

TRANSPORTATION CODE  
CHAPTER 543. ARREST AND PROSECUTION OF VIOLATORS  
SUBCHAPTER A. ARREST AND CHARGING PROCEDURES; NOTICES AND PROMISES  
TO APPEAR

Sec. 543.001. ARREST WITHOUT WARRANT AUTHORIZED. Any peace officer may arrest without warrant a person found committing a violation of this subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.002. PERSON ARRESTED TO BE TAKEN BEFORE MAGISTRATE. (a) A person arrested for a violation of this subtitle punishable as a misdemeanor shall be immediately taken before a magistrate if:

(1) the person is arrested on a charge of failure to stop in the event of an accident causing damage to property; or

(2) the person demands an immediate appearance before a magistrate or refuses to make a written promise to appear in court as provided by this subchapter.

(b) The person must be taken before a magistrate who:

(1) has jurisdiction of the offense;

(2) is in the county in which the offense charged is alleged to have been committed; and

(3) is nearest or most accessible to the place of arrest.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.003. NOTICE TO APPEAR REQUIRED: PERSON NOT TAKEN BEFORE MAGISTRATE. An officer who arrests a person for a violation of this subtitle punishable as a misdemeanor and who does not take the person before a magistrate shall issue a written notice to appear in court showing the time and place the person is to appear, the offense charged, the name and address of the person charged, and, if applicable, the license number of the person's vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 701, Sec. 3, eff. Aug. 30, 1999.

Sec. 543.004. NOTICE TO APPEAR REQUIRED: CERTAIN OFFENSES. (a) An officer shall issue a written notice to appear if:

(1) the offense charged is speeding or a violation of the open container law, Section 49.03, Penal Code; and

(2) the person makes a written promise to appear in court as provided by Section 543.005.

(b) If the person is a resident of or is operating a vehicle licensed in a state or country other than this state, Subsection (a) applies only as provided by Chapter 703.

(c) The offenses specified by Subsection (a) are the only offenses for which issuance of a written notice to appear is mandatory.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 17.07, eff. Sept. 1, 1999.

Sec. 543.005. PROMISE TO APPEAR; RELEASE. To secure release, the person arrested must make a written promise to appear in court by signing the written notice prepared by the arresting officer. The signature may be obtained on a duplicate form or on an electronic device capable of creating a copy of the signed notice. The arresting officer shall retain the paper or electronic original of the notice and deliver the copy of the notice to the person arrested. The officer shall then promptly release the person from custody.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 701, Sec. 4, eff. Aug. 30, 1999.

Sec. 543.006. TIME AND PLACE OF APPEARANCE. (a) The time specified in the notice to appear must be at least 10 days after the date of arrest unless the person arrested demands an earlier hearing.

(b) The place specified in the notice to appear must be before a magistrate having jurisdiction of the offense who is in the municipality or county in which the offense is alleged to have been committed.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR LICENSE. A notice to appear issued to the operator of a commercial motor vehicle or holder of a commercial driver's license or commercial driver learner's permit, for the violation of a law regulating the operation of vehicles on highways, must contain the information required by department rule, to comply with Chapter 522 and the federal Commercial Motor Vehicle Safety Act of 1986 (Title

49, U.S.C. Section 2701 et seq.).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 701, Sec. 5, eff. Aug. 30, 1999.

Sec. 543.008. VIOLATION BY OFFICER. A violation by an officer of a provision of Sections 543.003-543.007 is misconduct in office and the officer is subject to removal from the officer's position.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.009. COMPLIANCE WITH OR VIOLATION OF PROMISE TO APPEAR. (a) A person may comply with a written promise to appear in court by an appearance by counsel.

(b) A person who wilfully violates a written promise to appear in court, given as provided by this subchapter, commits a misdemeanor regardless of the disposition of the charge on which the person was arrested.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.010. SPECIFICATIONS OF SPEEDING CHARGE. The complaint and the summons or notice to appear on a charge of speeding under this subtitle must specify:

(1) the maximum or minimum speed limit applicable in the district or at the location; and

(2) the speed at which the defendant is alleged to have driven.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.011. PERSONS LICENSED BY STATE DEPARTMENT OR CLAIMING DIPLOMATIC OR CONSULAR IMMUNITY. (a) This section applies to a person who:

(1) is stopped or issued a notice to appear by a peace officer in connection with a violation of:

(A) this subtitle;

(B) Section 49.03 or 49.04, Penal Code; or

(C) Section 49.07 or 49.08, Penal Code, involving operation of a motor vehicle; and

(2) presents to the peace officer a driver's license issued by the United States Department of State or claims immunities or privileges under 22 U.S.C. Chapter 6.

(b) A peace officer who stops or issues a notice to appear to a person to whom this section applies shall record all relevant information from any driver's license or identification card presented by the person or any statement made by the person relating to immunities or privileges and promptly deliver the record to the law enforcement agency that employs the peace officer.

(c) The law enforcement agency shall:

(1) as soon as practicable contact the United States Department of State to verify the person's status and immunity, if any; and

(2) not later than the fifth working day after the date of the stop or issuance of the notice to appear, send to the Bureau of Diplomatic Security Office of Foreign Missions of the United States Department of State the following:

(A) a copy of any notice to appear issued to the person and any accident report prepared; or

(B) if a notice to appear was not issued and an accident report was not prepared, a written report of the incident.

(d) This section does not affect application of a law described by Subsection (a)(1) to a person to whom this section applies.

Added by Acts 2001, 77th Leg., ch. 446, Sec. 1, eff. Sept. 1, 2001.

#### SUBCHAPTER B. DISMISSAL OF CERTAIN MISDEMEANOR CHARGES ON COMPLETING DRIVING SAFETY COURSE

Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a) The State Board of Education shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

(b) The Texas Education Agency shall:

(1) adopt and administer comprehensive rules governing driving safety courses; and

(2) investigate options to develop and implement procedures to electronically transmit information pertaining to driving safety courses to municipal and justice courts.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.106(d), eff. Sept. 1, 1997.

Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE COMPLETION. (a) The Texas Education Agency by rule shall provide

for the design and distribution of uniform certificates of course completion so as to prevent to the greatest extent possible the unauthorized production or misuse of the certificates.

(b) The uniform certificate of course completion must include an identifying number by which the Texas Education Agency, the court, or the department may verify its authenticity with the course provider and must be in a form adopted by the Texas Education Agency

(c) The Texas Education Agency shall issue duplicate uniform certificates of course completion. The State Board of Education by rule shall determine the amount of the fee to be charged for issuance of a duplicate certificate.

(d) A driving safety course provider shall electronically submit data identified by the Texas Education Agency pertaining to issued uniform certificates of course completion to the agency as directed by the agency.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.106(e), eff. Sept. 1, 1997.

Sec. 543.113. FEES FOR PRINTING AND SUPPLYING CERTIFICATE. (a) The Texas Education Agency shall print the uniform certificates and supply them to persons who are licensed providers of courses approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes). The Agency may charge a fee for each certificate. The fee may not exceed \$4.

(b) A course provider shall charge an operator a fee equal to the fee paid to the agency for a certificate.

(c) Money collected by the Texas Education Agency under this section may be used only to pay monetary awards for information relating to abuse of uniform certificates that leads to the conviction or removal of an approval, license, or authorization.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.106(f), eff. Sept. 1, 1997.

Sec. 543.114. DISTRIBUTION OF WRITTEN INFORMATION ON PROVIDER. (a) A person may not distribute written information to advertise a provider of a driving safety course within 500 feet of a court having jurisdiction over an offense to which this subchapter applies. A violation of this section by a provider or a provider's agent, employee, or representative results in loss of the provider's status as a provider of a course approved under the Texas Driver and Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes).

(b) This section does not apply to distribution of information:

- (1) by a court;
- (2) to a court to obtain approval of the course; or
- (3) to a court to advise the court of the availability

of the course.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.115. FEES FOR DRIVING SAFETY COURSE. (a) A driving safety course may not be provided to a student for less than \$25.

(b) A course provider shall charge each student a fee for course materials and for overseeing and administering the course. The fee may not be less than \$3.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.106(g), eff. Sept. 1, 1997.

Sec. 543.116. DELIVERY OF UNIFORM CERTIFICATE OF COURSE COMPLETION. (a) A driving safety course provider shall mail an issued uniform certificate of course completion to a person who successfully completes the course.

(b) The certificate must be mailed not later than the 15th working day after the date a person successfully completes the course.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.106(g), eff. Sept. 1, 1997.

#### SUBCHAPTER C. RECORDS AND INFORMATION MAINTAINED BY DEPARTMENT

Sec. 543.201. CONVICTION REPORTED TO DEPARTMENT. Each magistrate or judge of a court not of record and each clerk of a court of record shall keep a record of each case in which a person is charged with a violation of law regulating the operation of vehicles on highways.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or

ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, whether the individual was adjudicated under Article 45.0511, Code of Criminal Procedure, and whether bail was forfeited;

(8) the date of conviction; and

(9) the amount of the fine or forfeiture.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 947, Sec. 6, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1325, Sec. 8.04, eff. June 1, 2005.

Sec. 543.203. SUBMITTING RECORD TO DEPARTMENT. Not later than the 30th day after the date of conviction or forfeiture of bail of a person on a charge of violating a law regulating the operation of a vehicle on a highway or conviction of a person of negligent homicide or a felony in the commission of which a vehicle was used, the magistrate, judge, or clerk of the court in which the conviction was had or bail was forfeited shall immediately submit to the department a written record of the case containing the information required by Section 543.202.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.204. SUBMISSION OF RECORD PROHIBITED. (a) A justice of the peace or municipal judge who defers further proceedings, suspends all or part of the imposition of the fine, and places a defendant on probation under Article 45.051, Code of Criminal Procedure, or a county court judge who follows that procedure under Article 42.111, Code of Criminal Procedure, may not submit a written record to the department, except that if the justice or judge subsequently adjudicates the defendant's guilt, the justice or judge shall submit the record not later than the 30th day after the date on which the justice or judge adjudicates guilt.

(b) The department may not keep a record for which submission is prohibited by this section.

(c) The department may receive a record prepared by a department employee from court records.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1545, Sec. 73, eff. Sept. 1, 1999.

Sec. 543.205. RECORD RECEIVED AT MAIN OFFICE. The department shall receive all records under Section 543.204(a) at its main office.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 543.206. VIOLATION. A violation by a judicial officer of this subchapter may constitute misconduct in office and may be grounds for removal from the officer's position.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.