



# Court Costs, Fees and Fines

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## Texas Municipal Courts

*Summary of legislative changes made by the 81st Texas Legislature, Regular Session, 2009*

The 81st Texas Legislature enacted several laws affecting court costs, fines and fees. This brochure presents a brief explanation of those changes presented in the order of their effective dates, as well as charts that summarize the costs, fees and fines that court should assess. Also included are instructions and information regarding changes in reporting that relate to these costs, fees and fines.

This brochure provides only a summary of the legislation that affected court costs, fees and fines. It is not intended as a comprehensive explanation of the bills included, nor does it express legal opinions where varying interpretations of new law may exist. The legislation summarized in this brochure should be consulted for a complete understanding of changes and requirements.

If you have any questions regarding the reporting of court costs, fines and fees, please contact the Comptroller's Miscellaneous Taxes Section at (800) 531-5441, ext. 3-4276, or (512) 463-4276.

*There may be divergent opinions concerning the effective date of the following legislation because of the language in Section 51.607, Government Code. The Comptroller's consistent opinion is that the effective date for any new or changed fee or charge for services or to cover the expenses of a public official or agency is delayed to Jan. 1 under this statute. However, to the extent these are purely local fees; local governments should consult with their county or district attorney for advice concerning the effective date.*

### IN THIS ISSUE

- ▶ Court Costs, Fees and Fines with an Imposition Date of Jan. 1, 2010.....Page 1
- ▶ Other Statutory Provisions.....Page 2
- ▶ State Costs and Fees Chart for Offenses Committed on or after Jan. 1, 2010.....Page 3

### Court Costs, Fees and Fines with an Imposition Date of Jan. 1, 2010

#### State Costs, Fees and Fines

##### Securing a Child Passenger in a Motor Vehicle Fee

**Senate Bill 61** amends Section 545.412, Transportation Code to change the age and height requirements of a child who must be secured in a child safety seat. Under the amendment, a person commits an offense by operating a passenger vehicle while transporting a child younger than eight years of age not secured by a safety seat, unless the child is taller than four feet nine inches. The bill makes such an offense punishable by a fine of not more than \$25 for the first offense and not more than \$250 for a second or subsequent offense, rather than not less than \$100 or more than \$200 under prior law.

The bill further amends Section 545.512, Transportation Code, by adding an additional \$0.15 as a court cost on conviction for failing to secure a child passenger in a motor vehicle. The fee is to be remitted to the Comptroller for deposit in a separate account in the general revenue fund that may be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems and distribute them to low-income families. The bill's provisions apply in justice and municipal courts. (Unless qualifying under warning provision prior to 6/1/2010 (Section 4(c) of the bill provides for a warning only prior to June 1, 2010 is a child between the ages of 5 and 8 was secured by a safety belt (old law) instead of a child safety seat (new law).)



## Moving Violation Fees

**House Bill 3389** amends Chapter 102, by adding Article 102.022, Code of Criminal Procedures, establishing a new \$0.10 fee for convictions of moving violations in a justice court, county court, county court a law or municipal court to be remitted to the Comptroller and deposited in the Civil Justice Repository Fund. The funds are to be used only by the Commission on Law Enforcement Officer Standards and Education.

## Other Statutory Provisions

### Using a Wireless Communication Device

**House Bill 55** effective Sept. 1, 2009, amends Section 545.425, Transportation Code, to prohibit a driver's use of a wireless communication device while operating a motor vehicle within an active school crossing zone unless the vehicle is stopped or the wire-less device is used with a hands-free device, with certain specific exceptions related to operators of authorized emergency vehicles and an operator licensed by the Federal Communications Commission.

The bill clarifies existing language relating to the use of a wireless communication device by a school bus operator when a minor is on the bus and also prohibits a school bus operator from using a wireless communication device under any circumstances unless the vehicle is stopped. A municipality, county or other political subdivision that enforces this law must post a sign at each school crossing zone informing drivers about the prohibition.

### Parking Space Designated for Persons with Disabilities

**House Bill 400** effective Sept. 1, 2009, amends Transportation Code, by adding Section 681.013, to grant a person with a disability the same grace period to have a citation for an expired disabled parking placard dismissed by remedying the defect that is granted to a person pursuing the dismissal of a citation for an expired vehicle inspection certificate.

The bill requires the court to dismiss a charge if the defendant renews the expired disabled parking placard within 20 working days from the date of the offense or before the first court appearance date. As administrative fee not to exceed \$20 is assessed when the charge has been remedied.

### Transportation of Children in Motor Vehicles

**House Bill 537** effective Sept. 1, 2009, amends the Transportation Code to expand the definition of "passenger vehicle" for purpose of the law creating an offense for operating a passenger vehicle without securing a child in a child passenger safety seat system to include a passenger van designed to transport 15 or fewer passengers, including the driver. The bill excludes application to third-party transport service providers except when transporting clients pursuant to a contract to provide non-emergency Medicaid transportation. The bill makes it an offense to allow a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under that law to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt, if the child is occupying

a seat that is equipped with a safety belt. The bill makes the offense of not wearing a safety belt if a person at least 15 years of age is occupying a seat that is equipped with a safety belt apply if the person is riding in any seat of a passenger vehicle. Prior law only applies to the front seat.

The bill amends Section 545.416, Transportation Code, making it an offense punishable by a fine of not less than \$100 or more than \$200 to carry another person on a motorcycle unless the other person is at least five years of age. The bill provides a defense to prosecution that the motorcycle was being operated in an emergency or for a law enforcement purpose. It specifies that it is not an offense to carry on a motorcycle a person younger than five years of age who is seated in a sidecar attached to the motorcycle.

### Eric's Law

**House Bill 2012** effective Sept. 1, 2009, amends Section 521.457, Transportation Code, by enhancing the penalty for the offense of operating a motor vehicle without a valid driver's license from a Class C misdemeanor to a Class B misdemeanor. If it is shown at trial that the person was operating the motor vehicle in violation of the motor vehicle liability Insurance requirement, and to a Class A misdemeanor if it is shown at trial that the person was operating the motor vehicle in violation of that requirement and caused or was at fault in a motor vehicle accident that resulted in serious bodily injury to or the death of another person.

### Nicole "Lilly" Lalime Act

**Senate Bill 328** effective Sept. 1, 2009, amends provisions of the Alcoholic Beverage Code, Code of Criminal Procedures, and Transportation Code to include the operation of a water craft while intoxicated or under the influence to the driver's license suspension statutes. The bill authorizes any magistrate who is a licensed Texas attorney to issue a search warrant to collect a blood specimen from a person who is arrested for a certain intoxication or alcohol offense and refuses to submit to a breath or blood alcohol test. In addition, the bill increases from \$50 to \$100 the fee to reinstate a driver's license suspended due to the commission of certain intoxication offenses. The bill also changes the requirements for the automatic suspension of a license, the suspension of a license of a person younger than 21 years of age, and the suspension of a license because of intoxication offenses. The bill includes an offense of driving while intoxicated with a child passenger and boating while intoxicated in provisions relating to an administrative suspension of a driver's license for failure to pass a test for intoxication, modifies the circumstances under which a peace officer must require the taking of the specimen of a person's blood or breath, and amends certain provisions regarding liability for purposes of taking of a blood specimen.

### Red Light Camera

**Senate Bill 926** effective Sept. 1, 2009, adds Section 707.0021, Transportation Code, to prohibit a local authority from imposing or attempting to impose a civil penalty on the owner of an authorized emergency vehicle for a failure to stop at a red light recorded by a photographic traffic signal enforcement system. An employer is not prohibited from taking disciplinary actions against an employee who operates the vehicle in violation of a rule or policy of the employer.

# State Costs and Fees for Municipal Courts

For Offenses Committed On or After Jan. 1, 2010

Offense/Description	JSF	JRF	CCC	STF	IDF	Total
<b>ALL MUNICIPAL ORDINANCES</b>						
Excluding parking and pedestrian	\$6	\$4	\$40	N/A	\$2	\$52
<b>STATE LAW</b>						
Transportation Code, Title 7, Subtitle C, Rules of the Road						
• parking and pedestrian	N/A	N/A	N/A	\$30	N/A	\$30
• all other misdemeanors	\$6	\$4	\$40	\$30	\$2	\$82
Education Code, Sec. 25.093, Parent Contributing to Nonattendance, and Sec. 25.094, Failure to Attend School	\$6	\$4	\$40	N/A	\$2	\$52
All other misdemeanors punishable by fine only	\$6	\$4	\$40	N/A	\$2	\$52

## Judicial Support Fee

Sec. 133.105, Local Government Code, (JSF)

## Juror Reimbursement Fee (Additional Court Cost)

Art. 102.0045, Code of Criminal Procedure (JRF)

## Consolidated Court Cost (Local Additional Court Cost)

Sec. 133.102, Local Government Code (CCC)

## State Traffic Fee (Additional Court Cost)

Sec. 542.4031, Transportation Code (STF)

## Indigent Defense Fee

Government Code Sec. 102.023, Local Government Code  
Sec. 133.107, effective Jan. 1, 2008 (IDF)

**Add the following mandatory fees, when applicable:**

## MOVING VIOLATION FEES (MV)

Art. 102.022, Code of Criminal Procedure, effective Jan. 1, 2010 a \$.10 court cost is assessed on conviction of moving violations remitted to the Comptroller and deposited in the Civil Justice Repository Fund.

## CHILD SAFETY SEAT AND SEAT BELT VIOLATIONS (CSS)

Sec. 545.512, Transportation Code; a \$.15 court cost is assessed for criminal conviction of child safety seat requirement. The fee is to be remitted to the Comptroller and must be deposited to the credit of the general fund appropriated only to the Texas Department of Transportation. (Unless qualifying under warning provision prior to 6/1/2010 (Section 4(c) of the bill provides for a warning only prior to June 1, 2010 if a child between the ages of 5 and 8 was secured by a safety belt (old law) instead of a child safety seat (new law).)

## DRIVING RECORD FEE (DRF)

If a defendant who requests a driving safety or motorcycle operator training course dismissal chooses not to present the defendant's driving record to the court, then the court may obtain the record from the Department of Public Safety and require the defendant to pay a fee. The court may charge the defendant the \$10 fee established by Sec. 521.048, Transportation Code, and the \$2 Texas Online Fee, for a total of \$12. The custodian of the county treasury must forward the entire amount of the fees collected to the Comptroller. (Art. 45.0511(c-1), Code of Criminal Procedure)

## FAILURE TO APPEAR OR PAY (FTA)

A \$30 administrative fee is payable by a person who fails to appear for a complaint or citation for an offense over which a court has jurisdiction under Chapter 4, Code of Criminal Procedure, if: (1) the appropriate political subdivision has contracted with the Department of Public Safety (DPS) to provide information necessary for DPS to deny renewal of a driver license as provided by Sec. 706.002, Transportation Code, and (2) the complaint or citation has been reported to DPS under Chapter 706, Transportation Code. A \$30 administrative fee is also payable by a person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders. Of each of these fees, \$20 must be sent to the Comptroller on or before the last day of each calendar quarter and \$10 must be deposited to the credit of the general fund of the municipality or county. (Sec. 706.007, Transportation Code)

## TIME PAYMENT FEE

\$25 from a person who pays any part of a fine, court cost or restitution on or after the 31st day after judgment is entered. One-half (\$12.50) is sent to the state and one-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10) is retained locally with no restrictions. (Sec. 133.103, Local Government Code)

### Fees for Services of Peace Officers:

#### NOTICE OR ARREST FEE

\$5 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance or penal law or for making an arrest without a warrant. (Art. 102.011, Code of Criminal Procedure)

#### WARRANT FEE

A defendant convicted of a felony or misdemeanor shall pay \$50 for a law enforcement agency's execution of an issued arrest warrant, capias or capias pro fine, if the agency requests the court, not later than the 15th day after the date of execution, to impose the fee. Otherwise, the defendant shall pay \$50 for a law enforcement agency's processing of the warrant, capias or capias pro fine. (Art. 102.011(a)(2), Code of Criminal Procedure)

### Cities may also be responsible for remitting the following fines to the Comptroller:

#### EXCESS HIGHWAY FINES

For cities under 5,000 population, Sec. 542.402, Transportation Code

#### EXCESS MOTOR CARRIER FINES

For qualifying cities, Sec. 644.102, Transportation Code

#### MOTOR VEHICLE WEIGHT VIOLATIONS

Sec. 621.506, Transportation Code

### Local Court Costs and Fees that may also apply:

#### ADMINISTRATIVE FEES FOR DISMISSAL OF CERTAIN VIOLATIONS

Chapters 502, 520, 547 and 548, Transportation Code, and Sec. 31.021, Parks & Wildlife Code

#### CHILD SAFETY FUND

Art. 102.014, Code of Criminal Procedure

#### EXPUNGEMENT OF OFFENSES BY MINORS

Arts. 45.0216, 45.055 and 102.006, Code of Criminal Procedure

#### FEES FOR SERVICES OF PEACE OFFICERS

Art. 102.011, Code of Criminal Procedure

#### JURY FEE

Art. 102.004, Code of Criminal Procedure

#### JUVENILE CASE MANAGER FEE

Art. 102.0174, Code of Criminal Procedure

#### LOCAL TRAFFIC FEE

Sec. 542.403, Transportation Code

#### MUNICIPAL COURT BUILDING SECURITY FEE

Art. 102.017, Code of Criminal Procedure

#### MUNICIPAL COURT TECHNOLOGY FUND

Art. 102.0172, Code of Criminal Procedure

#### RESTITUTION INSTALLMENT FEE

Art. 42.037, Code of Criminal Procedure

#### WITNESS FEE

Art. 102.002, Code of Criminal Procedure

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