceed \$20 when the charge is dismissed.
- (c) It is a defense to prosecution under this section that at the time of the offense:
 - (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 Section 502.040(b)(2); and
 - (2) the vehicle's registration was expired for 30 working days or less.

Sec. 502.473. OPERATION OF VEHICLE WITHOUT REGISTRATION INSIGNIA.

- (a) A person commits an offense if the person operates on a public highway during a registration period a motor vehicle that does not properly display the registration insignia issued by the department that establishes that the license plates have been validated for the period.
- (d) A court may dismiss a charge brought under Subsection (a) if the defendant pays a fine [~~an administrative fee~~] not to exceed \$10 and:
 - (1) remedies the defect before the defendant's first court appearance; or
 - (2) shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

Sec. 502.475. WRONG, FICTITIOUS, ALTERED, OR OBSCURED INSIGNIA.

- (a) A person commits an offense if the person attaches to or displays on a motor vehicle a registration insignia that:
 - (1) is assigned to a different motor vehicle;
 - (2) is assigned to the vehicle under any other motor vehicle law other than by the department;
 - (3) is assigned for a registration period other than the registration period in effect; or
 - (4) is fictitious.
- (c) A court may dismiss a charge brought under Subsection (a)(3) if the defendant:
 - (1) remedies the defect before the defendant's first court appearance; and
 - (2) pays a fine [~~an administrative fee~~] not to exceed \$10.

Sec. 503.013. DEALER TRANSFER OF CERTAIN ASSEMBLED VEHICLES PROHIBITED.

- (a) In this section, "assembled vehicle" and "replica" have the meanings assigned by Section 731.001.
- (b) Ownership of an assembled vehicle, other than a replica, may not be transferred to or by a dealer under this chapter.

Sec. 504.151. DEFINITIONS.

In this subchapter:

- (1) "Digital license plate" means an electronic display that is designed to:
 - (A) display the information required to be included on a physical license plate; and
 - (B) be placed on the rear of a vehicle in lieu of a physical license plate issued under this chapter.
- (2) "Digital license plate provider" means a person engaged in the business of providing digital license plate hardware and services to vehicle owners, including the sale or lease of and issuance of digital license plates.

Sec. 504.152. APPLICABILITY OF OTHER LAW.

Except as otherwise provided by this subchapter or a rule adopted under this subchapter, a digital license plate issued under this subchapter is subject to the laws of this state applicable to a physical license plate.

Sec. 504.153. RULES.

The board shall adopt rules as necessary to implement and administer this subchapter.

Sec. 504.154. DIGITAL LICENSE PLATES AUTHORIZED.

- (a) The board by rule shall allow a vehicle described by Subsection (b) to be equipped with a digital license plate that is placed on the rear of the vehicle in lieu of a physical license plate issued under this chapter. The rule must require the owner of a vehicle issued a digital license plate to obtain a physical license plate to be placed on the front of the vehicle unless the vehicle is of a class of vehicles that is not required to display two license plates, as provided by other law.
- (b) A vehicle registered under Chapter 502 may be equipped with a digital license plate only if the vehicle:
 - (1) is part of a commercial fleet, as defined by Section 502.001;
 - (2) is owned or operated by a governmental entity; or
 - (3) is not a passenger vehicle.
- (c) The department may contract with digital license plate providers for the issuance of digital license plates, including any services related to the issuance of digital license plates.
- (d) Notwithstanding any other law, a rule adopted under this subchapter may:
 - (1) authorize the display of the vehicle's registration insignia on a digital license plate issued for the vehicle in lieu of attaching the registration insignia to the inside of the vehicle's windshield as required by Section 502.059;
 - (2) establish a fee in an amount necessary to cover any administrative costs incurred that relate to the issuance of a digital license plate and exceed the administrative costs incurred for the issuance of a physical license plate; or
 - (3) prohibit a digital license plate provider from contracting with the department under Subchapter J.

Sec. 504.157. DEFENSE TO PROSECUTION OF CERTAIN OFFENSES.

It is a defense to prosecution of an offense involving the operation of a motor vehicle and relating to the placement of a license plate or the display of a registration insignia that the vehicle was operated in compliance with rules issued under this subchapter governing the placement of a digital license plate or the display of a registration insignia on a digital license plate, as applicable.

Sec. 504.943. OPERATION OF VEHICLE WITHOUT LICENSE PLATE.

- (a) Except as provided by Subsection
- (b), a person commits an offense if the person operates on a public highway, during a registration period, a motor vehicle that does not display two license plates that:
 - (1) have been assigned by the department for the period; and
 - (2) comply with department rules regarding the placement of license plates.
- (d) A court may dismiss a charge brought under Subsection (a)(1) if the defendant:
 - (1) remedies the defect before the defendant's first court appearance; and
 - (2) pays a fine [an administrative fee] not to exceed \$10.

Sec. 504.945. WRONG, FICTITIOUS, ALTERED, OR OBSCURED LICENSE PLATE.

- (a) A person commits an offense if the person attaches to or displays on a motor vehicle a license plate that:
 - (1) is issued for a different motor vehicle;
 - (2) is issued for the vehicle under any other motor vehicle law other than by the department;

- (3) is assigned for a registration period other than the registration period in effect;
- (4) is fictitious;
- (5) has blurring or reflective matter that significantly impairs the readability of the name of the state in which the vehicle is registered or the letters or numbers of the license plate number at any time;
- (6) has an attached illuminated device or sticker, decal, emblem, or other insignia that is not authorized by law and that interferes with the readability of the letters or numbers of the license plate number or the name of the state in which the vehicle is registered; or
- (7) has a coating, covering, protective substance, or other material that:
 - (A) distorts angular visibility or detectability;
 - (B) alters or obscures one-half or more of the name of the state in which the vehicle is registered; or
 - (C) alters or obscures the letters or numbers of the license plate number or the color of the plate.
- (d) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:
 - (1) remedies the defect before the defendant's first court appearance;
 - (2) pays a fine [an administrative fee] not to exceed \$10; and
 - (3) shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

~~Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE.~~

- ~~(a) In this section "license plate flipper" means a manual, electric, or mechanical~~

~~device designed or adapted to be installed on a motor vehicle and:~~

~~(1) switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator's vehicle; or~~

~~(2) hide a license plate from view by flipping the license plate so that the license plate number is not visible.~~

~~(b) A person commits an offense if the person with criminal negligence uses, purchases, possesses, manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. An offense under this subsection is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subsection.~~

Sec. 521.026. DISMISSAL OF EXPIRED LICENSE CHARGE.

(a) A judge may dismiss a charge of driving with an expired license if the defendant remedies this defect within 20 working days or before the defendant's first court appearance date, whichever is later.

(b) The judge may assess the defendant a fine [an administrative fee] not to exceed \$20 when the charge of driving with an expired driver's license is dismissed under Subsection (a).

Sec. 521.054. NOTICE OF CHANGE OF ADDRESS OR NAME.

(d) A court may dismiss a charge for a violation of this section if the defendant remedies the defect not later than the 20th working day after the date of the offense and pays a fine [an administrative fee] not to exceed \$20. The court may waive the fine [administrative fee] if the waiver is in the interest of justice.

Sec. 521.084. CLASS M LICENSE.

A Class M driver's license authorizes the holder of the license to operate a motorcycle [or moped] as defined by Section 541.201.

Sec. 521.085. TYPE OF VEHICLE AUTHORIZED.

(a) Unless prohibited by Chapter 522, and except as provided by Subsection (b), the license holder may operate any vehicle of the type for which that class of license is issued and any lesser type of vehicle other than a motorcycle [or moped].

(b) Subsection (a) does not prohibit a license holder from operating a lesser type of vehicle that is:

(1) a motorcycle described by Section 521.001(a)(6-a) or an autocyycle as defined by Section 501.008; or

(2) a type of motorcycle defined by the department under Section 521.001(c) and designated by the department as qualifying for operation under this section.

Sec. 521.121. GENERAL INFORMATION ON DRIVER'S LICENSE.

(c) The department shall establish a procedure, on a license holder's qualification for office as a federal or state judge as defined by Section 13.0021, Election Code [572.002, Government Code], to omit the residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge.

Sec. 521.122. TYPE OF VEHICLE REQUIRED TO BE INDICATED ON LICENSE.

- (a) The department shall show on each driver's license the general type of vehicle that the license holder is authorized to operate.
- (b) The department may include on the driver's license an authorization to operate a motorcycle [~~or moped~~] if the license holder has met all requirements for a Class M license.

Sec. 521.221. IMPOSITION OF SPECIAL RESTRICTIONS AND ENDORSEMENTS.

- (d) A court may dismiss a charge for a violation of this section if:
 - (1) the restriction or endorsement was imposed:
 - (A) because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; or
 - (B) in error and that fact is established by the defendant;
 - (2) the department removes the restriction or endorsement before the defendant's first court appearance; and
 - (3) the defendant pays a fine [~~an administrative fee~~] not to exceed \$10.

Sec. 521.224. RESTRICTED CLASS M LICENSE.

- (a) ~~In this section, "motorcycle" includes a motor driven cycle.~~

Sec. 521.225. MOPED LICENSE.

- (a) ~~A person may not operate a moped unless the person holds a driver's license. An applicant for a moped license must be 15 years of age or older.~~
- (b) ~~The department shall administer to an applicant for a moped license a written examination relating to the traffic laws~~

~~applicable to the operation of mopeds. A test involving the operation of the vehicle is not required.~~

- (c) ~~An applicable provision of this chapter relating to a restricted Class M license applies also to a moped license, including a provision relating to the application, issuance, duration, suspension, cancellation, or revocation of that license.~~
- (d) ~~The department shall certify whether a vehicle alleged to be a moped is a moped. The department shall:
 - (1) ~~by rule establish the procedure for determining whether a vehicle is a moped;~~
 - (2) ~~compile a list of mopeds certified by the department; and~~
 - (3) ~~make the list available to the public on request.~~~~

Sec. 521.2462. SUPERVISION OF PERSON ISSUED OCCUPATIONAL DRIVER'S LICENSE.

- (a) The court granting an occupational license under this subchapter may order the person receiving the license to:
 - [~~4~~] submit to supervision for the purpose of verifying the person's [by the local community supervision and corrections department to verify] compliance with the conditions specified by the order granting the license, including the conditions specified in accordance with Section 521.248.
 - (a-1) The court may order the supervision of the person to be conducted by:
 - (1) the local community supervision and corrections department; or
 - (2) a personal bond office established under Article 17.42, Code of Criminal Procedure.
 - (a-2) If the court orders the person's supervision to be conducted by the local community supervision and corrections

department, the court shall order the person to; ~~and~~

~~(2)~~ pay a monthly administrative fee under Section 76.015, Government Code.

(a-3) If the court orders the person's supervision to be conducted by a personal bond office, the office may collect from the person a reasonable administrative fee of not less than \$25 and not more than \$60 per month.

Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE.

(d-1) Notwithstanding Subsections (b), (c), and (d), the court may issue an occupational license to a person if the person submits proof the person has an ignition interlock device installed on each motor vehicle owned or operated by the person. If a person issued an occupational license under this subsection fails to maintain an installed ignition interlock device on each motor vehicle owned or operated by the person, the court shall revoke the occupational license under Section 521.252 and reinstate the suspension of the person's driver's license. A person granted an occupational license under this subsection may not be ordered, under Section 521.2462, to submit to the supervision of the local community supervision and corrections department or a personal bond office established under Article 17.42, Code of Criminal Procedure ~~[under Section 521.2462]~~, unless the order is entered by a court of record.

Sec. 521.271. LICENSE EXPIRATION.

(a) Each original driver's license, provisional license, learner license, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully

admitted into the United States expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the eighth ~~sixth~~ anniversary of the date of the application;

(2) a provisional license expires on the 18th birthday of the license holder;

(3) a learner license expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of:

(1) the eighth ~~sixth~~ anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States;

(1-a) for an applicant not described by Subdivision (1):

(A) the earlier of:

(i) the eighth ~~sixth~~ anniversary of the expiration date before renewal; or

(ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or

- (2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.

Sec. 521.293. PERIOD OF SUSPENSION UNDER SECTION 521.292.

~~If [(a) Except as provided by Subsection (b), if] the person does not request a hearing, the period of license suspension under Section 521.292 is 90 days.~~

~~[(b) If the department determines that the person engaged in conduct described by Section 521.292(a)(1), the period of license suspension is extended for an additional period of the lesser of:~~

~~[(1) the term of the original suspension; or~~

~~[(2) one year.]~~

Sec. 521.312. PERIOD OF SUSPENSION OR REVOCATION; REINSTATEMENT OF LICENSE.

- (a) Revocation of a license is for an indefinite period.
- (b) Except as provided by Subsection (c)[, Section 521.293(b),] or Subchapter O, the department may not suspend a license for a period that exceeds one year.
- (c) The department may not reinstate a license revoked under Section 521.294(5) until the court that filed the report for which the license was revoked files an additional report on final disposition of the case.

Sec. 522.004. APPLICABILITY.

- (a) This chapter does not apply to:

(7) a vehicle, including a vehicle described by Section 504.502(i), that is:

(A) operated intrastate; and

(B) driven by an individual not for compensation and not in the furtherance of a commercial enterprise; or

(8) a covered farm vehicle as defined by 49 C.F.R. Section 390.5.

Sec. 522.041. CLASSIFICATIONS.

- (e) The holder of a commercial driver's license or commercial learner's permit may drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle ~~[or moped]~~. The holder may drive a motorcycle only if authorization to drive a motorcycle is shown on the commercial driver's license and the requirements for issuance of a motorcycle license have been met.

Sec. 522.051. EXPIRATION OF LICENSE OR PERMIT.

- (a) Except as provided by Subsections [Subsection] (f) and (i) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license expires eight ~~[five]~~ years after the applicant's next birthday.
- (b) Except as provided by Subsection (j) and Section 522.054, a commercial driver's license issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of the commercial driver's license expires eight ~~[five]~~ years after the applicant's next birthday.
- (c) Except as provided by Subsection (k) and Section 522.054, a commercial driver's license issued to a person

holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of the commercial driver's license or that has been expired for less than one year expires eight [~~five~~] years after the expiration date shown on the Class A, B, C, or M license.

(d) Except as provided by Subsection (l) and Section 522.054, a commercial driver's license issued to a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires eight [~~five~~] years after the applicant's last birthday.

(f) Except as provided by Section 522.013, a non-domiciled commercial driver's license other than a temporary non-domiciled commercial driver's license under Section 522.013(e) expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the eighth [~~fifth~~] anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definitive expiration date for the applicant's authorized stay in the United States.

(i) Except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license with a hazardous materials endorsement expires five years after the applicant's next birthday.

(j) Except as provided by Section 522.054, a commercial driver's license with a hazardous materials endorsement issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of

issuance of the commercial driver's license expires five years after the applicant's next birthday.

(k) Except as provided by Section 522.054, a commercial driver's license with a hazardous materials endorsement issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of the commercial driver's license or that has been expired for less than one year expires five years after the expiration date shown on the Class A, B, C, or M license.

(l) Except as provided by Section 522.054, a commercial driver's license with a hazardous materials endorsement issued to a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday.

Sec. 522.052. RENEWAL OF LICENSE.

(b) Except as provided by Section 522.054, a renewal of a commercial driver's license that has been expired for less than one year expires eight [~~five~~] years after the expiration date shown on the commercial driver's license.

(c) Except as provided by Section 522.054, a renewal of a commercial driver's license that has been expired for at least one year but not more than two years expires seven [~~six~~] years after the applicant's last birthday.

(k) Except as provided by Section 522.054, a renewal of a commercial driver's license with a hazardous materials endorsement that has been expired for less than one year expires five years after the expiration date shown on the commercial driver's license.

(l) Except as provided by Section 522.054, a renewal of a commercial driver's license with a hazardous materials endorsement that has been expired for at

least one year but not more than two years expires five years after the applicant's last birthday.

Sec. 541.001. PERSONS.

(1) "Escort flagger" has the meaning assigned by Section 623.008.

(1-a) "Operator" means, as used in reference to a vehicle, a person who drives or has physical control of a vehicle.

Sec. 541.201. VEHICLES.

(2) "Bicycle" means a device that a person may ride and that:

(A) is capable of being ridden solely using [propelled by] human power; and

(B) has two tandem wheels at least one of which is more than 14 inches in diameter.

(8) "Moped" means a motor vehicle that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground, [motor-driven cycle] that cannot attain a speed in one mile of more than 30 miles per hour, and the engine of which:

(A) cannot produce more than five-brake [two-brake] horsepower; and

(B) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

(9) "Motorcycle" means a motor vehicle, other than a tractor or moped, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

(10) ~~"Motor-driven cycle" means a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less. The term does not include an electric bicycle.~~

(24) "Electric bicycle" has the meaning assigned by Section 664.001 [~~means a bicycle that:~~

~~[(A) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power;~~

~~[(B) cannot attain a speed of more than 20 miles per hour without the application of human power; and~~

~~[(C) does not exceed a weight of 100 pounds].~~

Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES.

(a) The department by rule shall designate the offenses involving the operation of a motor vehicle that constitute a moving violation of the traffic law for the purposes of:

(1) Article 102.022(a), Code of Criminal Procedure;

(2) Section 1001.112(a-2), Education Code;

(3) Section 411.110(f), Government Code; and

(4) Sections 773.0614(b) and 773.06141(a), Health and Safety Code.

(b) The rules must provide that for the purposes of the provisions described in Subsection (a), moving violations:

(1) include:

(A) a violation of the traffic law of this state, another state, or a political subdivision of this or another state; and

(B) an offense under Section 545.412; and

(2) do not include:

(A) an offense committed before September 1, 2003;

(B) the offense of speeding when the person convicted was at the time of the offense driving less than 10

percent faster than the posted speed limit, unless the person committed the offense in a school crossing zone;

(C) an offense adjudicated under Article 45.051 or 45.0511, Code of Criminal Procedure; or

(D) an offense under Section 545.4251.

Sec. 542.402. DISPOSITION OF FINES.

(a) Except as provided by Subsection (b-1), a municipality or county shall use a fine collected for a violation of a highway law in this title to:

- (1) construct and maintain roads, bridges, and culverts in the municipality or county;
- (2) enforce laws regulating the use of highways by motor vehicles; and
- (3) defray the expense of county traffic officers.

(b) In each fiscal year, a municipality having a population of less than 5,000 may retain, from fines collected for violations of this title and ~~from special expenses~~ finer collected under Article 45.051(a) ~~[45.051]~~, Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the municipality's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by the audit performed under Section 103.001, Local Government Code. After a municipality has retained that amount, the municipality shall send to the comptroller any portion of a fine ~~[or a special expense]~~ collected that exceeds \$1.

(b-2) In each fiscal year, a county described by Subsection (b-1) may retain, from fines collected for violations of this title and from finer ~~[special expenses]~~ collected under Article 45.051(a) ~~[45.051]~~, Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to

30 percent of the county's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by an audit performed under Chapter 115, Local Government Code. After a county has retained that amount, the county shall send to the comptroller any portion of a fine ~~[or a special expense]~~ collected that exceeds \$1.

(d) In a fiscal year in which a municipality retains from fines and special expenses collected for violations of this title an amount equal to at least 20 percent of the municipality's revenue for the preceding fiscal year from all sources other than federal funds and bond proceeds, not later than the 120th day after the last day of the municipality's fiscal year, the municipality shall send to the comptroller:

- (1) a copy of the municipality's financial statement for that fiscal year filed under Chapter 103, Local Government Code; and
- (2) a report that shows the total amount collected for that fiscal year from fines ~~[and special expenses]~~ under Subsection (b).

(d-1) In a fiscal year in which a county retains from fines and special expenses collected for violations of this title an amount equal to at least 20 percent of the county's revenue for the preceding fiscal year from all sources other than federal funds and bond proceeds, not later than the 120th day after the last day of the county's fiscal year, the county shall send to the comptroller:

- (1) a copy of the county's financial statement; and
- (2) a report that shows the total amount collected for that fiscal year from fines ~~[and special expenses]~~ under Subsection (b-1).

Sec. 542.403. FINES [COURT COSTS].

- (a) In addition to other costs, the court shall order a person convicted of a misdemeanor under this subtitle to [shall] pay a fine of \$3 [as a cost of court].
- (b) The officer who collects a fine [cost] under this section shall:
 - (1) deposit in the municipal treasury a fine [cost] collected in a municipal court case; and
 - (2) deposit in the county treasury a fine [cost] collected in a justice court case or in a county court case, including a case appealed from a justice or municipal court.

Sec. 542.4031. STATE TRAFFIC FINE.

- (a) In addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable, a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under this subtitle shall pay \$50 [\$30] as a state traffic fine. The person shall pay the state traffic fine when the person enters the person's plea of guilty or nolo contendere, or on the date of conviction, whichever is earlier. The state traffic fine shall be paid regardless of whether:
 - (1) a sentence is imposed on the person;
 - (2) the court defers final disposition of the person's case; or
 - (3) the person is placed on community supervision, including deferred adjudication community supervision.
- (f) A municipality or county may retain four [five] percent of the money collected under this section as a service fee for the collection if the municipality or county remits the funds to the comptroller within the period prescribed in Subsection (e). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is

on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (e).

- (g) Of the money received by the comptroller under this section, the comptroller shall deposit:
 - (1) 70 [67] percent to the credit of the undedicated portion of the general revenue fund; and
 - (2) 30 [33] percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.
- (h) Notwithstanding Subsection (g)(1), in any state fiscal year the comptroller shall deposit 70 [67] percent of the money received under Subsection (e)(2) to the credit of the general revenue fund only until the total amount of the money deposited to the credit of the general revenue fund under Subsection (g)(1) ~~[and Section 780.002(b), Health and Safety Code,]~~ equals \$250 million for that year. If in any state fiscal year the amount received by the comptroller under Subsection (e)(2) [those laws] for deposit to the credit of the general revenue fund under Subsection (g)(1) exceeds \$250 million, the comptroller shall deposit the additional amount to the credit of the Texas mobility fund.

~~Sec. 542.405. AMOUNT OF CIVIL PENALTY; LATE PAYMENT PENALTY.~~

~~If a local authority enacts an ordinance to enforce compliance with the instructions of a traffic control signal by the imposition of a civil or administrative penalty, the amount of:~~

- ~~(1) the civil or administrative penalty may not exceed \$75; and~~
- ~~(2) a late payment penalty may not exceed \$25.~~

Sec. 542.406. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC PENALTIES.

(a) In this section, "photographic traffic signal enforcement system" means a system that:

- (1) consists of a camera system and vehicle sensor installed to exclusively work in conjunction with an electrically operated traffic-control signal;
- (2) is capable of producing one or more recorded photographic or digital images that depict the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal; and
- (3) is designed to enforce compliance with the instructions of the traffic-control signal by imposition of a civil or administrative penalty against the owner of the motor vehicle.

(b) This section applies only to a civil or administrative penalty imposed on the owner of a motor vehicle by a local authority that operates or contracts for the operation of a photographic traffic signal enforcement system with respect to a highway under its jurisdiction or that operates or contracts for the operation of any other type of electronic traffic law enforcement system consisting of a camera system that automatically produces one or more recorded photographs or digital images of the license plate on a motor vehicle or the operator of a motor vehicle.

(c) Not later than the 60th day after the end of a local authority's fiscal year, after deducting amounts the local authority is authorized by Subsection (d) to retain, the local authority shall:

- (1) send 50 percent of the revenue derived from civil or administrative penalties collected by the local authority under this section to the comptroller for deposit to the credit of the designated trauma facility and

emergency medical services account established under Section 780.003, Health and Safety Code; and

(2) deposit the remainder of the revenue in a special account in the local authority's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

(d) A local authority may retain an amount necessary to cover the costs of:

(1) purchasing or leasing equipment that is part of or used in connection with the photographic traffic signal enforcement system in the local authority;

(2) installing the photographic traffic signal enforcement system at sites in the local authority, including the costs of installing cameras, flashes, computer equipment, loop sensors, detectors, utility lines, data lines, poles and mounts, networking equipment, and associated labor costs;

(3) operating the photographic traffic signal enforcement system in the local authority, including the costs of creating, distributing, and delivering violation notices, review of violations conducted by employees of the local authority, the processing of fine payments and collections, and the costs associated with administrative adjudications and appeals; and

(4) maintaining the general upkeep and functioning of the photographic traffic signal enforcement system.

(e) Chapter 133, Local Government Code, applies to fee revenue described by Subsection (c)(1).

(f) If under Section 133.059, Local Government Code, the comptroller conducts an audit of a local authority and determines that the local authority retained more than the amounts authorized by this section or failed to

~~deposit amounts as required by this section, the comptroller may impose a penalty on the local authority equal to twice the amount the local authority:~~

- ~~(1) retained in excess of the amount authorized by this section; or~~
- ~~(2) failed to deposit as required by this section.~~

Sec. 542.501. OBEDIENCE REQUIRED TO POLICE OFFICERS, ~~[AND TO]~~ SCHOOL CROSSING GUARDS, AND ESCORT FLAGGERS.

A person may not wilfully fail or refuse to comply with a lawful order or direction of:

- (1) a police officer; ~~[or]~~
- (2) a school crossing guard who:
 - (A) is performing crossing guard duties in a school crosswalk to stop and yield to a pedestrian; or
 - (B) has been trained under Section 600.004 and is directing traffic in a school crossing zone; or
- (3) an escort flagger who is directing or controlling the flow of traffic in accordance with a permit issued by the Texas Department of Motor Vehicles under Subtitle E for the movement of an oversize or overweight vehicle.

Sec. 544.004. COMPLIANCE WITH TRAFFIC-CONTROL DEVICE.

- (a) The operator of a vehicle or streetcar shall comply with an applicable official traffic-control device placed as provided by this subtitle unless the person is:
 - (1) otherwise directed by a traffic officer, ~~[or] police officer, or escort flagger~~; or
 - (2) operating an authorized emergency vehicle and is subject to exceptions under this subtitle.

Sec. 544.0075. CERTAIN TRAFFIC-ACTUATED ELECTRIC TRAFFIC-CONTROL SIGNALS.

- (b) In addition to any other type of vehicle the presence of which the detector for the traffic-actuated electric traffic-control signal may register, the detector for a traffic-actuated electric traffic-control device to which this section applies must be capable of registering the presence of a motorcycle or moped.

~~Sec. 544.012. NOTIFICATION OF PHOTOGRAPHIC TRAFFIC MONITORING SYSTEM.~~

- (a) In this section:
 - ~~(1) "Photographic traffic monitoring system" means a system that:
 - ~~(A) consists of a camera and vehicle sensor installed to work in conjunction with an electrically operated traffic-control signal; and~~
 - ~~(B) is capable of producing one or more recorded images that depict the license plate attached to a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal.~~~~
 - ~~(2) "Recorded image" means an image that:
 - ~~(A) depicts a motor vehicle; and~~
 - ~~(B) is automatically recorded on a photograph or digital image.~~~~
- ~~(b) This section applies only to a municipality that pursuant to an ordinance of the municipality employs a photographic traffic monitoring system to enforce compliance with the instructions of traffic-control signals in the municipality.~~
- ~~(c) The municipality shall install signs along each roadway that leads to an intersection at which a photographic traffic monitoring system is in active use. The signs must be at least 100 feet from the intersection or located according to~~

~~standards established in the manual adopted by the Texas Transportation Commission under Section 544.001, be easily readable to any operator approaching the intersection, and clearly indicate the presence of a photographic monitoring system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty.~~

~~(d) A municipality that fails to comply with Subsection (c) may not impose or attempt to impose a civil or administrative penalty against a person, including the owner of a motor vehicle or an operator, for a failure to comply with the instructions of a traffic-control signal located at the applicable intersection.~~

~~(e) Subsection (d) does not prohibit a peace officer from arresting or issuing a citation and notice to appear to a person whom the officer observes to have failed to comply with the instructions of a traffic-control signal located at the intersection.~~

Sec. 545.058. DRIVING ON IMPROVED SHOULDER.

(c) A limitation in this section on driving on an improved shoulder does not apply to:

- (1) an authorized emergency vehicle responding to a call;
- (2) a police patrol; [or]
- (3) a bicycle; or
- (4) a slow-moving vehicle, as defined by Section 547.001.

Sec. 545.156. VEHICLE APPROACHED BY AUTHORIZED EMERGENCY VEHICLE.

(a) On the immediate approach of an authorized emergency vehicle using audible and visual signals that meet the requirements of Sections 547.305 and 547.702, or of a police vehicle lawfully using only an audible or visual signal, an operator, unless otherwise directed by a police officer, shall:

- (1) yield the right-of-way;
- (2) immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection; and
- (3) stop and remain standing until the authorized emergency vehicle has passed.

Sec. 545.157. PASSING CERTAIN VEHICLES.

(a) This section applies only to the following vehicles:

- (1) a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702;
- (2) a stationary tow truck using equipment authorized by Section 547.305(d); ~~[and]~~
- (3) a Texas Department of Transportation vehicle or a highway maintenance or construction vehicle operated pursuant to a contract awarded under Subchapter A, Chapter 223, not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105;
- (4) a service vehicle used by or for a utility, as defined by Section 203.091, and using visual signals that comply with the standards and specifications adopted under Section 547.105; and
- (5) a stationary vehicle used exclusively to transport municipal solid waste, as defined by Section 361.003, Health and Safety Code, or recyclable material, as defined by Section 361.421, Health and Safety Code, while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway.

Sec. 545.361. SPECIAL SPEED LIMITATIONS.

(a) An operator of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~] may not drive at a speed of more than 35 miles per hour during the time specified by Section 547.302(a) unless the motorcycle or moped [~~cycle~~] is equipped with a headlamp or lamps that reveal a person or vehicle 300 feet ahead.

Sec. 545.364. SPEED LIMIT SIGNS AFTER CONSTRUCTION OR MAINTENANCE WORK ZONE.

(a) In this section, "construction or maintenance work zone" has the meaning assigned by Section 472.022.

(b) An entity that sets a lower speed limit on a road or highway in the state highway system for a construction or maintenance work zone shall place or require to be placed a sign at the end of the zone that indicates the speed limit after the zone ends.

Sec. 545.416. RIDING ON MOTORCYCLE OR MOPED.

(a) An operator of a motorcycle or moped shall ride on the permanent and regular seat attached to the motorcycle or moped.

(b) An operator may not carry another person on the motorcycle or moped, and a person who is not operating the motorcycle or moped may not ride on the motorcycle or moped, unless the motorcycle or moped is:

- (1) designed to carry more than one person; and
- (2) equipped with footrests and handholds for use by the passenger.

(c) If the motorcycle or moped is designed to carry more than one person, a

passenger may ride only on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle or moped behind or to the side of the operator.

(d) Except as provided by Subsection (e), an operator may not carry another person on a motorcycle or moped unless the other person is at least five years of age. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$100 or more than \$200. It is a defense to prosecution under this subsection that the operator was operating the motorcycle or moped in an emergency or for a law enforcement purpose.

(e) Subsection (d) does not prohibit an operator from carrying on a motorcycle or moped a person younger than five years of age who is seated in a sidecar attached to the motorcycle or moped.

Sec. 545.424. OPERATION OF VEHICLE BY PERSON UNDER 18 YEARS OF AGE.

(a) A person under 18 years of age may not operate a motor vehicle while using a wireless communication device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(a-1) A person under 18 years of age may not operate a motor vehicle:

- (1) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or
- (2) with more than one passenger in the vehicle under 21 years of age who is not a family member.

(a-2) Notwithstanding Subsection (a-1), a person under 18 years of age may

operate a moped after midnight and before 5 a.m. if the person is in sight of the person's parent or guardian.

(b) A person under 17 years of age who holds a restricted motorcycle license [~~or moped license~~] may not operate a motorcycle [~~or moped~~] while using a wireless communication device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(b-1) A person under 17 years of age who holds a restricted motorcycle license [~~or moped license~~], during the 12-month period following the issuance of an original motorcycle license [~~or moped license~~] to the person, may not operate a motorcycle [~~or moped~~] after midnight and before 5 a.m. unless:

- (1) the person is in sight of the person's parent or guardian; or
- (2) the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency.

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A SCHOOL CROSSING ZONE OR WHILE OPERATING A [~~SCHOOL~~] BUS WITH A MINOR PASSENGER; LOCAL AUTHORITY [~~POLITICAL SUBDIVISION~~] SIGN REQUIREMENTS; OFFENSE.

(b) Except as provided by Subsection (c), an operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone, as defined by Section 541.302, Transportation Code, unless:

- (1) the vehicle is stopped; or
- (2) the wireless communication device is used with a hands-free device.

(b-1) Except as provided by Subsection (b-2), a local authority [~~a municipality, county, or other political subdivision~~] that enforces this section in a school crossing zone in the local authority's jurisdiction shall post a sign, or approve the posting of a sign by a school or school district, that complies with the standards described by this subsection at each [~~the~~] entrance to the [~~each~~] school crossing zone [~~in the municipality, county, or other political subdivision~~]. The Texas Department of Transportation [~~department~~] shall adopt standards that:

- (1) allow for a sign required to be posted under this subsection to be attached to an existing sign at a minimal cost; and
- (2) require that a sign required to be posted under this subsection inform an operator that:
 - (A) the use of a wireless communication device is prohibited in the school crossing zone; and
 - (B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.

(b-2) A local authority [~~municipality, county, or other political subdivision~~] that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle, including a prohibition that contains an exception for the use of a wireless communication device with a hands-free device, throughout the jurisdiction of the local authority [~~political subdivision~~] is not required to post a sign as required by Subsection (b-1) and shall:

- (1) post signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the jurisdiction of the local authority [~~political subdivision~~] and that state:
 - (A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the jurisdiction of the local

authority [~~political subdivision~~], and whether use of a wireless communication device with a hands-free device is allowed in the jurisdiction of the local authority [~~political subdivision~~]; and

(B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the jurisdiction of the local authority [~~political subdivision~~]; and

(2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, post a message that complies with Subdivision (1) on any dynamic message sign operated by the local authority [~~political subdivision~~] located on a state highway, U.S. highway, or interstate highway in the jurisdiction of the local authority [~~political subdivision~~].

(b-3) A sign posted under Subsection (b-2)(1) must be readable to an operator traveling at the applicable speed limit.

(b-4) The local authority [~~political subdivision~~] shall pay the costs associated with the posting of signs under Subsections (b-1) and [Subsection] (b-2), unless the authority enters an agreement providing otherwise.

(c) An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the [~~passenger~~] bus is stopped.

(d) It is an affirmative defense to prosecution of an offense under this section that:

(1) the wireless communication device was used to make an emergency call to:

(A) an emergency response service, including a rescue, emergency

medical, or hazardous material response service;

(B) a hospital;

(C) a fire department;

(D) a health clinic;

(E) a medical doctor's office;

(F) an individual to administer first aid treatment; or

(G) a police department; or

(2) a sign required by Subsection (b-1) was not posted at the entrance to the school crossing zone at the time of an offense committed in the school crossing zone.

(d-1) The affirmative defense available in Subsection (d)(2) is not available for an offense under Subsection (b) committed in a school crossing zone located in the jurisdiction of a local authority [~~a municipality, county, or other political subdivision~~] that is in compliance with Subsection (b-2).

(e) This section does not apply to:

(1) an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or

(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(e-1) Subsection (c) does not apply to an operator of a school bus or passenger bus using a wireless communication device:

(1) in the performance of the operator's duties as a bus driver; and

(2) in a manner similar to using a two-way radio.

Sec. 546.002. WHEN CONDUCT PERMISSIBLE.

- (a) In this section, "police escort" means facilitating the movement of a funeral, oversized or hazardous load, or other traffic disruption for public safety purposes by a peace officer described by Articles 2.12(1)-(4), (8), (12), and (22), Code of Criminal Procedure.
- (b) Sections 546.001(2), (3), and (4) apply [~~Section 546.001 applies~~] only when the operator is:
- (1) responding to an emergency call;
 - (2) pursuing an actual or suspected violator of the law;
 - (3) responding to but not returning from a fire alarm;
 - (4) directing or diverting traffic for public safety purposes; or
 - (5) conducting a police escort.

Sec. 547.001. DEFINITIONS.

- (2-a) "Golf cart" has the meaning assigned by Section 551.401 [~~502.004~~].
- (2-b) "Highway maintenance or construction vehicle" means a highway or traffic maintenance or construction vehicle designated by the Texas Department of Transportation. The term includes equipment for:
- (A) road maintenance or construction, including:
- (i) equipment for snow removal, line striping, skid resistance testing, sweeping, [~~and~~] spraying, guardrail repair, sign maintenance, and temporary traffic-control device placement or removal;
 - (ii) aerial platform lift machines; and
 - (iii) road profiler machines; and
- (B) road construction or off-road use, including motor graders, road rollers, excavators, pneumatic tire equipment, movers, and tractors.

(11) "Neighborhood electric vehicle" has the meaning assigned by Section 551.301.

(12) "Off-highway vehicle" has the meaning assigned by Section 551A.001.

Sec. 547.002. APPLICABILITY.

Unless a provision is specifically made applicable, this chapter and the rules of the department adopted under this chapter do not apply to:

- (1) an implement of husbandry;
- (2) road machinery;
- (3) a road roller;
- (4) a farm tractor;
- (5) a bicycle, a bicyclist, or bicycle equipment;
- (6) an electric bicycle, an electric bicyclist, or electric bicycle equipment; [~~or~~]
- (7) a golf cart;
- (8) a neighborhood electric vehicle; or
- (9) an off-highway vehicle [that is operated only as authorized by Section 551.403].

Sec. 547.004. GENERAL OFFENSES.

- (a) A person commits an offense that is a misdemeanor if the person operates or moves or, as an owner, knowingly permits another to operate or move, a vehicle that:
- (1) is unsafe so as to endanger a person;
 - (2) is not equipped in a manner that complies with the vehicle equipment standards and requirements established by this chapter; or
 - (3) is equipped in a manner prohibited by this chapter.
- (b) A person commits an offense that is a misdemeanor if the person operates a vehicle equipped with an item of vehicle equipment that the person knows has

been determined in a compliance proceeding under Section 547.206 to not comply with a department standard.

- (c) A court may dismiss a charge brought under this section if the defendant:
- (1) remedies the defect before the defendant's first court appearance; and
 - (2) pays a fine ~~[an administrative fee]~~ not to exceed \$10.

Sec. 547.305. RESTRICTIONS ON USE OF LIGHTS.

(e) A person may not operate a highway maintenance or construction vehicle or service vehicle that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by the Texas Department of Transportation.

(e-3) An escort flag vehicle may be equipped with alternating or flashing blue and amber lights.

(e-4) A vehicle described by Section 545.157(a) may be equipped with flashing blue lights.

(f) In this section:

(1) "Escort flag vehicle" means a vehicle that precedes or follows an oversize or overweight vehicle described by Subtitle E for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads.

(2) "Security patrol vehicle" means a motor vehicle being used for the purpose of providing security services by:

(A) a guard company described by Section 1702.108, Occupations Code; or

(B) a security officer as defined by Section 1702.002, Occupations Code.

(3) [(2)] "Tow truck" means a motor vehicle or mechanical device that is

adapted or used to tow, winch, or move a disabled vehicle.

Sec. 547.306. LED GROUND EFFECT LIGHTING EQUIPMENT ON MOTORCYCLE OR MOPED.

(a) In this section, "LED ground effect lighting equipment" means light emitting diode (LED) technology that is attached to the underbody of a motorcycle or moped for the purpose of illuminating:

(1) the body of the motorcycle or moped;

or

(2) the ground below the motorcycle or moped.

(b) A person may operate a motorcycle or moped equipped with LED ground effect lighting that emits a non-flashing amber or white light.

Sec. 547.333. MULTIPLE-BEAM LIGHTING EQUIPMENT REQUIRED.

(a) Unless provided otherwise, a headlamp, auxiliary driving lamp, auxiliary passing lamp, or combination of those lamps mounted on a motor vehicle, other than a motorcycle or moped ~~[motor-driven cycle]~~:

(1) shall be arranged so that the operator can select at will between distributions of light projected at different elevations; and

(2) may be arranged so that the operator can select the distribution automatically.

(d) A motor vehicle of a model year of 1948 or later, other than a motorcycle or moped ~~[motor-driven cycle]~~, that has multiple-beam lighting equipment shall be equipped with a beam indicator that is:

(1) designed and located so that the lighted indicator is visible without glare to the vehicle operator; and

(2) lighted only when the uppermost distribution of light is in use.

Sec. 547.404. PARKING BRAKES REQUIRED.

- (a) A vehicle required to have brakes by this subchapter, other than a motorcycle or moped [~~motor-driven cycle~~], shall be equipped with parking brakes adequate to hold the vehicle:
- (1) on any grade on which the vehicle is operated;
 - (2) under all loading conditions; and
 - (3) on a surface free from snow, ice, or loose material.

Sec. 547.405. EMERGENCY BRAKES REQUIRED.

- (d) A trailer, semitrailer, or pole trailer that is equipped with air or vacuum brakes or that has a gross weight heavier than 4,500 [~~3,000~~] pounds shall be equipped with brakes that:
- (1) operate on all wheels required to have brakes under Section 547.402; and
 - (2) are promptly applied automatically and remain applied for at least 15 minutes in case of a breakaway from the towing vehicle.

Sec. 547.408. PERFORMANCE REQUIREMENTS FOR BRAKES.

- (a) A motor vehicle or combination of vehicles shall be equipped with service brakes capable of:
- (3) stopping from a speed of 20 miles per hour in a distance, measured from the location where the service brake pedal or control is activated, of not more than:
 - (A) 25 feet for a passenger vehicle;
 - (B) 30 feet for a motorcycle, moped [~~motor-driven cycle~~], or single unit vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or less;

(C) 40 feet for:

- (i) a single unit vehicle with a manufacturer's gross weight rating of more than 10,000 pounds;
- (ii) a two-axle towing vehicle and trailer combination with a weight of 3,000 pounds or less;
- (iii) a bus that does not have a manufacturer's gross weight rating; and
- (iv) the combination of vehicles in an operation exempted by Section 547.407(b).

Sec. 547.617. MOTORCYCLE AND MOPED FOOTRESTS AND HANDHOLDS REQUIRED.

- (a) A motorcycle or moped that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

Sec. 547.703. ADDITIONAL EQUIPMENT REQUIREMENTS FOR SLOW-MOVING VEHICLES.

- (a) Except as provided by Subsection (b), a slow-moving vehicle shall display a slow-moving-vehicle emblem that:
- (1) has a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet;
 - (2) is mounted base down on the rear of the vehicle and at a height that does not impair the visibility of the emblem [~~from three to five feet above the road surface~~]; and
 - (3) is maintained in a clean, reflective condition.
- (d) A golf cart, neighborhood electric vehicle, or off-highway vehicle that is operated at a speed of not more than 25 miles per hour is required to display a slow-moving-vehicle emblem when it is

operated on a ~~[public] highway~~, ~~as defined by Section 502.001, under Section 551.403 or 551.404~~].

Sec. 547.801. LIGHTING EQUIPMENT.

(a) A motorcycle or a moped ~~[, including a motor-driven cycle,]~~ shall be equipped with:

- (1) not more than two headlamps mounted at a height from 24 to 54 inches;
- (2) at least one taillamp mounted at a height from 20 to 72 inches;
- (3) a taillamp or separate lamp to illuminate the rear license plate that complies with the requirements of Sections 547.322(f) and (g);
- (4) at least one stoplamp that complies with the requirements of Section 547.323(d); and
- (5) at least one rear red reflector that complies with the requirements of Section 547.325(b) and may be included as a part of the taillamp.

(b) A motorcycle, other than a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~, shall be equipped with multiple-beam lighting equipment that produces:

- (1) an uppermost distribution of light that reveals a person or vehicle at a distance of at least 300 feet ahead; and
- (2) a lowermost distribution of light that:
 - (A) reveals a person or vehicle at a distance of at least 150 feet ahead; and
 - (B) is aimed so that no part of the high-intensity portion of the beam on the motorcycle that is on a straight and level road under any condition of loading projects into the eyes of an approaching vehicle operator.

(c) A moped or a motorcycle equipped with a motor that has an engine piston

displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~ shall be equipped with:

- (1) multiple-beam lighting equipment that complies with the requirements of Subsection (b); or
- (2) single-beam lighting equipment that:
 - (A) emits light sufficient to reveal a person or vehicle:
 - (i) at a distance of at least 100 feet when the moped or motorcycle ~~[cycle]~~ is operated at a speed less than 25 miles per hour;
 - (ii) at a distance of at least 200 feet when the moped or motorcycle ~~[eyele]~~ is operated at a speed of 25 miles per hour or more; and
 - (iii) at a distance of at least 300 feet when the moped or motorcycle ~~[eyele]~~ is operated at a speed of 35 miles per hour or more; and
 - (B) is aimed so that no part of the high-intensity portion of the beam from the lamp on a loaded moped or motorcycle ~~[eyele]~~ projects a beam higher than the level center of the lamp for a distance of 25 feet ahead.

Sec. 547.802. BRAKE EQUIPMENT.

(a) If a motorcycle or a moped ~~[, including a motor-driven cycle,]~~ complies with the performance requirements of Section 547.408, brakes are not required on the wheel of a sidecar attached to the motorcycle or moped ~~[cycle]~~.

(b) If a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~ complies with the performance standards of Section 547.408, brakes are not required on the front wheel of the moped or motorcycle ~~[cycle]~~.

(c) The director may require an inspection of the ~~[a motor-driven cycle]~~ braking

system of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less and may disapprove a system that:

- (1) does not comply with the brake performance requirements in Section 547.408; or
- (2) is not designed or constructed to ensure reasonable and reliable performance during actual use.

Sec. 548.009. ASSEMBLED VEHICLES.

(a) In this section, "assembled vehicle" has the meaning assigned by Section 731.001.

(b) A provision of this chapter does not apply to an assembled vehicle if the provision:

- (1) conflicts with Chapter 731 or a rule adopted under that chapter; or
- (2) is a provision that an assembled vehicle, by its nature, cannot comply with or otherwise meet.

Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION.

This chapter does not apply to:

- (7) a vehicle for which a certificate of title has been issued but that is not required to be registered, including an off-highway vehicle registered under Section 502.140(c).

Sec. 548.605. OPERATING A VEHICLE WITHOUT COMPLYING WITH INSPECTION REQUIREMENTS AS CERTIFIED; OFFENSE; DISMISSAL OF CHARGE.

- (e) A court shall:
 - (1) dismiss a charge under this section if the defendant remedies the defect:
 - (A) not later than the 20th working day after the date of the citation or before

the defendant's first court appearance date, whichever is later; and

- (B) not later than the 40th working day after the applicable deadline provided by this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements; and

- (2) assess a fine ~~[an administrative fee]~~ not to exceed \$20 when the charge has been remedied under Subdivision (1).

CHAPTER 551. OPERATION OF BICYCLES AND~~;~~ MOPEDS, GOLF CARTS, AND OTHER LOW-POWERED [PLAY] VEHICLES

Sec. 551.001. APPLICABILITY [PERSONS AFFECTED].

Unless specifically provided otherwise, a provision of ~~[Except as provided by Subchapter C,]~~ this chapter that applies to a person operating a bicycle applies only to a person operating a bicycle on:

- (1) a highway; or
- (2) a path set aside for the exclusive operation of bicycles.

Sec. 551.106. REGULATION OF [ELECTRIC] BICYCLES BY DEPARTMENT OR LOCAL AUTHORITY.

(a) The department or a local authority may not prohibit the operation ~~[use]~~ of an electric bicycle;

- (1) on a highway that is used primarily by motor vehicles; or
- (2) in an area in which the operation of a nonelectric bicycle is permitted, unless the area is a path that:
 - (A) is not open to motor vehicles; and
 - (B) has a natural surface tread made by clearing and grading the native soil without adding surfacing materials.

(b) The department or a local authority may:

(1) prohibit the operation of a [use of an electric] bicycle on a sidewalk; and

(2) establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated [highway used primarily by pedestrians].

(c) ~~[(b)]~~ The department may ~~[shall]~~ establish rules for the administration of this section if necessary.

Sec. 551.107. OPERATION OF ELECTRIC BICYCLE.

(a) Subtitles A, B, and D and Chapter 663 do not apply to the operation of an electric bicycle.

(b) A person may not operate an electric bicycle unless the electric motor disengages or ceases to function either:

(1) when the operator stops pedaling; or

(2) when the brakes are applied.

(c) A person may not operate a Class 3 electric bicycle, as defined by Section 664.001, unless the person is at least 15 years of age. This subsection does not prohibit a person who is under 15 years of age from riding on a Class 3 bicycle as a passenger.

Sec. 551.351. DEFINITIONS.

In this subchapter:

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a

certificate of title under Chapter 501. The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle ~~[or motor-driven cycle, as defined by Section 541.204];~~

(C) a motorized mobility device, as defined by Section 552A.0101 ~~[542.009];~~

(D) an electric personal assistive mobility device, as defined by Section 551.201; or

(E) a neighborhood electric vehicle, as defined by Section 551.301.

Sec. 551.401. DEFINITION

[DEFINITIONS].

In this subchapter, "golf cart" means a motor vehicle designed by the manufacturer primarily for use on a golf course[:

~~[(1) "Golf cart" and "public highway" have the meanings assigned by Section 502.004].~~

Sec. 551.402. REGISTRATION NOT AUTHORIZED; LICENSE PLATES.

(a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a ~~[public]~~ highway regardless of whether any alteration has been made to the golf cart.

(b) A person may operate a golf cart on a highway in a manner authorized by this subchapter only if the vehicle displays a license plate issued under this section.

(c) ~~[(b)]~~ The Texas Department of Motor Vehicles:

(1) shall by rule establish a procedure to [may] issue license plates for golf carts; and

(2) [a golf cart as authorized by Subsection (c)].

~~(c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.~~

~~[(d) The Texas Department of Motor Vehicles] may charge a fee not to exceed \$10 for the cost of the license plate, to be deposited to the credit of the Texas Department of Motor Vehicles fund.~~

(d) A golf cart license plate does not expire. A person who becomes the owner of a golf cart for which the previous owner obtained a license plate may not use the previous owner's license plate.

Sec. 551.403. [LIMITED] OPERATION AUTHORIZED IN CERTAIN AREAS.

- ~~[(a)] An operator may operate a golf cart:~~
- ~~(1) in a master planned community:
 - (A) that has in place a uniform set of restrictive covenants; and
 - (B) for which a county or municipality has approved a plat;~~
 - ~~(2) on a public or private beach that is open to vehicular traffic; or~~
 - ~~(3) on a [public] highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
 - (A) during the daytime; and
 - (B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.~~

Sec. 551.4031. PROHIBITION OF OPERATION ON HIGHWAY BY MUNICIPALITY, COUNTY, OR DEPARTMENT.

(a) A county or municipality may prohibit the operation of a golf cart on a highway under Section 551.404 if the governing body of the county or municipality

determines that the prohibition is necessary in the interest of safety.

~~(b) The Texas Department of Transportation [er a county or municipality] may prohibit the operation of a golf cart on a [public] highway under Section 551.404 if the department [er the governing body of the county or municipality] determines that the prohibition is necessary in the interest of safety.~~

Sec. 551.404. OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR [IN MUNICIPALITIES AND] CERTAIN COUNTIES.

- ~~(a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a [public] highway that:
 - (1) is in the corporate boundaries of the municipality; and
 - (2) has a posted speed limit of not more than 35 miles per hour.~~
- ~~(b) [(a-1)] In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (c) [(a-2)] may allow an operator to operate a golf cart on all or part of a [public] highway that:
 - (1) is located in the unincorporated area of the county; and
 - (2) has a speed limit of not more than 35 miles per hour.~~
- ~~(c) Subsection (b) [(a-2) Subsection (a-1)] applies only to a county that:
 - (1) borders or contains a portion of the Red River;
 - (2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or
 - (3) is adjacent to a county described by Subdivision (2) and:~~

- (A) has a population of less than 37,000; and
- (B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico.

Sec. 551.4041. EQUIPMENT.

~~[(b)]~~ A golf cart operated under Section 551.404 ~~[this section]~~ must have the following equipment:

- (1) headlamps;
- (2) taillamps;
- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

Sec. 551.405. CROSSING INTERSECTIONS [CERTAIN ROADWAYS].

A golf cart may cross a highway at an intersection ~~[intersections]~~, including an intersection with a highway ~~[road or street]~~ that has a posted speed limit of more than 35 miles per hour.

Sec. 551.451. DEFINITIONS.

In this subchapter:

- ~~(1) "All-terrain vehicle" has the meaning assigned by Section 502.001.~~
- (2) "Golf cart" has the meaning assigned by Section 551.401 ~~[502.001]~~.
- (4-a) "Off-highway vehicle" has the meaning assigned by Section 551A.001.
- ~~(6) "Recreational off-highway vehicle" has the meaning assigned by Section 502.001.~~
- ~~(7) "Utility vehicle" has the meaning assigned by Section 551.401.~~

Sec. 551.457. CONFLICTS.

In the case of a conflict between this subchapter and other law, including

Chapters 502 and 551A ~~[663]~~, this subchapter controls.

CHAPTER 551A. OFF-HIGHWAY VEHICLES. (Renumbered and redesignated from Chapter 663, Transportation Code.)

Sec. 551A.001 [663.001]. DEFINITIONS.

In this chapter:

(1) "All-terrain vehicle" means a motor vehicle that is:

(A) equipped with a seat or seats for the use of:

(i) the rider; and

(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with three or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use;

(D) not designed by the manufacturer primarily for farming or lawn care; and

(E) not more than 50 inches wide.

(2) [(1-a)] "Beach" means a beach area, publicly or privately owned, that borders the seaward shore of the Gulf of Mexico.

(3) [(1-b)] "Off-highway vehicle" means:

(A) an all-terrain vehicle or recreational off-highway vehicle, as those terms are defined by Section 502.001; [or]

(B) a sand rail; or

(C) a utility vehicle.

(3) "Sand rail" means a vehicle, as defined by Section 502.001, that:

(A) is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes;

(B) has a tubular frame, an integrated roll cage, and an engine that is rear-mounted or placed midway between the front and rear axles of the vehicle; and

(C) has a gross vehicle weight, as defined by Section 541.401, of:

- (i) not less than 700 pounds; and
- (ii) not more than 2,000 pounds.

(4) [(2)] "Public off-highway vehicle land [property]" means land on which off-highway recreation is authorized under Chapter 29, Parks and Wildlife Code [property owned or leased by the state or a political subdivision of the state].

(5) "Recreational off-highway vehicle" means a motor vehicle that is:

(A) equipped with a seat or seats for the use of:

- (i) the rider; and
- (ii) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;

(B) designed to propel itself with four or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use by the operator only; and

(D) not designed by the manufacturer primarily for farming or lawn care.

(6) [(4)] "Utility vehicle" means a motor vehicle that is not a golf cart, as defined by Section 551.401 [502.001], or lawn mower and is:

- (A) equipped with side-by-side seating for the use of the operator and a passenger;
- (B) designed to propel itself with at least four tires in contact with the ground;
- (C) designed by the manufacturer for off-highway use only; and

(D) designed by the manufacturer primarily for utility work and not for recreational purposes.

Sec. 551A.002

[663.002]. NONAPPLICABILITY OF CERTAIN OTHER LAWS.

- (a) [Except as provided by Sections 663.037 and 663.0371,] Chapter 521 does not apply to the operation or ownership of an off-highway vehicle on public off-highway vehicle land [registered for off-highway operation].

SUBCHAPTER C. OFF-HIGHWAY OPERATION OF OFF-HIGHWAY VEHICLES

Sec. 551A.031 [663.031]. OPERATION ON PUBLIC LAND OR BEACH; SAFETY CERTIFICATE REQUIRED.

- (a) A person may not operate an off-highway vehicle on land owned or leased by the state or a political subdivision of the state that is not open to vehicular traffic unless:
 - (1) the land is public off-highway vehicle land; and
 - (2) the operation is in compliance with:
 - (A) this chapter; and
 - (B) Chapter 29, Parks and Wildlife Code.
- (b) A person may not operate an off-highway vehicle on public off-highway vehicle land [property] or a beach unless the person:
 - (1) holds a safety certificate issued under this chapter or under the authority of another state;
 - (2) is taking a safety training course under the direct supervision of a certified off-highway vehicle safety instructor; or
 - (3) is under the direct supervision of an adult who holds a safety certificate

issued under this chapter or under the authority of another state.

(c) ~~[(b)]~~ A person to whom a safety certificate required by Subsection (b) ~~[(a)]~~ has been issued shall:

- (1) carry the certificate when the person operates an off-highway vehicle on public off-highway vehicle land ~~[property]~~ or a beach; and
- (2) display the certificate at the request of any law enforcement officer.

Sec. 551A.032 [663.032]. OPERATION ON PUBLIC OFF-HIGHWAY VEHICLE LAND BY PERSON YOUNGER THAN 14.

A person younger than 14 years of age who is operating an off-highway vehicle on public off-highway vehicle land must be accompanied by and be under the direct supervision of:

- (1) the person's parent or guardian; or
- (2) an adult who is authorized by the person's parent or guardian.

Sec. 551A.033 [663.0374]. OPERATION ON BEACH.

- (a) A person may ~~[not]~~ operate an off-highway vehicle on a beach only ~~[except]~~ as provided by this section.
- (b) A person operating an off-highway vehicle on a beach must hold and have in the person's possession a driver's license ~~[issued under Chapter 521 or a commercial driver's license issued under Chapter 522]~~.
- (c) Except as provided by Chapters 61 and 63, Natural Resources Code, an operator of an off-highway vehicle may drive the vehicle on a beach that is open to motor vehicle traffic.
- (d) Except as provided by Chapters 61 and 63, Natural Resources Code, a person who is authorized to operate an off-highway vehicle that is owned by the state, a county, or a municipality may

drive the vehicle on any beach if the vehicle is registered under Section 502.140(c) ~~[502.140(b)]~~.

(e) The Texas Department of Transportation or a county or municipality may prohibit the operation of an off-highway vehicle on a beach if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Sec. 551A.034. CROSSING HIGHWAY AT POINT OTHER THAN INTERSECTION.

(a) ~~[(b)]~~ The operator of an off-highway vehicle may drive the vehicle across a ~~[public street, road, or]~~ highway that is not an interstate or limited-access highway at a point other than an intersection~~[;]~~ if the operator:

- (1) brings the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;
- (2) yields the right-of-way to oncoming traffic that is an immediate hazard; and
- (3) makes the crossing:
 - (A) at an angle of approximately 90 degrees to the roadway;
 - (B) at a place where no obstruction prevents a quick and safe crossing; and
 - (C) with the vehicle's headlights and taillights lighted.

(b) Notwithstanding Subsection (a), the ~~[(e) The]~~ operator of an off-highway vehicle may drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another ~~[public street, road, or]~~ highway.

SUBCHAPTER D. OPERATION ON HIGHWAY

Sec. 551A.051. APPLICABILITY.

- (a) A person may ~~[not]~~ operate an off-highway vehicle on a ~~[public street, road, or]~~ highway only [except] as provided by this chapter ~~[section]~~.
- (b) This subchapter ~~[(f) Except as provided by Subsection (g), this section]~~ does not apply to the operation of an off-highway vehicle that is owned and registered as authorized by Section 502.140(c) by the state, a county, or a municipality by a person who is an authorized operator of the vehicle.

Sec. 551A.052. REGISTRATION; LICENSE PLATES.

- (a) Except as provided by Section 502.140(c), the Texas Department of Motor Vehicles may not register an off-highway vehicle for operation on a highway regardless of whether any alteration has been made to the vehicle.
- (b) An operator may operate an unregistered off-highway vehicle on a highway in a manner authorized by this subchapter only if the vehicle displays a license plate issued under this section.
- (c) The Texas Department of Motor Vehicles:
 - (1) shall by rule establish a procedure to issue license plates for unregistered off-highway vehicles; and
 - (2) may charge a fee not to exceed \$10 for the cost of the license plate, to be deposited to the credit of the Texas Department of Motor Vehicles fund.
- (d) An off-highway vehicle license plate issued under Subsection (c) does not expire. A person who becomes the owner of an off-highway vehicle for which the previous owner obtained a license plate may not use the previous owner's license plate.

Sec. 551A.053. OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR CERTAIN COUNTIES.

- (a) In addition to the operation authorized by Section 551A.055, the governing body of a municipality may allow an operator to operate an unregistered off-highway vehicle on all or part of a highway that:
 - (1) is in the corporate boundaries of the municipality; and
 - (2) has a posted speed limit of not more than 35 miles per hour.
- (b) In addition to the operation authorized by Section 551A.055, the commissioners court of a county described by Subsection (c) may allow an operator to operate an unregistered off-highway vehicle on all or part of a highway that:
 - (1) is located in the unincorporated area of the county; and
 - (2) has a posted speed limit of not more than 35 miles per hour.
- (c) Subsection (b) applies only to a county that:
 - (1) borders or contains a portion of the Red River;
 - (2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or
 - (3) is adjacent to a county described by Subdivision (2) and:
 - (A) has a population of less than 37,000; and
 - (B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico.

Sec. 551A.054. PROHIBITION OF OPERATION IN CERTAIN AREAS BY MUNICIPALITY, COUNTY, OR DEPARTMENT.

- (a) A county or municipality may prohibit the operation of an unregistered off-highway vehicle on a highway under

Section 551A.055 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) The Texas Department of Transportation may prohibit the operation of an unregistered off-highway vehicle on a highway under Section 551A.055 if that department determines that the prohibition is necessary in the interest of safety.

Sec. 551A.055. OPERATION AUTHORIZED IN CERTAIN AREAS.

An operator may operate an unregistered off-highway vehicle:

- (1) in a master planned community:
 - (A) that has in place a uniform set of restrictive covenants; and
 - (B) for which a county or municipality has approved a plat; or
- (2) on a highway for which the posted speed limit is not more than 35 miles per hour, if the off-highway vehicle is operated:
 - (A) during the daytime; and
 - (B) not more than two miles from the location where the off-highway vehicle is usually parked and for transportation to or from a golf course.

Sec. 551A.056. CROSSING INTERSECTIONS.

An unregistered off-highway vehicle may cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour.

Sec. 551A.057. AGRICULTURAL OR UTILITY OPERATION ON HIGHWAY.

(a) [(d)] The operator of an unregistered off-highway vehicle may operate [drive] the vehicle on a [public street, road, or]

highway that is not an interstate or limited-access highway if:

- (1) the transportation is in connection with:
 - (A) the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling, or use of agricultural products, as defined by Section 52.002, Agriculture Code; or
 - (B) utility work performed by a utility;
- (2) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;
- (3) the vehicle's headlights and taillights are illuminated;
- (4) [the operator holds a driver's license, as defined by Section 521.001;
- [(5)] the operation of the vehicle occurs in the daytime; and
- (5) [(6)] the operation of the vehicle does not exceed a distance of 25 miles from the point of origin to the destination.
- (c) [(d-1)] Provisions of this code regarding helmet and eye protection use, safety certification, and other vehicular restrictions do not apply to the operation of an off-highway vehicle under this section [Subsection (d)].
- (b) Notwithstanding Section 551A.052, an off-highway vehicle operated under this section is not required to display a license plate.

Sec. 551A.058. LAW ENFORCEMENT OPERATION.

(a) [(g)] A peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, may operate an unregistered off-highway vehicle on a [public street, road, or] highway that is not an interstate or limited-access highway [only] if:

- (1) the transportation is in connection with the performance of the operator's official duty;
- (2) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;
- (3) the vehicle's headlights and taillights are illuminated; and
- (4) ~~the operator holds a driver's license, as defined by Section 521.001; and~~
- ~~(5)~~ the operation of the vehicle does not exceed a distance of 10 miles from the point of origin to the destination.

(b) Notwithstanding Section 551A.052, an off-highway vehicle operated under this section is not required to display a license plate.

Sec. 551A.059. FLAG STANDARDS.

~~(e)~~ The director of the Department of Public Safety shall adopt standards and specifications that apply to the color, size, and mounting position of the flags ~~[flag]~~ required under Sections 551A.057 and 551A.058 ~~[Subsections (d)(2) and (g)(2)].~~

SUBCHAPTER E. EQUIPMENT AND SAFETY REQUIREMENTS

Sec. 551A.071 [663-033]. REQUIRED EQUIPMENT; DISPLAY OF LIGHTS.

- (a) An off-highway vehicle that is operated on public off-highway vehicle land, ~~[property of]~~ a beach, or a highway must be equipped with:
 - (1) a brake system maintained in good operating condition;
 - (2) an adequate muffler system in good working condition; and
 - (3) a United States Forest Service qualified spark arrester
- (b) An off-highway vehicle that is operated on public off-highway vehicle land,

~~[property of]~~ a beach, or a highway must display a lighted headlight and taillight:

- (1) during the period from one-half hour after sunset to one-half hour before sunrise; and
 - (2) at any time when visibility is reduced because of insufficient light or atmospheric conditions.
- (c) A person may not operate an off-highway vehicle on public off-highway vehicle land, ~~[property of]~~ a beach, or a highway if:
- (1) the vehicle has an exhaust system that has been modified with a cutout, bypass, or similar device; or
 - (2) the spark arrester has been removed or modified, unless the vehicle is being operated in a closed-course competition event.
- (d) The coordinator may exempt off-highway vehicles that are participating in certain competitive events from the requirements of this section.

Sec. 551A.072 [663-034]. SAFETY APPAREL REQUIRED.

- (a) A person may not operate, ride, or be carried on an off-highway vehicle on public off-highway vehicle land, ~~[property of]~~ a beach, or a highway unless the person wears:
 - (1) a safety helmet that complies with United States Department of Transportation standards; ~~and~~
 - (2) eye protection; and
 - (3) seat belts, if the vehicle is equipped with seat belts.
- (b) Subsections (a)(1) and (2) do not apply to a motor vehicle that has four wheels, is equipped with bench or bucket seats and seat belts, and includes a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of vehicle rollover.

(c) This section does not apply to a motor vehicle that is in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the vehicle.

Sec. 551A.073 [663.035]. RECKLESS OR CARELESS OPERATION PROHIBITED.

A person may not operate an off-highway vehicle on public off-highway vehicle land [property] or a beach in a careless or reckless manner that endangers, injures, or damages any person or property.

Sec. 551A.074 [663.036]. CARRYING PASSENGERS.

A person may not carry a passenger on an off-highway vehicle operated on public off-highway vehicle land, [property or] a beach, or a highway unless the vehicle is designed by the manufacturer to transport a passenger.

SUBCHAPTER F. CERTAIN OFFENSES

Sec. 551A.091 [663.038]. VIOLATION OF CHAPTER ON PUBLIC OFF-HIGHWAY VEHICLE LAND OR BEACH[; OFFENSE].

~~An [(a) A person commits an offense if the person violates a provision of this chapter.~~

~~[(b) Except as otherwise provided by Title 6 or this title, an] offense for a violation of [under] this chapter committed on public off-highway vehicle land or a beach [section] is a Class C misdemeanor.~~

Sec. 552.011. TRAIN OCCUPYING CROSSING.

A pedestrian may not move in front of, under, between, or through the cars of a moving or stationary train occupying any part of a railroad grade crossing.

CHAPTER 552A. DEVICES SUBJECT TO PEDESTRIAN LAWS

SUBCHAPTER A. PERSONAL DELIVERY AND MOBILE CARRYING DEVICES

Sec. 552A.0001. DEFINITIONS.

In this subchapter:

(1) "Agent" has the meaning assigned by Section 7.21, Penal Code.

(2) "Business entity" means a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit.

(3) "Mobile carrying device" means a device that:

(A) transports cargo while remaining within 25 feet of a human operator; and

(B) is equipped with technology that allows the operator to actively monitor the device.

(4) "Pedestrian area" includes a sidewalk, crosswalk, school crosswalk, school crossing zone, or safety zone.

(5) "Personal delivery device" means a device that:

(A) is manufactured primarily for transporting cargo in a pedestrian area or on the side or shoulder of a highway; and

(B) is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human.

Sec. 552A.0002. APPLICABLE LAW.

(a) The operation of a personal delivery or mobile carrying device in a pedestrian area or on the side or shoulder of a highway is governed exclusively by:

(1) this subchapter; and

(2) any applicable regulations adopted by a local authority that are not inconsistent with this subchapter, as authorized under Section 552A.0009.

(b) For the purposes of this title, including Section 545.422, a personal delivery or mobile carrying device operated in compliance with this subchapter is not considered to be a vehicle.

Sec. 552A.0003. OPERATOR OF PERSONAL DELIVERY DEVICE.

(a) A person may operate a personal delivery device under this subchapter only if:

- (1) the person is a business entity; and
- (2) a human who is an agent of the business entity has the capability to monitor or exercise physical control over the navigation and operation of the device.

(b) Except as provided by Subsection (c), when a personal delivery device operated by a business entity is engaged, the business entity is considered to be the operator of the device solely for the purpose of assessing compliance with applicable traffic laws.

(c) When a personal delivery device operated by a business entity is engaged and an agent of the entity controls the device in a manner that is outside the scope of the agent's office or employment, the agent is considered to be the operator of the device.

(d) A person is not considered to be the operator of a personal delivery device solely because the person:

- (1) requests a delivery or service provided by the device; or
- (2) dispatches the device.

Sec. 552A.0004. OPERATOR OF MOBILE CARRYING DEVICE.

A person operating a mobile carrying device is considered to be the operator of the device for the purpose of assessing compliance with applicable traffic laws.

Sec. 552A.0005. DEVICE OPERATION.

(a) A personal delivery or mobile carrying device operated under this subchapter must:

- (1) operate in a manner that complies with the provisions of this subtitle applicable to pedestrians, unless the provision cannot by its nature apply to the device;
- (2) yield the right-of-way to all other traffic, including pedestrians;
- (3) not unreasonably interfere with or obstruct other traffic, including pedestrians;
- (4) if operated at nighttime, display the lights required by Section 552A.0007 or 552A.0008, as applicable;
- (5) comply with any applicable regulations adopted by a local authority under Section 552A.0009;
- (6) not transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.); and
- (7) be monitored or controlled as provided by Section 552A.0003(a) for a personal delivery device or by the operator for a mobile carrying device.

(b) A mobile carrying device operated under this subchapter must remain within 25 feet of the operator while the device is in motion.

Sec. 552A.0006. AREAS AND SPEEDS OF OPERATION.

- (a) A personal delivery or mobile carrying device operated under this subchapter may be operated only:
- (1) in a pedestrian area at a speed of not more than 10 miles per hour; or
 - (2) on the side of a roadway or the shoulder of a highway at a speed of not more than 20 miles per hour.
- (b) Notwithstanding Subsection (a)(1), a local authority may establish a maximum speed of less than 10 miles per hour in a pedestrian area in the jurisdiction of the local authority if the local authority determines that a maximum speed of 10 miles per hour is unreasonable or unsafe for that area. A maximum speed established under this subsection may not be less than seven miles per hour.

Sec. 552A.0007. PERSONAL DELIVERY DEVICE EQUIPMENT.

- (a) A personal delivery device operated under this subchapter must:
- (1) be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number; and
 - (2) be equipped with a braking system that enables the device to come to a controlled stop.
- (b) A personal delivery device operated under this subchapter at nighttime must be equipped with lights on the front and rear of the device that are visible and recognizable under normal atmospheric conditions on all sides of the device from 1 to 500 feet from the device when the light is directly in front of lawful lower beams of headlamps.

Sec. 552A.0008. MOBILE CARRYING DEVICE EQUIPMENT.

- (a) A mobile carrying device operated under this subchapter must be equipped

with a braking system that enables the device to come to a controlled stop.

- (b) A mobile carrying device operated under this subchapter at nighttime must be equipped with lights that are visible and recognizable under normal atmospheric conditions from 1 to 50 feet from the device when the light is directly in front of lawful lower beams of headlamps.

Sec. 552A.0009. LOCAL AUTHORITY REGULATION.

- (a) A local authority may regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with this subchapter.
- (b) This section does not affect the authority of a local authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery or mobile carrying device.

Sec. 552A.0010. INSURANCE.

A business entity that operates a personal delivery device operated under this subchapter must maintain an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the device.

SUBCHAPTER B. MOBILITY DEVICES

Sec. 552A.0101 [542.009]. OPERATORS OF CERTAIN MOBILITY DEVICES.

- (a) In this section, "motorized mobility device" means a device designed for transportation of persons with physical disabilities that:
- (1) has three or more wheels;
 - (2) is propelled by a battery-powered motor;

- (3) has not more than one forward gear; and
- (4) is not capable of speeds exceeding eight miles per hour.
- (b) For the purposes of this subtitle, a person operating a nonmotorized wheelchair or motorized mobility device is considered to be a pedestrian.

Sec. 601.052. EXCEPTIONS TO FINANCIAL RESPONSIBILITY REQUIREMENT.

- (a) Section 601.051 does not apply to:
 - (1) the operation of a motor vehicle that:
 - (A) is a former military vehicle or is at least 25 years old;
 - (B) is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and
 - (C) for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as described by Paragraph (B);
 - (2) ~~the operation of~~ a neighborhood electric vehicle that is operated only as authorized by Section 551.304;
 - (2-a) ~~or~~ a golf cart that is operated only as authorized by Section ~~551.304 or~~ 551.403;
 - (2-b) an off-highway vehicle that is operated only as authorized by Subchapter C, Chapter 551A, or Section 551A.055 of this code or Chapter 29, Parks and Wildlife Code; or
 - (3) a volunteer fire department for the operation of a motor vehicle the title of which is held in the name of a volunteer fire department.

Sec. 601.081. STANDARD PROOF OF MOTOR VEHICLE LIABILITY INSURANCE FORM.

- ~~(a) In this section, "named driver policy" has the meaning assigned by Section 1952.0545, Insurance Code.~~
- (b) A standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance must include:
 - (1) the name of the insurer;
 - (2) the insurance policy number;
 - (3) the policy period;
 - (4) the name and address of each insured;
 - (5) the policy limits or a statement that the coverage of the policy complies with the minimum amounts of motor vehicle liability insurance required by this chapter; and
 - (6) the make and model of each covered vehicle~~;~~ and
 - ~~[(7) for a named driver policy, the required disclosure under Section 1952.0545, Insurance Code].~~

Sec. 601.233. NOTICE OF POTENTIAL SUSPENSION.

- (a) A citation for an offense under Section 601.191 issued as a result of Section 601.053 must include, in type larger than other type on the citation, ~~[except for the type of the statement required by Section 708.105,]~~ the following statement:

"A second or subsequent conviction of an offense under the Texas Motor Vehicle Safety Responsibility Act will result in the suspension of your driver's license and motor vehicle registration unless you file and maintain evidence of financial responsibility with the Department of Public Safety for two years from the date of conviction. The department may waive the requirement to file evidence of financial responsibility if you file satisfactory evidence with the

department showing that at the time this citation was issued, the vehicle was covered by a motor vehicle liability insurance policy or that you were otherwise exempt from the requirements to provide evidence of financial responsibility.

Sec. 601.263. REIMBURSEMENT FEE [COST] FOR IMPOUNDMENT.

The court shall impose against the defendant a reimbursement fee [~~cost~~] of \$15 a day for each day of impoundment of the defendant's vehicle.

Sec. 621.207. MAXIMUM HEIGHT.

(c) The owner of a vehicle is strictly liable for any [~~Any~~] damage to a bridge, underpass, or similar structure that is caused by the height of the [a] vehicle unless at the time the damage was caused:

- (1) the vehicle was stolen;
- (2) the vertical clearance of the structure was less than that posted on the structure;
- (3) the vehicle was being operated under the immediate direction of a law enforcement agency; or
- (4) the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by the department or a political subdivision of this state [~~is—the responsibility of the owner of the vehicle~~].

Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR WEIGHT LIMITATION.

(a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds the height, width, length, or weight limitations for operation of that vehicle

provided by this subtitle [Section 621.404].

(b) Intent to violate a weight limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by 15 percent or more.

Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE; OFFENSE.

(a) A person commits an offense if the person operates [~~may not operate~~] or attempts [~~attempt~~] to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of the Texas Department of Transportation.

(b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.

(c) If it is shown on the trial of an offense under this section that the person was not in compliance with all applicable license and permit requirements for the operation of the vehicle, an offense under this section is a Class B misdemeanor punishable by:

- (1) a fine not to exceed \$500;
- (2) confinement in county jail for a term not to exceed 30 days; or
- (3) both the fine and the confinement.

(d) It is an affirmative defense to prosecution of an offense under this section that at the time of the offense:

- (1) the vertical clearance of the structure was less than that posted on the structure;
- (2) the vehicle was being operated under the immediate direction of a law enforcement agency; or
- (3) the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by

the department or a political subdivision of this state.

Sec. 621.511. NAME ON PERMIT; OFFENSE.

- (a) A person commits an offense if:
- (1) the person operates or moves on a public highway a vehicle that is issued a permit under this subtitle; and
 - (2) the person operating or moving the vehicle is not the person named on the permit for the vehicle or an employee of that person.
- (b) An offense under this section is a Class C misdemeanor.
- (c) It is an exception to the application of this section that:
- (1) the vehicle being operated or moved is a combination of a tow truck and a disabled, abandoned, or accident-damaged vehicle or vehicle combination; and
 - (2) the tow truck is towing the other vehicle or vehicle combination directly to the nearest terminal, vehicle storage facility, or authorized place of repair.

Sec. 623.006. DISPOSITION AND USE OF PERMIT FEES DUE TO COUNTY OR MUNICIPALITY.

- Except as otherwise specified by this subtitle:
- (1) at least once each fiscal year, the comptroller shall send from fees collected for a permit issued by the department under this chapter any amounts due to a county or municipality;
 - (2) amounts due to a county must be sent to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund; and
 - (3) amounts due to a municipality must be sent to the office performing the

function of treasurer for the municipality and may be used by the municipality only to fund commercial motor vehicle enforcement programs or road and bridge maintenance or infrastructure projects.

Sec. 623.007. PERMIT TO BE CARRIED IN VEHICLE.

A permit issued by the department under this subtitle must be carried, in a manner prescribed by the department, in the vehicle that is being operated under the permit.

Sec. 623.008. AUTHORITY TO REQUIRE ESCORT FLAG VEHICLES AND ESCORT FLAGGERS.

- (a) In this section:
- (1) "Escort flag vehicle" means a vehicle that precedes or follows an oversize or overweight vehicle operating under a permit issued by the department for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads.
 - (2) "Escort flagger" means a person who:
 - (A) has successfully completed a training program in traffic direction as defined by the basic peace officer course curriculum established by the Texas Commission on Law Enforcement; and
 - (B) in accordance with a permit issued by the department under this subtitle, operates an escort flag vehicle or directs and controls the flow of traffic using a hand signaling device or an automated flagger assistance device.
- (b) In addition to any other specific requirement under this subtitle, the department may require a person operating under a permit issued by the department under this subtitle to use one

or more escort flag vehicles and escort flaggers if required:

(1) by the Texas Department of Transportation; or

(2) for the safe movement over roads of an oversize or overweight vehicle and its load.

Sec. 623.0171. PERMIT FOR READY-MIXED CONCRETE TRUCKS.

~~(m) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (l) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.~~

~~**Sec. 623.081. PERMIT ISSUED BY TELEPHONE.**~~

~~(a) The department shall provide for issuing a permit by telephone for the operation of an overweight or oversize motor vehicle over a state highway.~~

~~(b) The department shall issue a permit under this section for a period and at the rate provided by Section 623.076(a).~~

~~(c) An applicant for a permit under this section must provide by telephone to the department:~~

~~(1) the information required for a permit issued under Section 623.071(a) or (b), other than the applicant's signature; and~~

~~(2) the account number of a credit card approved by the department.~~

~~(d) On granting a permit under this section, the agent shall:~~

~~(1) issue to the applicant an approval number; and~~

~~(2) provide to the applicant the agent's name, designation, and office address.~~

~~(e) After receiving an approval number, the applicant shall prepare, on a form provided by the department, a permit with the information provided to the agent~~

~~under Subsection (c) and the information received under Subsection (d).~~

~~(f) The applicant shall keep the permit in the vehicle for which the permit was issued until the day after the date the permit expires.~~

Sec. 623.099. ESCORT FLAG VEHICLE.

(g) A county or municipality may not require the use of an escort flag vehicle or any other kind of escort for the movement of a manufactured house under a permit issued under this subchapter that is in addition to the escort flag vehicle requirements of this section.

Sec. 623.148. LIABILITY FOR DAMAGE TO HIGHWAYS.

(b) Except as provided by Section 621.207, the [The] owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances.

Sec. 623.198. LIABILITY FOR DAMAGE TO HIGHWAYS.

(b) Except as provided by Section 621.207, the [The] owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances.

Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

(a) The department may investigate and impose an administrative penalty on a shipper who:

~~(1) does not provide a shipper's certificate of weight required under Section 623.274(b); or~~

~~(2) provides false information on a shipper's certificate of weight that the shipper delivers to a person transporting a shipment.~~

Sec. 623.324. DISPOSITION OF FEE.

~~(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.~~

Sec. 623.404. PERMIT FEE.

~~(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund.~~

~~(c) At least once each fiscal year, the comptroller shall send the amount due each municipality under Subsection (a) to the office performing the function of treasurer for the municipality. A municipality may use funds received under this subsection only to fund commercial motor vehicle enforcement programs or road or bridge maintenance or infrastructure projects.~~

Sec. 643.253. OFFENSES AND PENALTIES.

- (a) A person commits an offense if the person fails to:
- (1) register as required by Subchapter B;
 - (2) maintain insurance or evidence of financial responsibility as required by Subchapter C; or
 - (3) keep a cab card in the cab of a vehicle as required by Section 643.059.

(b) A person commits an offense if the person engages in or solicits the transportation of household goods for compensation and is not registered as required by Subchapter B.

(c) Except as provided by Subsection (e), an offense under this section is a Class C misdemeanor.

(d) Expired.

(e) An offense under Subsection (b) is a Class C misdemeanor, except that the offense is:

(1) a Class B misdemeanor if the person has previously been convicted one time of an offense under Subsection (b); and

(2) a Class A misdemeanor if the person has previously been convicted two or more times of an offense under Subsection (b).

(f) A peace officer may issue a citation for a violation under this section.

(g) As soon as practicable after the date a person is convicted of an offense under Subsection (b), the convicting court shall notify the Department of Public Safety of the conviction. The notice must be in a form prescribed by the Department of Public Safety and must contain the person's driver's license number.

(h) A conviction under Subsection (b) shall be recorded in the person's driving record maintained by the Department of Public Safety.

Sec. 644.101. CERTIFICATION OF CERTAIN PEACE OFFICERS.

(a) The department shall establish procedures, including training, for the certification of municipal police officers, sheriffs, and deputy sheriffs to enforce this chapter.

(c) A sheriff or a deputy sheriff of any of the following counties ~~[a county bordering the United Mexican States or of a county with a population of 700,000~~

~~or more]~~ is eligible to apply for certification under this section:

- (1) a county bordering the United Mexican States;
- (2) a county with a population of 700,000 or more; or
- (3) a county with a population of 400,000 or more that borders the county in which the State Capitol is located.

Sec. 644.102. MUNICIPAL AND COUNTY ENFORCEMENT REQUIREMENTS.

- (a) The department by rule shall establish uniform standards for municipal or county enforcement of this chapter.
- (h) The department may revoke or rescind the authority of a municipality or county to engage in enforcement under this chapter if the municipality or county fails to comply with this section or any standard established under Subsection (a).

~~CHAPTER 663. CERTAIN OFF-HIGHWAY VEHICLES.~~ (Renumbered and incorporated into Chapter 551A, Transportation Code.)

Sec. 681.013. DISMISSAL OF CHARGE; FINE ~~[ADMINISTRATIVE FEE]~~.

- (b) The court shall:
 - (1) dismiss a charge for an offense under Section 681.011(b)(1) if:
 - (A) the vehicle displayed a disabled parking placard that was not valid as expired;
 - (B) the defendant remedies the defect by renewing the expired disabled parking placard within 20 working days from the date of the offense or before the defendant's first court appearance date, whichever is later; and

- (C) the disabled parking placard has not been expired for more than 60 days; and
- (2) assess a fine ~~[an administrative fee]~~ not to exceed \$20 when the charge has been remedied.

Sec. 702.003. REFUSAL TO REGISTER VEHICLE.

- (a) A county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives under a contract information from a municipality that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law.
- (b) A municipality may contract with a county in which the municipality is located or the department to provide information to the county assessor-collector or department necessary to make a determination under Subsection (a).
- (e-1) A municipality that has a contract under Subsection (b) may impose an additional \$20 reimbursement fee to a person who has an outstanding warrant from the municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law. The additional reimbursement fee may be used only to reimburse the department or the county assessor-collector for its expenses for providing services under the contract, or another county department for expenses related to services under the contract.

Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT.

- (a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license

based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a reimbursement fee as provided by Section 706.006 and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
- (2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose, other than a dismissal with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;
- (3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
- (5) other suitable arrangement to pay the fine and cost within the court's discretion.

Sec. 706.006. PAYMENT OF REIMBURSEMENT [ADMINISTRATIVE] FEE.

- (a) Except as provided by Subsection (d), a person who fails to appear for a complaint or citation for an offense described by Section 706.002(a) shall be required to pay a reimbursement [~~an administrative~~] fee of \$10 [~~\$30~~] for each complaint or citation reported to the department under this chapter, unless:
 - (1) the person is acquitted of the charges for which the person failed to appear;
 - (2) the charges on which the person failed to appear were dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

- (3) the failure to appear report was sent to the department in error; or
- (4) the case regarding the complaint or citation is closed and the failure to appear report has been destroyed in accordance with the applicable political subdivision's records retention policy.

(a-1) A person who is required to pay a reimbursement fee under Subsection (a) shall pay the fee when:

- (1) the court enters judgment on the underlying offense reported to the department;
- (2) the underlying offense is dismissed, other than a dismissal described by Subsection (a)(2); or
- (3) bond or other security is posted to reinstate the charge for which the warrant was issued.

(b) Except as provided by Subsection (d), a person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders shall be required to pay a reimbursement [~~an administrative~~] fee of \$10 [~~\$30~~].

(c) The department may deny renewal of the driver's license of a person who does not pay a reimbursement fee due under this section until the fee is paid. The fee required by this section is in addition to any other fee required by law.

(d) If the court having jurisdiction over the underlying offense makes a finding that the person is indigent, the person may not be required to pay a reimbursement [~~an administrative~~] fee under this section. For purposes of this subsection, a person is presumed to be indigent if the person:

- (1) is required to attend school full time under Section 25.085, Education Code;
- (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or
- (3) receives assistance from:

- (A) the financial assistance program established under Chapter 31, Human Resources Code;
- (B) the medical assistance program under Chapter 32, Human Resources Code;
- (C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code;
- (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or
- (E) the child health plan program under Chapter 62, Health and Safety Code.

(d) ~~The [Of each fee collected under Section 706.006, the] custodian of a municipal or county treasury shall[:~~

~~[(1) send \$20 to the comptroller on or before the last day of each calendar quarter; and~~

~~[(2)] deposit the money collected under Section 706.006 [remainder] to the credit of the general fund of the municipality or county for the purposes of Section 706.008.~~

~~(e) Of each \$20 received by the comptroller, the comptroller shall deposit \$10 to the credit of the department to implement this chapter.~~

Sec. 706.007. [RECORDS RELATING TO FEES;] DISPOSITION OF FEES.

- (a) An officer collecting a reimbursement fee under Section 706.006 shall remit the money to the municipal or county treasurer, as applicable ~~[keep records and deposit the money as provided by Subchapter B, Chapter 133, Local Government Code].~~
- ~~(b) The custodian of the municipal or county treasury may deposit each fee collected under Section 706.006 as provided by Subchapter B, Chapter 133, Local Government Code.~~
- ~~(c) The custodian shall keep records of money received and disbursed under this section as provided by Subchapter B, Chapter 133, Local Government Code, and shall provide an annual report, in the form approved by the comptroller, of all money received and disbursed under this section to:
 - (1) the comptroller;
 - (2) the department; and
 - (3) another entity as provided by interlocal contract.~~

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED.

Sec. 707.001. DEFINITIONS.

In this chapter:

- (1) "Local authority" has the meaning assigned by Section 541.002.
- (2) "Owner of a motor vehicle" means the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country.

~~Sec. 707.002. AUTHORITY TO PROVIDE FOR CIVIL PENALTY.~~

~~The governing body of a local authority by ordinance may implement a photographic traffic signal enforcement system and provide that the owner of a motor vehicle is liable to the local authority for a civil penalty if, while facing only a steady red signal displayed by an electrically operated traffic control signal located in the local authority, the vehicle is operated in violation of the instructions of that traffic control signal, as specified by Section 544.007(d).~~

Sec. 707.0021. — IMPOSITION OF CIVIL PENALTY ON OWNER OF AUTHORIZED EMERGENCY VEHICLE.

- (a) In this section, "authorized emergency vehicle" has the meaning assigned by Section 541.201.
- (b) A local authority may not impose or attempt to impose a civil penalty under this chapter on the owner of an authorized emergency vehicle.
- (c) This section does not prohibit an employer from taking disciplinary action against an employee who as the operator of an authorized emergency vehicle operated the vehicle in violation of a rule or policy of the employer.

Sec. 707.003. — INSTALLATION AND OPERATION OF PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM.

- (a) A local authority that implements a photographic traffic signal enforcement system under this chapter may:
 - (1) contract for the administration and enforcement of the system; and
 - (2) install and operate the system or contract for the installation or operation of the system.
- (b) A local authority that contracts for the administration and enforcement of a photographic traffic signal enforcement system may not agree to pay the contractor a specified percentage of, or dollar amount from, each civil penalty collected.
- (c) Before installing a photographic traffic signal enforcement system at an intersection approach, the local authority shall conduct a traffic engineering study of the approach to determine whether, in addition to or as an alternative to the system, a design change to the approach or a change in the signalization of the intersection is likely to reduce the number of red light violations at the intersection.

- (d) An intersection approach must be selected for the installation of a photographic traffic signal enforcement system based on traffic volume, the history of accidents at the approach, the number or frequency of red light violations at the intersection, and similar traffic engineering and safety criteria, without regard to the ethnic or socioeconomic characteristics of the area in which the approach is located.
- (e) A local authority shall report results of the traffic engineering study required by Subsection (c) to a citizen advisory committee consisting of one person appointed by each member of the governing body of the local authority. The committee shall advise the local authority on the installation and operation of a photographic traffic signal enforcement system established under this chapter.
- (f) A local authority may not impose a civil penalty under this chapter on the owner of a motor vehicle if the local authority violates Subsection (b) or (c).
- (g) The local authority shall install signs along each roadway that leads to an intersection at which a photographic traffic signal enforcement system is in active use. The signs must be at least 100 feet from the intersection or located according to standards established in the manual adopted by the Texas Transportation Commission under Section 544.001, be easily readable to any operator approaching the intersection, and clearly indicate the presence of a photographic monitoring system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty.
- (h) A local authority or the person with which the local authority contracts for the administration and enforcement of a photographic traffic signal enforcement system may not provide information about a civil penalty imposed under this

chapter to a credit bureau, as defined by Section 392.001, Finance Code.

Sec. 707.004. REPORT OF ACCIDENTS.

- (a) In this section, "department" means the Texas Department of Transportation.
- (b) Before installing a photographic traffic signal enforcement system at an intersection approach, the local authority shall compile a written report of the number and type of traffic accidents that have occurred at the intersection for a period of at least 18 months before the date of the report.
- (c) Not later than six months after the date of the installation of the photographic traffic signal enforcement system at the intersection, the local authority shall provide the department a copy of the report required by Subsection (b).
- (d) After installing a photographic traffic signal enforcement system at an intersection approach, the local authority shall monitor and annually report to the department the number and type of traffic accidents at the intersection to determine whether the system results in a reduction in accidents or a reduction in the severity of accidents.
- (e) The report must be in writing in the form prescribed by the department.
- (f) Not later than December 1 of each year, the department shall publish on the department's Internet website the information submitted by a local authority under Subsection (d).

Sec. 707.005. MINIMUM CHANGE INTERVAL.

At an intersection at which a photographic traffic monitoring system is in use, the minimum change interval for a steady yellow signal must be established in accordance with the Texas Manual on Uniform Traffic Control Devices.

Sec. 707.006. GENERAL SURVEILLANCE PROHIBITED; OFFENSE.

- (a) A local authority shall operate a photographic traffic control signal enforcement system only for the purpose of detecting a violation or suspected violation of a traffic control signal.
- (b) A person commits an offense if the person uses a photographic traffic signal enforcement system to produce a recorded image other than in the manner and for the purpose specified by this chapter.
- (c) An offense under this section is a Class A misdemeanor.

Sec. 707.007. AMOUNT OF CIVIL PENALTY; LATE PAYMENT PENALTY.

If a local authority enacts an ordinance to enforce compliance with the instructions of a traffic control signal by the imposition of a civil or administrative penalty, the amount of:

- (1) the civil or administrative penalty may not exceed \$75; and
- (2) a late payment penalty may not exceed \$25.

Sec. 707.008. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC PENALTIES.

- (a) Not later than the 60th day after the end of a local authority's fiscal year, after deducting amounts the local authority is authorized by Subsection (b) to retain, the local authority shall:
 - (1) send 50 percent of the revenue derived from civil or administrative penalties collected by the local authority under this section to the comptroller for deposit to the credit of the designated trauma facility and emergency medical services account established under Section 780.003, Health and Safety Code; and
 - (2) deposit the remainder of the revenue in a special account in the local

authority's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

(b) A local authority may retain an amount necessary to cover the costs of:

(1) purchasing or leasing equipment that is part of or used in connection with the photographic traffic signal enforcement system in the local authority;

(2) installing the photographic traffic signal enforcement system at sites in the local authority, including the costs of installing cameras, flashes, computer equipment, loop sensors, detectors, utility lines, data lines, poles and mounts, networking equipment, and associated labor costs;

(3) operating the photographic traffic signal enforcement system in the local authority, including the costs of creating, distributing, and delivering violation notices, review of violations conducted by employees of the local authority, the processing of fine payments and collections, and the costs associated with administrative adjudications and appeals; and

(4) maintaining the general upkeep and functioning of the photographic traffic signal enforcement system.

(c) Chapter 133, Local Government Code, applies to fee revenue described by Subsection (a)(1).

(d) If under Section 133.059, Local Government Code, the comptroller conducts an audit of a local authority and determines that the local authority retained more than the amounts authorized by this section or failed to deposit amounts as required by this section, the comptroller may impose a penalty on the local authority equal to twice the amount the local authority:

(1) retained in excess of the amount authorized by this section; or

(2) failed to deposit as required by this section.

Sec. 707.009. ~~REQUIRED ORDINANCE PROVISIONS.~~

~~An ordinance adopted under Section 707.002 must provide that a person against whom the local authority seeks to impose a civil penalty is entitled to a hearing and shall:~~

~~(1) provide for the period in which the hearing must be held;~~

~~(2) provide for the appointment of a hearing officer with authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents; and~~

~~(3) designate the department, agency, or office of the local authority responsible for the enforcement and administration of the ordinance or provide that the entity with which the local authority contracts under Section 707.003(a)(1) is responsible for the enforcement and administration of the ordinance.~~

Sec. 707.010. ~~EFFECT ON OTHER ENFORCEMENT.~~

~~(a) The implementation of a photographic traffic signal enforcement system by a local authority under this chapter does not:~~

~~(1) preclude the application or enforcement in the local authority of Section 544.007(d) in the manner prescribed by Chapter 543; or~~

~~(2) prohibit a peace officer from arresting a violator of Section 544.007(d) as provided by Chapter 543, if the peace officer personally witnesses the violation, or from issuing the violator a citation and notice to appear as provided by that chapter.~~

~~(b) A local authority may not impose a civil penalty under this chapter on the owner of a motor vehicle if the operator of the~~

~~vehicle was arrested or issued a citation and notice to appear by a peace officer for the same violation of Section 544.007(d) recorded by the photographic traffic signal enforcement system.~~

Sec. 707.011. NOTICE OF VIOLATION; CONTENTS.

- ~~(a) The imposition of a civil penalty under this chapter is initiated by the mailing of a notice of violation to the owner of the motor vehicle against whom the local authority seeks to impose the civil penalty.~~
- ~~(b) Not later than the 30th day after the date the violation is alleged to have occurred, the designated department, agency, or office of the local authority or the entity with which the local authority contracts under Section 707.003(a)(1) shall mail the notice of violation to the owner at:
 - ~~(1) the owner's address as shown on the registration records of the Texas Department of Motor Vehicles; or~~
 - ~~(2) if the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Motor Vehicles.~~~~
- ~~(c) The notice of violation must contain:
 - ~~(1) a description of the violation alleged;~~
 - ~~(2) the location of the intersection where the violation occurred;~~
 - ~~(3) the date and time of the violation;~~
 - ~~(4) the name and address of the owner of the vehicle involved in the violation;~~
 - ~~(5) the registration number displayed on the license plate of the vehicle involved in the violation;~~
 - ~~(6) a copy of a recorded image of the violation limited solely to a depiction of the area of the registration number~~~~

~~displayed on the license plate of the vehicle involved in the violation;~~

- ~~(7) the amount of the civil penalty for which the owner is liable;~~
- ~~(8) the number of days the person has in which to pay or contest the imposition of the civil penalty and a statement that the person incurs a late payment penalty if the civil penalty is not paid or imposition of the penalty is not contested within that period;~~
- ~~(9) a statement that the owner of the vehicle in the notice of violation may elect to pay the civil penalty by mail sent to a specified address instead of appearing at the time and place of the administrative adjudication hearing; and~~
- ~~(10) information that informs the owner of the vehicle named in the notice of violation:
 - ~~(A) of the owner's right to contest the imposition of the civil penalty against the person in an administrative adjudication hearing;~~
 - ~~(B) that imposition of the civil penalty may be contested by submitting a written request for an administrative adjudication hearing before the expiration of the period specified under Subdivision (8); and~~
 - ~~(C) that failure to pay the civil penalty or to contest liability for the penalty in a timely manner is an admission of liability and a waiver of the owner's right to appeal the imposition of the civil penalty.~~~~
- ~~(d) A notice of violation is presumed to have been received on the fifth day after the date the notice is mailed.~~

Sec. 707.012. ADMISSION OF LIABILITY.

~~A person who fails to pay the civil penalty or to contest liability for the penalty in a timely manner or who requests an administrative adjudication hearing to~~

contest the imposition of the civil penalty against the person and fails to appear at that hearing is considered to:

- (1) admit liability for the full amount of the civil penalty stated in the notice of violation mailed to the person; and
- (2) waive the person's right to appeal the imposition of the civil penalty.

Sec. 707.013. PRESUMPTION.

(a) It is presumed that the owner of the motor vehicle committed the violation alleged in the notice of violation mailed to the person if the motor vehicle depicted in a photograph or digital image taken by a photographic traffic signal enforcement system belongs to the owner of the motor vehicle.

(b) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in a photograph or digital image taken by a photographic traffic signal enforcement system was owned by a person in the business of selling, renting, or leasing motor vehicles or by a person who was not the person named in the notice of violation, the presumption under Subsection (a) is rebutted on the presentation of evidence establishing that the vehicle was at that time:

- (1) being test driven by another person;
- (2) being rented or leased by the vehicle's owner to another person; or
- (3) owned by a person who was not the person named in the notice of violation.

(c) Notwithstanding Section 707.014, the presentation of evidence under Subsection (b) by a person who is in the business of selling, renting, or leasing motor vehicles or did not own the vehicle at the time of the violation must be made by affidavit, through testimony at the administrative adjudication hearing under Section 707.014, or by a written declaration under penalty of perjury. The affidavit or written declaration may be submitted by mail to the local authority or

the entity with which the local authority contracts under Section 707.003(a)(1).

(d) If the presumption established by Subsection (a) is rebutted under Subsection (b), a civil penalty may not be imposed on the owner of the vehicle or the person named in the notice of violation, as applicable.

(e) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in the photograph or digital image taken by the photographic traffic signal enforcement system was owned by a person in the business of renting or leasing motor vehicles and the vehicle was being rented or leased to an individual, the owner of the motor vehicle shall provide to the local authority or the entity with which the local authority contracts under Section 707.003(a)(1) the name and address of the individual who was renting or leasing the motor vehicle depicted in the photograph or digital image and a statement of the period during which that individual was renting or leasing the vehicle. The owner shall provide the information required by this subsection not later than the 30th day after the date the notice of violation is received. If the owner provides the required information, it is presumed that the individual renting or leasing the motor vehicle committed the violation alleged in the notice of violation and the local authority or contractor may send a notice of violation to that individual at the address provided by the owner of the motor vehicle.

Sec. 707.014. ADMINISTRATIVE ADJUDICATION HEARING.

(a) A person who receives a notice of violation under this chapter may contest the imposition of the civil penalty specified in the notice of violation by filing a written request for an administrative adjudication hearing. The request for a hearing must be filed on or before the

~~date specified in the notice of violation, which may not be earlier than the 30th day after the date the notice of violation was mailed.~~

~~(b) On receipt of a timely request for an administrative adjudication hearing, the local authority shall notify the person of the date and time of the hearing.~~

~~(c) A hearing officer designated by the governing body of the local authority shall conduct the administrative adjudication hearing.~~

~~(d) In an administrative adjudication hearing, the issues must be proven by a preponderance of the evidence.~~

~~(e) The reliability of the photographic traffic signal enforcement system used to produce the recorded image of the motor vehicle involved in the violation may be attested to by affidavit of an officer or employee of the local authority or of the entity with which the local authority contracts under Section 707.003(a)(1) who is responsible for inspecting and maintaining the system.~~

~~(f) An affidavit of an officer or employee of the local authority or entity that alleges a violation based on an inspection of the applicable recorded image is:~~

~~(1) admissible in the administrative adjudication hearing and in an appeal under Section 707.016; and~~

~~(2) evidence of the facts contained in the affidavit.~~

~~(g) At the conclusion of the administrative adjudication hearing, the hearing officer shall enter a finding of liability for the civil penalty or a finding of no liability for the civil penalty. A finding under this subsection must be in writing and be signed and dated by the hearing officer.~~

~~(h) A finding of liability for a civil penalty must specify the amount of the civil penalty for which the person is liable. If the hearing officer enters a finding of no liability, a civil penalty for the violation may not be imposed against the person.~~

~~(i) A finding of liability or a finding of no liability entered under this section may:~~

~~(1) be filed with the clerk or secretary of the local authority or with a person designated by the governing body of the local authority; and~~

~~(2) be recorded on microfilm or microfiche or using data processing techniques.~~

~~Sec. 707.015. UNTIMELY REQUEST FOR ADMINISTRATIVE ADJUDICATION HEARING.~~

~~Notwithstanding any other provision of this chapter, a person who receives a notice of violation under this chapter and who fails to timely pay the amount of the civil penalty or fails to timely request an administrative adjudication hearing is entitled to an administrative adjudication hearing if:~~

~~(1) the person submits a written request for the hearing to the designated hearing officer, accompanied by an affidavit that attests to the date on which the person received the notice of violation; and~~

~~(2) the written request and affidavit are submitted to the hearing officer within the same number of days after the date the person received the notice of violation as specified under Section 707.011(c)(8).~~

~~Sec. 707.016. APPEAL.~~

~~(a) The owner of a motor vehicle determined by a hearing officer to be liable for a civil penalty may appeal that determination to a judge by filing an appeal petition with the clerk of the court. The petition must be filed with:~~

~~(1) a justice court of the county in which the local authority is located; or~~

~~(2) if the local authority is a municipality, the municipal court of the municipality.~~

~~(b) The petition must be:~~

- ~~(1) filed before the 31st day after the date on which the administrative adjudication hearing officer entered the finding of liability for the civil penalty; and~~
- ~~(2) accompanied by payment of the costs required by law for the court.~~
- ~~(c) The court clerk shall schedule a hearing and notify the owner of the motor vehicle and the appropriate department, agency, or office of the local authority of the date, time, and place of the hearing.~~
- ~~(d) An appeal stays enforcement and collection of the civil penalty imposed against the owner of the motor vehicle. The owner shall file a notarized statement of personal financial obligation to perfect the owner's appeal.~~
- ~~(e) An appeal under this section shall be determined by the court by trial de novo.~~

~~Sec. 707.017. ENFORCEMENT.~~

- ~~(a) If the owner of a motor vehicle is delinquent in the payment of a civil penalty imposed under this chapter, the county assessor-collector or the Texas Department of Motor Vehicles may refuse to register a motor vehicle alleged to have been involved in the violation.~~
- ~~(b) This section does not apply to the registration of a motor vehicle under Section 501.0234.~~

~~Sec. 707.018. IMPOSITION OF CIVIL PENALTY NOT A CONVICTION.~~

~~The imposition of a civil penalty under this chapter is not a conviction and may not be considered a conviction for any purpose.~~

~~Sec. 707.019. FAILURE TO PAY CIVIL PENALTY.~~

- ~~(a) If the owner of the motor vehicle fails to timely pay the amount of the civil penalty imposed against the owner:~~

- ~~(1) an arrest warrant may not be issued for the owner; and~~
- ~~(2) the imposition of the civil penalty may not be recorded on the owner's driving record.~~
- ~~(b) Notice of Subsection (a) must be included in the notice of violation required by Section 707.011(c).~~

Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED.

- (a) Notwithstanding any other law, a local authority may not implement or operate a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority.
- (b) The attorney general shall enforce this section.

Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED.

Notwithstanding any other law, a local authority may not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

~~Sec. 708.001. DEFINITIONS.~~

~~In this chapter, "department" and "license" have the meanings assigned by Section 521.001.~~

~~Sec. 708.002. RULES.~~

~~The department shall adopt and enforce rules to implement and enforce this chapter.~~

~~Sec. 708.003. FINAL CONVICTIONS.~~

~~For purposes of this chapter, a conviction for an offense to which this chapter applies~~

is a final conviction, regardless of whether the sentence is probated.

Sec. 708.051. NONAPPLICABILITY.

This subchapter does not apply to:

- (1) an offense committed before September 1, 2003; or
- (2) an offense covered by Subchapter C.

Sec. 708.052. ASSIGNMENT OF POINTS FOR CERTAIN CONVICTIONS.

- (a) The driver's license of a person accumulates a point under this subchapter as of the date the department records a conviction of the person under Section 521.042 or other applicable law.
- (b) For each conviction arising out of a separate transaction, the department shall assign points to a person's license as follows:
 - (1) two points for a moving violation of the traffic law of this state or another state that is not described by Subdivision (2); and
 - (2) three points for a moving violation of the traffic law of this state, another state, or a political subdivision of this or another state that resulted in an accident.
- (c) The department by rule shall designate the offenses that constitute a moving violation of the traffic law under this section.
- (d) Notwithstanding Subsection (b), the department may not assign points to a person's driver's license if the offense of which the person was convicted is the offense of speeding and the person was at the time of the offense driving less than 10 percent faster than the posted speed limit. This subsection does not apply to an offense committed in a school crossing zone as defined by Section 541.302.

(e) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense committed by the person was adjudicated under Article 45.051 or 45.0511, Code of Criminal Procedure.

(e-1) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense of which the person was convicted is the offense of using a portable wireless communication device for electronic messaging as described by Section 545.4251.

(f) For the purposes of this section, an offense under Section 545.412 is a moving violation of a traffic law.

Sec. 708.053. ANNUAL SURCHARGE FOR POINTS.

Each year, the department shall assess a surcharge on the license of a person who has accumulated six or more points under this subchapter during the preceding 36-month period.

Sec. 708.054. AMOUNT OF POINTS SURCHARGE.

The amount of a surcharge under this chapter is \$100 for the first six points and \$25 for each additional point.

Sec. 708.055. NOTICE OF ASSIGNMENT OF FIFTH POINT.

The department shall notify the holder of a driver's license of the assignment of a fifth point on that license by:

- (1) first class mail sent to the person's most recent address as shown on the records of the department; or
- (2) e-mail if the person has provided an e-mail address to the department and has elected to receive notice electronically.

Sec. 708.056. DEDUCTION OF POINTS.

The department by rule shall establish a procedure to provide for the deduction of one point accumulated by a person under this subchapter to account for each year that the person has not accumulated points under this subchapter.

Sec. 708.101. NONAPPLICABILITY.

This subchapter does not apply to an offense committed before September 1, 2003.

Sec. 708.102. SURCHARGE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES.

(a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated.

(c) The amount of a surcharge under this section is \$1,000 per year, except that the amount of the surcharge is:

(1) \$1,500 per year for a second or subsequent conviction within a 36-month period; and

(2) \$2,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed.

(d) A surcharge under this section for the same conviction may not be assessed in more than three years.

Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY.

(a) Except as provided by Subsection (a-1), each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been convicted of an offense under Section 521.457, 601.191, or 601.371.

(a-1) The department may not assess a surcharge on the license of a person based on an offense under Section 601.191 if the person proves to the department under Section 601.231(b) that the person had financial responsibility at the time the offense was alleged to have occurred.

(b) Except as provided by Subsection (c), the amount of a surcharge under this section is \$250 per year.

(c) The amount of a surcharge under this section is \$125 per year if the person:

(1) has been convicted of an offense under Section 601.191, and no other offense described by Subsection (a); and

(2) establishes financial responsibility under Section 601.051 not later than the 60th day after the date of the offense through a motor vehicle liability insurance policy that:

(A) complies with Subchapter D, Chapter 601; and

(B) is prepaid and valid for at least a six-month period.

Sec. 708.104. SURCHARGE FOR CONVICTION OF DRIVING WITHOUT VALID LICENSE.

(a) Each year the department shall assess a surcharge on the license of a person who during the preceding 36-month period has been convicted of an offense under Section 521.021.

~~(b) Except as provided by Subsection (b-1), the amount of a surcharge under this section is \$100 per year.~~

~~(b-1) The amount of a surcharge under this section is \$50 per year if the person obtains a driver's license not later than the 60th day after the date of the offense.~~

~~(c) A surcharge under this section for the same conviction may not be assessed in more than three years.~~

~~Sec. 708.105. NOTICE OF POTENTIAL SURCHARGE.~~

~~(a) A citation issued for an offense under a traffic law of this state or a political subdivision of this state must include, in type larger than any other type on the citation, the following statement:~~

~~"A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge under the Driver Responsibility Program."~~

~~(b) The warning required by Subsection (a) is in addition to any other warning required by law.~~

~~Sec. 708.106. DEFERRAL OF SURCHARGES FOR DEPLOYED MILITARY PERSONNEL.~~

~~The department by rule shall establish a deferral program for surcharges assessed under Section 708.103 or 708.104 against a person who is a member of the United States armed forces on active duty deployed outside of the continental United States. The program must:~~

~~(1) toll the 36-month period while the person is deployed; and~~

~~(2) defer assessment of surcharges against the person until the date the person is no longer deployed for an offense committed:~~

~~(A) before the person was deployed; or~~

~~(B) while the person is deployed.~~

~~Sec. 708.151. NOTICE OF SURCHARGE.~~

~~(a) The department shall send notices as required by Subsection (b) to the holder of a driver's license when a surcharge is assessed on that license. Each notice must:~~

~~(1) be sent by:~~

~~(A) first class mail to the person's most recent address as shown on the records of the department or to the person's most recent forwarding address on record with the United States Postal Service if it is different; or~~

~~(B) e-mail if the person has provided an e-mail address to the department and has elected to receive notice electronically;~~

~~(2) specify the date by which the surcharge must be paid;~~

~~(3) state the total dollar amount of the surcharge that must be paid, the number of monthly payments required under an installment payment plan, and the minimum monthly payment required for a person to enter and maintain an installment payment plan with the department; and~~

~~(4) state the consequences of a failure to pay the surcharge.~~

~~(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed.~~

~~(c) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the~~

department, the department shall send a third notice that advises the person that the person's driving privileges are suspended.

~~Sec. 708.152. FAILURE TO PAY SURCHARGE.~~

~~(a) If on the 60th day after the date the department sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended. A person's license may not be suspended under this section before the 105th day after the date the surcharge was assessed by the department.~~

~~(b) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.~~

~~Sec. 708.153. INSTALLMENT PAYMENT OF SURCHARGE.~~

~~(a) The department by rule shall provide for the payment of a surcharge in installments.~~

~~(b) A rule under this section:~~

~~(1) may not require a person to:~~

~~(A) pay surcharges that total \$500 or more over a period of less than 36 consecutive months;~~

~~(B) pay surcharges that total more than \$250 but not more than \$499 over a period of less than 24 consecutive months; or~~

~~(C) pay surcharges that total \$249 or less over a period of less than 12 consecutive months; and~~

~~(2) may provide that if the person fails to make any required monthly installment payment, the department may reestablish the installment plan on receipt of a payment in the amount~~

~~equal to at least a required monthly installment payment.~~

~~Sec. 708.154. CREDIT CARD PAYMENT OF SURCHARGE.~~

~~(a) The department by rule may authorize the payment of a surcharge by use of a credit card. The rules shall require the person to pay all costs incurred by the department in connection with the acceptance of the credit card.~~

~~(b) If a surcharge or a related cost is paid by credit card and the amount is subsequently reversed by the issuer of the credit card, the license of the person is automatically suspended.~~

~~(c) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.~~

~~Sec. 708.155. CONTRACTS FOR COLLECTION OF SURCHARGES.~~

~~(a) The department may enter into a contract with a private attorney or a public or private vendor for the provision of services for the collection of surcharges receivable and related costs under this chapter.~~

~~(b) To provide for alternative or additional collection methods for surcharges receivable, the department may amend a contract entered into under Subsection (a) and enter into additional contracts under Subsection (a).~~

~~(c) The total amount of compensation under a contract entered into under this section may not exceed 30 percent of the amount of the surcharges and related costs collected.~~

~~Sec. 708.156. REMITTANCE OF SURCHARGES COLLECTED TO COMPTROLLER.~~

~~Each surcharge collected by the department under this chapter shall be~~

remitted to the comptroller as required by Section 780.002, Health and Safety Code.

~~Sec. 708.157. AMNESTY AND INCENTIVES.~~

- ~~(a) The department by rule may establish a periodic amnesty program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.~~
- ~~(b) The department by rule shall offer a holder of a driver's license on which a surcharge has been assessed an incentive for compliance with the law and efforts at rehabilitation, including a reduction of a surcharge or a decrease in the length of an installment plan.~~
- ~~(c) The department by rule shall establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.~~

~~Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.~~

- ~~(a) The department shall waive all surcharges assessed under this chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if the person provides the evidence described by Subsection (b) to the court.~~
- ~~(b) A person must provide information to the court in which the person is convicted of the offense that is the basis for the surcharge to establish that the person is indigent. The following documentation may be used as proof:
 - ~~(1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;~~~~

- ~~(2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or~~
- ~~(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:
 - ~~(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;~~
 - ~~(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;~~
 - ~~(C) the medical assistance program under Chapter 32, Human Resources Code;~~
 - ~~(D) the child health plan program under Chapter 62, Health and Safety Code; or~~
 - ~~(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.~~~~

~~Sec. 708.159. ADVANCE PAYMENT OF SURCHARGES.~~

- ~~(a) The department shall offer an option for a single up-front payment to a person who is assessed an annual surcharge under this chapter to allow the person to pay in advance the total amount that will be owed for the 36-month period for which the surcharge will be assessed.~~
- ~~(b) Notice under Section 708.151 of an initial surcharge imposed under this chapter must notify the driver's license holder of:~~

- ~~(1) the total amount the person will owe for the 36-month period for which the surcharge will be assessed; and~~
- ~~(2) the availability of the advance payment option under this section.~~
- ~~(c) If a person makes a single up-front payment under this section in the amount specified in the notice under Subsection (b)(1) and the person is not, in the 36-month period for which the person made the up-front payment, subsequently convicted of an offense requiring a surcharge or an increase in the amount due to the department, the department is not required to:~~
 - ~~(1) take any further action under Section 708.053, 708.102, 708.103, or 708.104, as applicable; or~~
 - ~~(2) annually notify the person of the assessment of the surcharge under Section 708.151.~~

Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES.

- (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.
- (b) Except as provided by Subsection (c), in addition to the fine prescribed for the specific offense, a person who has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated shall pay a fine of:
 - (1) \$3,000 for the first conviction within a 36-month period;
 - (2) \$4,500 for a second or subsequent conviction within a 36-month period; and
 - (3) \$6,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol

- concentration level of 0.15 or more at the time the analysis was performed.
- (c) If the court having jurisdiction over an offense that is the basis for a fine imposed under this section makes a finding that the person is indigent, the court shall waive all fines and costs imposed on the person under this section.
- (d) A person must provide information to the court in which the person is convicted of the offense that is the basis for the fine to establish that the person is indigent. The following documentation may be used as proof:
 - (1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;
 - (2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or
 - (3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:
 - (A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;
 - (B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO COMPTROLLER.

(a) An officer collecting a traffic fine under Section 709.001 in a case in a justice, county, or district court shall keep separate records of the money collected and shall deposit the money in the county treasury.

(b) Each calendar quarter, an officer collecting a traffic fine under Section 709.001 shall submit a report to the comptroller. The report must comply with Articles 103.005(c) and (d), Code of Criminal Procedure.

(c) The custodian of money in a municipal or county treasury may deposit money collected under Section 709.001 in an interest-bearing account. The custodian shall:

(1) keep records of the amount of money collected under this section that is on deposit in the treasury; and

(2) not later than the last day of the month following each calendar quarter, remit to the comptroller money collected under this section during the preceding quarter, as required by the comptroller.

(d) A municipality or county may retain four percent of the money collected under Section 709.001 as a service fee for the collection if the county remits the funds to the comptroller within the period described by Subsection (c). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the

treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (c).

(e) Of the money received by the comptroller under this section, the comptroller shall deposit:

(1) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and

(2) 20 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of accidents resulting from traffic offenses.

(f) Money collected under this section is subject to audit by the comptroller. Money spent is subject to audit by the state auditor.

Sec. 731.001. DEFINITIONS.

(a) In this chapter:

(1) "Assembled motorcycle" means a motorcycle, as defined by Section 541.201, that is built or assembled by a hobbyist.

(2) "Assembled motor vehicle" means a motor vehicle, as defined by Section 501.002(17)(A), that:

(A) has a motor, body, and frame; and

(B) is built or assembled by a hobbyist.

(3) "Assembled trailer" means a trailer, semitrailer, or travel trailer, as those terms are defined by Section 501.002, that is built or assembled by a hobbyist.

(4) "Assembled vehicle" means:

- (A) an assembled motor vehicle;
- (B) an assembled motorcycle;
- (C) an assembled trailer;
- (D) a custom vehicle;
- (E) a street rod;
- (F) a replica; or
- (G) a glider kit.
- (5) "Board" means the board of the department.
- (6) "Custom vehicle" and "street rod" have the meanings assigned by Section 504.501.
- (7) "Department" means the Texas Department of Motor Vehicles.
- (8) "Glider kit" means a truck tractor, as defined by Section 541.201, that is built or assembled using:
 - (A) a kit that typically consists of a new cab, frame, and front axle and new accessories; and
 - (B) a used powertrain.
- (9) "Hobbyist" means a person who:
 - (A) builds or assembles an assembled vehicle for personal use;
 - (B) does not engage in the continuous sale of vehicles, as defined by the department; and
 - (C) is not the maker of a kit or a manufacturer, as defined by Section 2301.002, Occupations Code.
- (10) "Master technician" means a person who holds a master technician certification issued by the National Institute for Automotive Service Excellence.
- (11) "Owner" has the meaning assigned by Section 541.001.
- (12) "Replica" means a vehicle that uses a manufactured prefabricated body or a body constructed from materials not original to the vehicle and that resembles an established make of a previous year vehicle model. The term

may include a custom vehicle or street rod.

(13) "Title" and "vehicle identification number" have the meanings assigned by Section 501.002.

(14) "Vehicle" has the meaning assigned by Section 502.001.

(b) For purposes of Subsection (a)(4), the term "assembled vehicle" does not include a golf cart, as defined by Section 551.401, or an off-highway vehicle, as defined by Section 663.001, regardless of whether the vehicle is built or assembled by a hobbyist.

Sec. 731.002. RULES.

The board may adopt rules as necessary to implement and administer this chapter.

Sec. 731.003. CONFLICT OF LAW.

To the extent of a conflict between this chapter, including a rule adopted under this chapter, and another law, this chapter controls.

Sec. 731.051. ELIGIBILITY FOR TITLE AND REGISTRATION.

(a) Except as provided by Subsection (b), an owner of an assembled vehicle shall apply for a title for the vehicle and register the vehicle as provided by Chapters 501 and 502, as applicable, and in accordance with rules adopted under this chapter, regardless of whether the assembled vehicle was built or assembled using a vehicle that was previously titled in this state or another jurisdiction.

(b) An assembled vehicle may not be titled or registered in this state if the vehicle:

(1) is built or assembled from the merging of two or more vehicle classes, provided that component parts from the following vehicle classes may be interchanged:

- (A) two-axle, four-tire passenger cars;
- (B) two-axle, four-tire pickups, panels, and vans; and
- (C) six-tire dually pickups, of which the rear tires are dual tires;
- (2) uses the frame or body of a nonrepairable motor vehicle, as defined by Section 501.091;
- (3) contains any electrical or mechanical components from a flood-damaged vehicle;
- (4) is designed for off-highway use only;
- (5) is designed by the manufacturer for on-track racing only;
- (6) has been stripped to the extent that the vehicle loses its original identity; or
- (7) uses any parts that do not meet federal motor vehicle safety standards, if standards have been developed for those parts.

Sec. 731.052. PROCEDURES AND REQUIREMENTS FOR TITLE AND REGISTRATION.

- (a) The board by rule shall establish procedures and requirements for:
 - (1) issuance of a title for an assembled vehicle; and
 - (2) registration of an assembled vehicle.
- (b) Rules adopted under Subsection (a):
 - (1) may not exclude a type of assembled vehicle, other than an assembled vehicle described by Section 731.051(b), from eligibility for title and registration;
 - (2) must establish the form of a title issued for an assembled vehicle; and
 - (3) must exempt an assembled vehicle or a type of assembled vehicle from any provision of Chapter 501 or 502 that an assembled vehicle or type of assembled vehicle, by its nature, cannot comply with or otherwise meet the requirements of.

Sec. 731.053. CERTIFICATE OF TITLE REQUIREMENTS.

- (a) The title for an assembled vehicle that has never been titled in this state or any other jurisdiction must:
 - (1) list the owner of the assembled vehicle as the purchaser;
 - (2) contain the notation "NONE" in the space for the seller's name;
 - (3) list the municipality and state in which the vehicle was completed in the space for the seller's municipality and state; and
 - (4) contain the odometer reading and the notation "NOT ACTUAL MILEAGE".
- (b) Except as provided by Subsection (a), a title issued for an assembled vehicle must contain all of the information required under Section 501.021.

Sec. 731.054. ASSIGNMENT OF VEHICLE IDENTIFICATION NUMBER.

- The department shall assign a vehicle identification number under Section 501.033 to an assembled vehicle unless the vehicle has a discernible vehicle identification number assigned by:
- (1) the manufacturer of the component part by which the vehicle may be identified; or
 - (2) the maker of the kit from which the vehicle is built or assembled.

Sec. 731.101. INSPECTION REQUIRED FOR ISSUANCE OF TITLE.

- (a) In addition to the inspection required under Chapter 548, an assembled vehicle must pass an inspection conducted by a master technician for the type of assembled vehicle being inspected. The inspection must be conducted before issuance of a title for the assembled vehicle.

(b) On application for title for an assembled vehicle, the owner of the assembled vehicle must provide:

(1) proof acceptable to the department that the vehicle passed an inspection conducted under this section; and

(2) a copy of the master technician's Automobile and Light Truck certification or a successor certification.

(c) The board by rule shall establish procedures and requirements for the inspection required by this section. Rules adopted under this subsection:

(1) must establish inspection criteria;

(2) may specify additional items of equipment that must be inspected by a master technician and may specify different items of equipment that must be inspected based on the type of assembled vehicle; and

(3) must require an owner of an assembled vehicle that is being inspected under this section to pay all fees required for the inspection, including any reinspection, in addition to all applicable fees required under Chapter 548 for an inspection or reinspection conducted under that chapter.

(2) include an evaluation of the structural integrity of the assembled vehicle and, as applicable, the connection points of the:

(A) frame, chassis, or body;

(B) steering system;

(C) drive train; and

(D) suspension.

Sec. 731.102. EQUIPMENT SUBJECT TO INSPECTION.

An inspection conducted under Section 731.101 must:

(1) as applicable, include the following items of an assembled vehicle:

(A) frame, chassis, and any structural components of the vehicle;

(B) wheel assembly;

(C) brake system, including each brake and power brake unit;

(D) steering system, including power steering; and

(E) front seat belts in vehicles that contain seat belt anchorages; and

TEXAS CONSTITUTION

Section	Bill Modifying
Article III, Section 521	SJR 32
Article XVI, Section 40	HJR 72

TEXAS CONSTITUTION

Article III, Sec. 521.

The legislature may authorize a state agency or a county, a municipality, or other political subdivision to transfer a law enforcement dog, horse, or other animal to the animal's handler or another qualified caretaker for no consideration on the animal's retirement or at another time if the transfer is in the animal's best interest.

Article XVI, Sec. 40. HOLDING MORE THAN ONE PUBLIC OFFICE; EXCEPTIONS; RIGHT OF OFFICEHOLDER TO VOTE.

(e) Notwithstanding Subsections (a) and (c) of this section, a person may hold more than one office as an elected or appointed municipal judge in more than one municipality at the same time.

SENATE CONCURRENT RESOLUTION

WHEREAS, The Honorable James R. Cowart retired as justice of the peace for Smith County Precinct 5 on December 31, 2018, concluding a noteworthy tenure that spanned 27 years; and

WHEREAS, First elected in 1991, Judge Cowart demonstrated exceptional dedication to his responsibilities, and he skillfully guided the court as it grew to meet the needs of the community; it once shared a small building with the precinct constable's office and today occupies a 6,000-square-foot complex with a staff of five clerks; and

WHEREAS, Judge Cowart has completed more than 600 hours of continued education in a wide range of subjects related to the justice court, including civil, traffic, criminal, and juvenile law; he is a member of the Justice of the Peace and Constables Association of Texas and of the Texas Justice Court Judges Association, which named him 2014 Judge of the Year; in addition, he is a lifetime member and former president of the East Texas Justice of the Peace and Constables Association; and

WHEREAS, Deeply committed to his community, Judge Cowart sits on the board of the Lindale Area Chamber of Commerce, and he previously served as its president; he is also a member of the Mt. Sylvan and Lindale Masonic Lodges and a deacon at Central Baptist Church; a former president of the Lindale Athletic Booster Club, he remains an avid Lindale Eagles fan; he is supported in all his endeavors by the love and

encouragement of his wife, Brenda Boaz Cowart, and he is the proud father of two sons, Justin and Jody, and grandfather of Ryan, Dryver, and Fielder; and

WHEREAS, Judge Cowart has greatly benefited his fellow citizens through his leadership, professionalism, and commitment to excellence, and he may indeed reflect with satisfaction on a career well spent; now, therefore, be it

RESOLVED, That the 86th Legislature of the State of Texas hereby honor James R. Cowart for his outstanding service as justice of the peace for Smith County Precinct 5 and extend to him sincere best wishes for the future; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Judge Cowart as an expression of high regard by the Texas Senate and House of Representatives.

Chart of New Fine-Only Offenses 2019			
CODE & SECTION	BILL	DESCRIPTION	PENALTY
Agriculture Code Sec. 122.360 (eff. 6/10/19)	HB 1325	Violation of shipping and transporting hemp requirements as found in Agriculture Code Sec. 122.356.	Fine not to exceed \$1000
Bus. & Com. Code Sec. 607.103	HB 2945	Refusing to allow an inspection of a motor fuel dispenser at the merchant's place of business in violation of Section 607.055.	Class C misdemeanor (\$1-500 fine range)
Health & Safety Code Sec. 481.0769	HB 3284	Making a material misrepresentation or failing to disclose a material fact in requesting information under Sec. 481.076(a-6).	Class C misdemeanor (\$1-500 fine range)
Local Gov't Code Sec. 321.103	HB 1628	Violation of a rule adopted by a commissioners court related to camping, access, litter, resource protection, or waste disposal under LGC Sec. 321.102. (Only applies to counties described in LGC Sec. 321.101)	Class C misdemeanor (\$1-500 fine range)
Occ. Code Sec. 310.057 (eff. 9/1/2020)	SB 2119	Knowingly using an incorrect weighing or measuring device in: <ol style="list-style-type: none"> 1) Buying or selling motor fuel; 2) Computing a charge for services rendered on the basis of weight or measure; or 3) Determining the weight or measure of motor fuel, if a charge is made for the determination. Defense if the discrepancy is due to unavoidable leakage, shrinkage, evaporation, waste,	Class C misdemeanor (\$1-500 fine range)

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		or causes beyond the control of the seller acting in good faith. (Occupations Code Sec. 2310.061)	
Occ. Code Sec. 310.059 (eff. 9/1/2020)	SB 2119	Person or person's employee or agent refusing to exhibit motor fuel being sold or offered for sale to the department for testing and proving as to quantity.	Class C misdemeanor (\$1-500 fine range)
Occ. Code Sec. 310.110 (eff. 9/1/2020)	SB 2119	Person or person's representative or agent knowingly: <ul style="list-style-type: none"> 1) offers or exposes for sale, hire, or award or sells an incorrect motor fuel metering device; 2) possesses an incorrect motor fuel metering device; or 3) sells, offers for sale, uses, or possesses for the purpose of sale or use a device or instrument to be used to falsify or intended to falsify a weight or measure for motor fuel. 	Class C misdemeanor (\$1-500 fine range)
Occ. Code Sec. 310.111 (eff. 9/1/2020)	SB 2119	Person or the person's representative or agent disposes of a motor fuel metering device condemned under Section 2310.105 or 2310.110 in a manner contrary to those sections.	Class C misdemeanor (\$1-500 fine range)
Occ. Code Sec. 310.203 (eff. 9/1/2020)	SB 2119	Person refuses to allow a department representative to collect samples or conduct motor fuel testing under Occ. Code Sec. 2310.203(a).	Class C misdemeanor (\$1-500 fine range)
Parks & Wildlife Code Sec. 31.1071	HB 337	Operating a motorboat less than 26 feet in length and equipped by the manufacturer with an engine cutoff switch while the motorboat is under way and	Fine not to exceed \$200. (PWC Sec. 31.127)

		moving at greater than headway speed without first verifying that the switch is operational and fully functional and properly attaching the lanyard or wireless attachment, as appropriate for the specific motorboat, to the operator's body or to the clothing or personal flotation device being worn by the operator.	
Parks & Wildlife Code Sec. 47.0121	HB 1828	<p>Person purchases for resale or receives for sale, barter, exchange, transport, or any other commercial purpose aquatic products that are taken, possessed, transported, or sold in violation of a federal or state law or regulation.</p> <p>Defense to prosecution that the person:</p> <ol style="list-style-type: none"> 1) had no reason to believe at the time the offense was committed that the aquatic products purchased for resale or received for sale, barter, exchange, transport, or any other commercial purpose were taken, possessed, transported, or sold in violation of a federal or state law or regulation; and 2) purchased or received the aquatic products from a seller who had a valid commercial license to sell aquatic products. 	Class C Parks & Wildlife misdemeanor (\$25-500 fine range)
Penal Code Sec. 21.19	HB 2789	A person commits an offense if the person knowingly transmits by electronic means visual material that:	Class C misdemeanor (\$1-500 fine range)

		<p>1) depicts any person engaging in sexual conduct or with the person's intimate parts exposed or covered genitals of a male person that are in a discernibly turgid state; and</p> <p>2) is not sent at the request of or with the express consent of the recipient.</p>	
Penal Code Sec. 32.47	HB 427	<p>A person, with intent to defraud or harm another, destroys, removes, conceals, alters, substitutes, or otherwise impairs the verity, legibility, or availability of a writing, other than a governmental record.</p> <p>If, at the time of the offense, the writing was attached to tangible property to indicate the price for the sale of that property and the actor engaged in the conduct described by Subsection (a) with respect to that writing for the purpose of obtaining the property for a lesser price indicated by a separate writing, and the difference between the impaired writing and the lesser price indicated by the other writing is less than \$100.</p>	Class C misdemeanor (\$1-500 fine range)
Transportation Code Sec. 463.062 (eff. 5/24/2019)	HB 71	A person or another for whom the person is criminally responsible under Section 7.02, Penal Code, uses the public transportation system without paying the appropriate fare.	Fine not to exceed \$100.
Transportation Code Sec. 551A.091 (eff. 6/14/2019)	HB 1548	Violation of Chapter 551A on public off-highway vehicle land or a beach.	Class C misdemeanor (\$1-500 fine range)

<p>Transportation Code Sec. 621.504</p>	<p>HB 799</p>	<p>Person operates or attempts to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of the Texas Department of Transportation.</p> <p>Affirmative defense to prosecution of an offense under this section that at the time of the offense:</p> <ol style="list-style-type: none"> 1) the vertical clearance of the structure was less than that posted on the structure; 2) the vehicle was being operated under the immediate direction of a law enforcement agency; or 3) the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by the department or a political subdivision of this state. <p>Offense enhanced to a Class B if the person was not in compliance with all permit and license requirements.</p>	<p>Class C misdemeanor (\$1-500 fine range)</p>
<p>Transportation Code Sec. 621.511</p>	<p>HB 2620</p>	<p>A person operates or moves on a public highway a vehicle that is issued a permit under this subtitle and the person operating or moving the vehicle is not the person named on the permit for the vehicle or an employee of that person.</p>	<p>Class C misdemeanor (\$1-500 fine range)</p>

House Bills

Bill	Section(s) Affected	Effective Date (see Notes on Effective Date Chart for items marked with *)
HB 3	Education Code Sec. 25.085 Sec. 48.0051	September 1, 2019*
HB 61	Transportation Code Sec. 545.157 Sec. 547.001 Sec. 547.305	September 1, 2019
HB 69	Property Code Sec. 92.0162	January 1, 2020*
HB 71	Transportation Code Sec. 463.001 Sec. 463.002 Sec. 463.061 – 463.064	May 24, 2019
HB 88	Election Code Sec. 2.002 Sec. 52.075 Sec. 52.094 Sec. 121.003	September 1, 2019
HB 121	Penal Code Sec. 30.06 Sec. 30.07	September 1, 2019
HB 145	Local Government Code Sec. 118.131	September 1, 2019
HB 156	Government Code Sec. 76.015 Transportation Code Sec. 521.2462 Sec. 521.251	September 1, 2019
HB 162	Transportation Code Sec. 521.293 Sec. 521.312	September 1, 2019*
HB 259	Transportation Code Sec. 601.081	September 1, 2019*
HB 300	Code of Criminal Procedure Art. 49.15	June 10, 2019*

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	Art. 49.17	
HB 302	Penal Code Sec. 30.05 – 30.07 Property Code Sec. 82.002 Sec. 82.121 Sec. 92.026 Sec. 94.257	September 1, 2019*
HB 337	Parks & Wildlife Code Sec. 31.1071 Sec. 31.127	September 1, 2019
HB 339	Transportation Code Sec. 545.364	September 1, 2019
HB 427	Penal Code Sec. 32.47	September 1, 2019
HB 435	Code of Criminal Procedure Art. 103.0081 Government Code Sec. 51.609	September 1, 2019
HB 452	Government Code Sec. 54.101 – 54.107	September 1, 2019
HB 511	Transportation Code Sec. 644.101 Sec. 644.102	September 1, 2019
HB 601	Code of Criminal Procedure Art. 16.22 Art. 17.032	September 1, 2019*
HB 685	Government Code Sec. 51.609	June 14, 2019
HB 770	Government Code Sec. 72.034	September 1, 2019*
HB 771	Transportation Code Sec. 545.425	September 1, 2019
HB 799	Transportation Code Sec. 621.207 Sec. 621.504 Sec. 623.148 Sec. 623.198	September 1, 2019*
HB 831	Election Code Sec. 141.001	January 1, 2020*
HB 881	Code of Criminal Procedure Art. 49.51 Art. 49.52	September 1, 2019
HB 933	Election Code Sec. 4.003	September 1, 2019*

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	Sec. 4.008 Sec. 31.016 Sec. 31.125 Sec. 32.114 Sec. 42.035 Sec. 66.059 Sec. 67.012 Sec. 85.007 Sec. 85.067 Sec. 87.027 Sec. 129.023 Sec. 181.006 Sec. 203.012 Sec. 274.002	
HB 1002	<i>Property Code</i> Sec. 92.0132	January 1, 2020*
HB 1325	<i>Agriculture Code</i> Sec. 122.001 Sec. 122.002 Sec. 122.004 Sec. 122.101 Sec. 122.102 Sec. 122.251 – 122.253 Sec. 122.301 – 122.304 Sec. 122.351 – 122.360 Sec. 122.401 <i>Health & Safety Code</i> Sec. 443.001 – 443.004 Sec. 443.151 Sec. 443.201 Sec. 443.203 Sec. 481.002	June 10, 2019
HB 1415	<i>Occupations Code</i> Sec. 1701.3545	September 1, 2019
HB 1505	<i>Transportation Code</i> Sec. 643.253	September 1, 2019
HB 1528	<i>Code of Criminal Procedure</i> Art. 27.14 Art. 45.0211 Art. 66.252	September 1, 2019
HB 1540	<i>Occupations Code</i> Sec. 651.401	September 1, 2019
HB 1545	<i>Alcoholic Beverage Code</i> Sec. 107.02	September 1, 2019
HB 1548	<i>Civil Practices & Remedies Code</i>	June 14, 2019

	Sec. 75.001 Natural Resources Code Sec. 63.002 Parks & Wildlife Code Sec. 29.001 Sec. 29.011 Transportation Code Sec. 501.002 Sec. 502.001 Sec. 502.140 Sec. 547.001 Sec. 547.002 Sec. 547.703 Sec. 548.052 Sec. 551.401 Sec. 551.402 Sec. 551.403 Sec. 551.4031 Sec. 551.404 Sec. 551.4041 Sec. 551.405 Sec. 551.451 Sec. 551.457 Sec. 551A.001 – 551A.091 Sec. 601.052	
HB 1552	Government Code Sec. 411.1992 Occupations Code Sec. 1701.357	September 1, 2019*
HB 1628	Local Government Code Sec. 321.101 – 321.103	September 1, 2019
HB 1631	Transportation Code Sec. 542.405 Sec. 542.406 Sec. 544.012 Sec. 707.001 Sec. 707.002 – 707.021	June 2, 2019
HB 1755	Transportation Code Sec. 501.002 Sec. 502.001 Sec. 502.141 Sec. 503.013 Sec. 548.009 Sec. 663.001 Sec. 731.001 – 731.003	September 1, 2019*

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	Sec. 731.051 – 731.054 Sec. 731.101 Sec. 731.102	
HB 1791	Government Code Sec. 411.209	September 1, 2019*
HB 1828	Parks & Wildlife Code Sec. 47.0121 Sec. 47.051 Sec. 47.053	September 1, 2019
HB 1872	Local Government Code Sec. 159.055	May 23, 2019*
HB 1962	Government Code Sec. 441.094 Sec. 441.0945 Sec. 441.05 Sec. 441.167 Sec. 441.169 Local Government Code Sec. 202.001 Sec. 203.002 Sec. 203.023 Sec. 203.041 – 203.045 Sec. 204.007 Sec. 204.008 Sec. 205.007 Sec. 205.008	September 1, 2019
HB 1999	Government Code Sec. 2272.001 – 2272.009	June 14, 2019*
HB 2038	Parks & Wildlife Code Sec. 86.022	June 10, 2019
HB 2048	Education Code Sec. 1001.112 Government Code Sec. 411.110 Transportation Code Sec. 542.304 Sec. 542.4031 Sec. 601.233 Sec. 708.001 – 708.159 Sec. 709.001 Sec. 709.002	September 1, 2019*
HB 2075	Election Code Sec. 52.031	September 1, 2019
HB 2137	Government Code Sec. 411.199	September 1, 2019*

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HB 2164	Code of Criminal Procedure Art. 2.1305	September 1, 2019
HB 2188	Transportation Code Sec. 502.143 Sec. 541.201 Sec. 551.001 Sec. 551.106 Sec. 551.107	September 1, 2019
HB 2195	Education Code Sec. 37.0812	June 14, 2019*
HB 2248	Health & Safety Code Sec. 711.002	September 1, 2019
HB 2290	Transportation Code Sec. 547.703	September 1, 2019
HB 2358	Tax Code Sec. 151.704	October 1, 2019*
HB 2554	Election Code Sec. 255.001 Sec. 255.007 Sec. 259.001 – 259.003 Government Code Sec. 571.1211 Local Government Code Sec. 216.903 Property Code Sec. 202.009	September 1, 2019
HB 2620	Transportation Code Sec. 541.001 Sec. 542.501 Sec. 544.004 Sec. 621.503 Sec. 621.511 Sec. 623.006 – 623.008 Sec. 623.0171 Sec. 623.081 Sec. 623.099 Sec. 623.272 Sec. 623.324 Sec. 623.404	September 1, 2019*
HB 2730	Civil Practice & Remedies Code Sec. 27.001 Sec. 27.003 Sec. 27.005 Sec. 27.006 Sec. 27.007	September 1, 2019*

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	Sec. 27.0075 Sec. 27.009 Sec. 27.010	
HB 2775	Transportation Code Sec. 552.011	September 1, 2019
HB 2779	Property Code Sec. 42.0021 Sec. 42.0022 Sec. 42.005	September 1, 2019*
HB 2789	Penal Code Sec. 21.19	September 1, 2019
HB 2810	Transportation Code Sec. 547.405	September 1, 2019
HB 2835	Transportation Code Sec. 502.407	September 1, 2019
HB 2837	Transportation Code Sec. 504.947 Sec. 522.004 Sec. 545.058 Sec. 545.156 Sec. 546.002 Sec. 547.703	September 1, 2019
HB 2910	Election Code Sec. 1.005 Sec. 13.0021 Sec. 13.004 Sec. 15.0215 Sec. 15.081 Sec. 18.005 Sec. 18.066 Government Code Sec. 552.117 Sec. 551.1175	September 1, 2019
HB 2945	Business & Commerce Code Sec. 607.001 Sec. 607.051 – 607.056 Sec. 607.101 – 607.103	September 1, 2019
HB 3081	Government Code Sec. 27.055	September 1, 2019*
HB 3163	Government Code Sec. 469.052	September 1, 2019
HB 3171	Transportation Code Sec. 501.002 Sec. 521.084 Sec. 521.085	September 1, 2019

	Sec. 521.122 Sec. 521.224 Sec. 521.225 Sec. 522.041 Sec. 541.201 Sec. 544.0075 Sec. 545.361 Sec. 545.416 Sec. 545.424 Sec. 547.306 Sec. 547.333 Sec. 547.404 Sec. 547.408 Sec. 547.617 Sec. 547.801 Sec. 547.802 Sec. 551.351	
HB 3284	<i>Health & Safety Code</i> Sec. 481.076 Sec. 481.0769 Sec. 711.002	September 1, 2019
HB 3300	<i>Civil Practices & Remedies Code</i> Sec. 30.021	September 1, 2019*
HB 3582	<i>Code of Criminal Procedure</i> Art. 17.441	September 1, 2019*
HB 3716	<i>Code of Criminal Procedure</i> Art. 49.25	September 1, 2019
HB 3800	<i>Code of Criminal Procedure</i> Art. 2.305	September 1, 2019*
HJR 72	<i>Texas Constitution</i> Article XVI, Sec. 40	November 5, 2019*

Senate Bills

Bill	Section(s) Affected	Effective Date (see Notes on Effective Date Chart for items marked with *)
SB 21	<i>Health & Safety Code</i> Sec. 161.081 Sec. 161.0815 Sec. 161.082 – 161.087 Sec. 161.089	September 1, 2019*

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	Sec. 161.251 Sec. 161.252 Sec. 161.254 Sec. 161.255 Sec. 161.256 Sec. 161.452 Sec. 161.453 Sec. 161.455	
SB 40	Government Code Sec. 22.0035 Sec. 27.0515 Local Government Code Sec. 292.001 Sec. 292.002	June 7, 2019
SB 194	Code of Criminal Procedure Art. 17.292 Penal Code Sec. 22.012	September 1, 2019*
SB 234	Property Code Sec. 92.016	September 1, 2019*
SB 317	Parks & Wildlife Code Sec. 42.002 Sec. 42.005	September 1, 2019
SB 325	Government Code Sec. 72.151 – 72.158	September 1, 2019*
SB 341	Code of Criminal Procedure Art. 2.07	September 1, 2019*
SB 346	Alcoholic Beverage Code Sec. 106.12 Business & Commerce Code Sec. 3.506 Code of Criminal Procedure Art. 1.053 Art. 17.42 Art. 17.43 Art. 17.44 Art. 17.441 Art. 17.49 Art. 42.037 Art. 45.004 Art. 45.0201 Art. 45.0216 Art. 45.026 Art. 45.041	January 1, 2020*

Art. 45.0445	
Art. 45.045	
Art. 45.0491	
Art. 45.051	
Art. 45.0511	
Art. 45.052	
Art. 45.056	
Art. 102.001	
Art. 102.004	
Art. 102.0045	
Art. 102.0071	
Art. 102.008	
Art. 102.011	
Art. 102.012	
Art. 102.014	
Art. 102.015	
Art. 102.017	
Art. 102.0173	
Art. 102.0174	
Art. 102.022	
Art. 102.030	
Government Code	
Sec. 41.258	
Sec. 51.851	
Sec. 61.0015	
Sec. 76.015	
Sec. 101.141	
Sec. 102.021	
Sec. 102.0212	
Sec. 102.0213	
Sec. 102.0214	
Sec. 102.101	
Sec. 102.103	
Sec. 103.021	
Sec. 103.0211	
Sec. 103.0213	
Sec. 103.0214	
Sec. 103.024	
Sec. 103.030	
Human Resources Code	
Sec. 152.0522	
Local Government Code	
Sec. 132.002	
Sec. 132.003	
Sec. 133.001	
Sec. 133.003	

	Sec. 133.058 Sec. 133.102 Sec. 133.103 Sec. 133.105 Sec. 133.107 Sec. 133.122 Sec. 133.124 Sec. 133.125 Sec. 134.001 Sec. 134.002 Sec. 134.003 Sec. 134.051 Sec. 134.052 Sec. 134.103 Sec. 134.151 Sec. 134.154 Sec. 134.155 Sec. 134.156 <i>Parks & Wildlife Code</i> Sec. 12.110 Sec. 31.127 <i>Transportation Code</i> Sec. 284.2031 Sec. 284.2032 Sec. 502.010 Sec. 502.407 Sec. 502.473 Sec. 502.475 Sec. 504.943 Sec. 504.945 Sec. 521.026 Sec. 521.054 Sec. 521.221 Sec. 542.402 Sec. 542.403 Sec. 547.004 Sec. 548.605 Sec. 601.263 Sec. 681.013 Sec. 702.003 Sec. 706.005 Sec. 706.006 Sec. 706.007	
SB 362	<i>Code of Criminal Procedure</i> Art. 16.22	September 1, 2019

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SB 489	<i>Election Code</i> Sec. 254.0313 <i>Local Government Code</i> Sec. 159.071 <i>Property Code</i> Sec. 11.008 <i>Transportation Code</i> Sec. 521.121	September 1, 2019*
SB 583	<i>Code of Criminal Procedure</i> Art. 26.04	September 1, 2019
SB 604	<i>Transportation Code</i> Sec. 504.151 – 504.154 Sec. 504.157	September 1, 2019
SB 616	<i>Transportation Code</i> Sec. 521.271 Sec. 522.051 Sec. 522.052	September 1, 2019*
SB 668	<i>Education Code</i> Sec. 25.086	June 10, 2019
SB 891	<i>Civil Practice & Remedies Code</i> Sec. 17.032 Sec. 17.033 <i>Code of Criminal Procedure</i> Art. 2.09 Art. 103.003 Art. 103.0033 <i>Government Code</i> Sec. 51.607 Sec. 54.101 - 54.107 Sec. 54.2201 – 54.2216 Sec. 54.2301 – 54.2307 Sec. 54.2401 – 54.2416 Sec. 72.033 Sec. 72.034 <i>Local Government Code</i> Sec. 133.058 Sec. 133.103	September 1, 2019*
SB 969	<i>Transportation Code</i> Sec. 502.001 Sec. 542.009 Sec. 551.351 Sec. 552A.0001 – 552A.0010 Sec. 552A.0101	June 10, 2019
SB 976	<i>Transportation Code</i> Sec. 502.061	September 1, 2019*

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SB 1164	Code of Criminal Procedure Art. 18.182	September 1, 2019
SB 1414	Property Code Sec. 92.019 Sec. 92.0191	September 1, 2019*
SB 1840	Code of Criminal Procedure Art. 102.173	September 1, 2019
SB 2100	Government Code Sec. 614.211 – 614.217	May 14, 2019
SB 2119	Agriculture Code Sec. 17.001 Sec. 17.051 – 17.055 Sec. 17.154 Occupations Code Sec. 2310.001 Sec. 2310.002 Sec. 2310.057 Sec. 2310.059 Sec. 2310.060 Sec. 2310.061 Sec. 2310.101 Sec. 2310.109 Sec. 2310.110 Sec. 2310.111 Sec. 2310.112 Sec. 2310.151 Sec. 2310.2001 Sec. 2310.2011 – 2310.2015 Sec. 2310.202 – 2310.206 Sec. 2310.209	June 14, 2019
SB 2342	Government Code Sec. 27.031 Sec. 62.301	September 1, 2020*
SB 2364	Civil Practices & Remedies Code Sec. 31.002	September 1, 2019*
SB 2390	Code of Criminal Procedure Art. 17.294 Government Code Sec. 411.042	September 1, 2019*
SJR 32	Texas Constitution Article III, Sec. 521	November 5, 2019*