

§ IN THE MUNICIPAL COURT OF RECORD, NO. 1
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§
§ CITY OF LAGO VISTA
§
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§
§ TRAVIS COUNTY, TEXAS
§

**STATE'S STANDING MOTION ON COMPLIANCE DISMISSALS PURSUANT TO
TEXAS TRANSPORTATION CODE § 521.025(d)**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas, by and through its Deputy City Attorney and Municipal Prosecutor for the City of Lago Vista, Travis County, Texas, for the purpose of efficient processing and disposition of citations for the Failure to Display a Driver's License on Demand in violation of Texas Transportation Code 521.025(a), files this standing motion for a compliance dismissal upon the presentation of proof of a valid driver license and payment of the applicable administrative fees at the Municipal Court service window before the defendant's initial reset hearing, and in support respectfully shows the Court the following:

I.

Section 521.025(a) of the Texas Transportation Code provides that:

A person required to hold a license under Section 521.021 shall:

- (1) have in the person's possession while operating a motor vehicle the class of driver's license appropriate for the type of vehicle operated; and
- (2) display the license on the demand of a magistrate, court officer, or peace officer.

II.

Section 521.025(c) further provides that:

A person who violates this section commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$200, except that:

(1) for a second conviction within one year after the date of the first conviction, the offense is a misdemeanor punishable by a fine of not less than \$25 or more than \$200;

(2) for a third or subsequent conviction within one year after the date of the second conviction the offense is a misdemeanor punishable by:

(A) a fine of not less than \$25 or more than \$500;

(B) confinement in the county jail for not less than 72 hours or more than six months; or

(C) both the fine and confinement; and

(3) if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in violation of Section 601.191 and caused or was at fault in a motor vehicle collision that resulted in serious bodily injury to or the death of another person, an offense under this section is a Class A misdemeanor.

III.

Section 521.025(d) further provides that:

It is a defense to prosecution under this section if the person charged produces in court a driver's license:

(1) issued to that person;

(2) appropriate for the type of vehicle operated; and

(3) valid at the time of the arrest for the offense.

IV.

In order to allow for the convenient and efficient processing of citations in which the elements of the affirmative defense to prosecution outlined in Section 521.025(d) above are satisfied, the State hereby moves the Court to allow Municipal Court staff to process compliance dismissals at the Municipal Court's service window upon presentation to the Court Clerk or her representative of driver's license, which on its face, demonstrates compliance with the requirements of Section 521.025(d) above, and payment of any applicable administrative fees.

V.

This motion is made in regard only in regard to citations charging a first time offense for a violation of Texas Transportation Code § 521.025(a). Defendants charged with subsequent violations shall be required to produce a driver's license in satisfaction of § 521.025(d) in open Court at a duly noticed pre-trial docket.

WHEREFORE, PREMISES CONSIDERED, the State prays that the Court issue a standing order allowing the Municipal Court Clerk to process compliance dismissals for first time offenses for violations of Texas Transportation Code § 521.025(a) at the Municipal Court service window upon the presentation of a driver's license in satisfaction of the elements of Texas Transportation Code § 521.025(d) and the payment of any applicable administrative fees.

Respectfully submitted,

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DEPUTY CITY ATTORNEY AND MUNICIPAL
PROSECUTOR FOR THE CITY OF LAGO VISTA,
TEXAS

§ IN THE MUNICIPAL COURT OF RECORD, NO. 1
§
§ CITY OF LAGO VISTA
§
§ TRAVIS COUNTY, TEXAS

**STANDING ORDER GRANTING THE STATE'S STANDING MOTION ON
COMPLIANCE DISMISSALS PURSUANT TO
TEXAS TRANSPORTATION CODE § 521.025(d)**


On this 21st day of February, 2024, came on to be heard the State's Standing Motion on Compliance Dismissals Pursuant to Texas Transportation Code § 521.025(d). After considering the Motion, is of the opinion that the same should be granted.

NOW, THEREFORE,

BE IT ORDERED that the Municipal Court Clerks may process compliance dismissals of citations for a first-time citation for the Failure to Possess and Present a Valid Driver License on Demand in violation of Texas Transportation Code § 521.025(a), where, prior to the Defendant's court date, the Defendant presents at the service window of the Municipal Court a driver's license, issued to the Defendant, appropriate for the type of vehicle operated at the time of the offense, that was valid at the time of the arrest for the offense, and pays any applicable administrative fee; it is further

ORDERED that Defendants cited for subsequent violations of Texas Transportation Code § 521.025(a) shall be required to appear in order to obtain a compliance dismissal pursuant to Texas Transportation Code § 521.025(d).

ENTERED this 21st day of February, 2024.



Honorable Jay Caballero
Municipal Court Judge, City of Lago Vista, Texas