

TRANSPORTATION CODE

CHAPTER 682. ADMINISTRATIVE ADJUDICATION OF VEHICLE PARKING AND STOPPING OFFENSES

Sec. 682.001. APPLICABILITY.

Text of section as amended by Acts 1999, 76th Leg., ch. 156, Sec. 2

This chapter applies only to:

- (1) a municipality that:
 - (A) has a population greater than 30,000 and operates under a council-manager form of government; or
 - (B) has a population of 500,000 or more; and
- (2) an airport operated by a joint board to which Section 22.074(d) applies.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 156, Sec. 2, eff. May 21, 1999.

For text of section as amended by Acts 1999, 76th Leg., ch. 310, Sec. 1, see Sec. 682.001, post.

Sec. 682.001. APPLICABILITY.

Text of section as amended by Acts 1999, 76th Leg., ch. 310, Sec. 1

This chapter applies only to a municipality that has a population greater than 30,000.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 310, Sec. 1, eff. May 29, 1999.

For text of section as amended by Acts 1999, 76th Leg., ch. 156, Sec. 2, see Sec. 682.001, ante.

Sec. 682.002. CIVIL OFFENSE. (a) A municipality may declare the violation of a municipal ordinance relating to parking or stopping a vehicle to be a civil offense.

(b) A joint board to which Section 22.074(d) applies may declare the violation of a resolution, rule, or order of the joint board relating to parking or stopping a vehicle to be a civil offense.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 156, Sec. 2, eff. May 21, 1999.

Sec. 682.003. ADOPTION OF HEARING PROCEDURE. A municipality may by ordinance or a joint board may by resolution, rule, or order establish an administrative adjudication hearing procedure under which a civil fine may be imposed.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 156, Sec. 2, eff. May 21, 1999.

Sec. 682.004. CONTENT OF ORDINANCE. An ordinance, resolution, rule, or order adopted under this chapter must provide that a person charged with violating a parking or stopping ordinance, resolution, rule, or order is entitled to a hearing and provide for:

- (1) the period during which a hearing must be held;
- (2) 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) the amount and disposition of civil fines, costs, and fees.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 156, Sec. 2, eff. May 21, 1999.

Sec. 682.005. ENFORCEMENT OF ORDER CONCERNING WITNESSES AND DOCUMENTS. A municipal court may enforce an order of the hearing officer compelling the attendance of a witness or the production of a document.

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

Sec. 682.006. CITATION OR SUMMONS. (a) A citation or summons issued for a vehicle parking or stopping civil offense under this chapter must:

- (1) provide information as to the time and place of an administrative adjudication hearing; and
- (2) contain a notification that the person charged with the civil offense has the right to an instanter hearing.

(b) The original or any copy of the summons or citation shall be kept as a record in the ordinary course of business of the municipality and is rebuttable proof of the facts it contains.

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

Sec. 682.007. APPEARANCE AT HEARING. (a) A person charged with a civil offense who fails to appear at an administrative adjudication hearing authorized under this chapter is considered to admit liability for the offense charged.

(b) The person who issued the citation or summons is not required to attend an instanter hearing.

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

Sec. 682.008. PRESUMPTIONS. In an administrative adjudication hearing under this chapter:

(1) it is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and

(2) the Texas Department of Transportation's computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

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

Sec. 682.009. ORDER. (a) The hearing officer at an administrative adjudication hearing under this chapter shall issue an order stating:

(1) whether the person charged with the violation is liable for the violation; and

(2) the amount of any fine, cost, or fee assessed against the person.

(b) The order issued under Subsection (a) may be filed with the clerk or secretary of the municipality or a person designated by the joint board. The clerk, secretary, or designated person shall keep the order in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 156, Sec. 3, eff. May 21, 1999.

Sec. 682.010. ENFORCEMENT. (a) An order filed under Section 682.009, or a fine, cost, or fee imposed under this chapter following a failure by the person charged to appear within the time specified by a municipality's ordinance, resolution, rule, or order, may be enforced by:

(1) impounding the vehicle if the offender has committed three or more vehicle parking or stopping offenses in a calendar year;

(2) placing a device on the vehicle that prohibits movement of the motor vehicle;

(3) imposing an additional fine if the original fine is not paid within a specified time;

(4) denying issuance of or revoking a parking or operating permit, as applicable; or

(5) filing an action to collect the fine, cost, or fee in a court of competent jurisdiction.

(b) An action to collect a fine, cost, or fee under Subsection (a)(5) must be brought:

(1) in the name of the municipality served by the hearing officer; and

(2) in a county in which all or part of that municipality is located.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 156, Sec. 4, eff. May 21, 1999; Acts 2003, 78th Leg., ch. 346, Sec. 2, eff. June 18, 2003.

Sec. 682.011. APPEAL. (a) A person whom the hearing officer determines to be in violation of a vehicle parking or stopping ordinance may appeal the determination by filing a petition with the clerk of a municipal court and paying the costs required by law for municipal court not later than the 30th day after the date on which the order is filed.

(b) The municipal court clerk shall schedule a hearing and notify each party of the date, time, and place of the hearing.

(c) An appeal does not stay enforcement and collection of the judgment unless the person, before appealing, posts bond with, as applicable:

(1) the agency of the municipality designated by ordinance to accept payment for a violation of a parking or stopping ordinance; or

(2) the agency of the joint board designated by the resolution, rule, or order to accept payment for a violation of a parking or stopping resolution, rule, or order.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 156, Sec. 5, eff. May 21, 1999.