

COMMON DEFENSES TO PROSECUTION
Updated to Reflect Changes from the 88th Legislature

| Offense | Statute | Defense | Administrative Fee |
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| Failure to maintain motor vehicle registration | Section 502.407, Transportation Code | It is a defense to prosecution that: (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 department rules; and (2) the vehicle's registration was expired for 30 working days or less. | None |
| Failure to have driver's license in possession while operating a motor vehicle (Failure to display) | Section 521.025, Transportation Code | Defendant must produce in court a driver's license issued to that person appropriate for the type of vehicle operated and valid at the time of the arrest | Optional \$10 administrative fee |
| Failure to have commercial driver's license in possession while operating a commercial motor vehicle | Section 522.011, Transportation Code | Defendant must produce in court a commercial driver's license issued to that person appropriate for the class of vehicle being driven and valid at the time of the offense | None |
| Failure to have commercial learner's permit in possession while operating a commercial motor vehicle | Section 522.011, Transportation Code | Defendant must produce in court a commercial learner's permit or driver's license appropriate for the class of vehicle being driven and valid at the time of the offense | Optional \$10 administrative fee |
| Failure to secure child in a child passenger safety seat system | Section 545.412, Transportation Code Defense in: Section 545.4121, Transportation Code | Defendant must provide the court with satisfactory evidence that, at the time of the offense: (1) Defendant was not arrested or cited for any other offense, the vehicle was not involved in a collision, and the defendant did not possess a child passenger safety seat in the vehicle; and (2) Subsequent to the offense, the defendant obtained an appropriate child passenger safety seat for each child required to be secured in a child passenger safety seat system | None |
| Failure to maintain financial responsibility | Section 601.191, Transportation Code Defenses in: Sections 601.193 and 601.194, Transportation Code | Two defenses available: <ul style="list-style-type: none">• Defendant must provide the court satisfactory evidence of valid proof of financial responsibility under Section 601.053(a) that was valid and in effect at the time of the alleged offense OR <ul style="list-style-type: none">• Defendant possessed the vehicle for the sole purpose or maintenance or repair and did not own the vehicle | None |

