

THE STATE OF TEXAS §
 §
COUNTY OF WEBB §

ORDER PERTAINING TO COUNTY'S SCOFFLAW PROGRAM

WHEREAS, the County's scofflaw program will be of assistance in collecting unpaid fines and fees owed to the County;

WHEREAS, Transportation Code, Section 502.010 permits the county assessor-collector to refuse to register a motor vehicle if it receives information that the owner of the vehicle:

- (1) owes the county money for a fine, fee or tax that is past due as therein defined; or
- (2) failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner;

WHEREAS, Transportation Code, Section 702.003, permits a county assessor-collector to refuse to register a motor vehicle if the assessor-collector or the department receives under a contract information from a municipality that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law;

WHEREAS, Transportation Code, Section 502.010, authorizes a county to contract in order to provide information to the Texas Department of Motor Vehicles necessary to make a determination if a fine, fee, or tax is past due;

WHEREAS, Transportation Code, Section 502.010 permits a county that has a contract with the Texas Department of Motor Vehicles in order to provide information to the Texas Department of Motor Vehicles necessary to make a determination if a fine, fee, or tax is past due to impose an additional fee of \$20 to

- (1) a person who fails to pay a fine, fee, or tax to the county by the date on which the fine, fee, or tax is due; or
- (2) a person who fails to appear in connection with a complaint, citation, information, or indictment in a court in which a criminal proceeding is pending against the owner;

WHEREAS, Transportation Code, Section 702.003 provides that a municipality that has a contract with a county in which the municipality is located to provide information to the county assessor-collector necessary to make a determination that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law may impose an additional \$20 fee to that owner;

WHEREAS, under Transportation Code, Section 502.010 and Section 702.003, the additional fee may be used only to reimburse the department or the county assessor-collector for its expenses for providing services under the contract, or another county department for expenses related to services under the contract;

WHEREAS, the additional fees imposed by the County or participating municipalities are needed to offset the expenses of the service provided for flagging and de-flagging those persons identified as a result of past due fines, fees, or taxes or failures to appear as required for County purposes or for outstanding warrants for traffic violations or failures to appear for municipal purposes as specified by law and is entitled to be collected as a fee for contemporaneous service rendered to enable the owner to

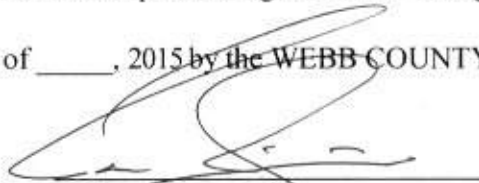
register the owner's vehicle;

WHEREAS, the County and participating municipalities with an interlocal agreement with the County have authority to impose said additional fee under Transportation Code, Sections 502.010 and 702.003 and are given the authority to collect same in the most effective way consistent with law; and

WHEREAS, the Legislature has not specified the means by which the fee is to be collected;

NOW THEREFORE, IT IS HEREBY ORDERED that pursuant to Section 502.010 of the Texas Transportation Code, the Commissioners Court of Webb County imposes the additional fee of Twenty Dollars and No Cents (\$20.00) to be collected by the county tax assessor-collector to be used for the purposes specified therein in accordance with the law. The Tax-Assessor Collector shall collect the County imposed additional fee at the time of service and shall notify the owner flagged under the system before the owner attends to and pays or otherwise takes measures to clear the past due fines, fees, or taxes or failures to appear that the additional fee shall be paid before registration may proceed. Interlocal agreements between the County and any participating municipality shall control the collection of the additional fee imposed by the municipality under Transportation Code, Section 702.003 and may authorize the Webb County Tax Assessor-Collector to collect said fee. Additional fees collected for the County and any participating municipalities shall be used for the purposes described by the statute. The Tax Assessor-Collector shall prepare a form to be used to evidence the action taken to clear such past due fines, fees, or taxes or failures to appear for County purposes or outstanding warrants for traffic violations or failures to appear for municipal purposes clearly stating that the fee is imposed and that actions taken to clear the aforementioned county or municipal fines, fees, taxes or failures to appear shall remain subject to the payment of the additional fee at the time of the registration service to be rendered to the owner. Upon registration of the owner's vehicle, the Tax Assessor Collector shall immediately take action to clear the owner's name from the scofflaw information systems used by the Tax Assessor-Collector. The fee shall not be collected from any owner flagged under the scofflaw program due to error or mistake made by County or personnel working for a city with an interlocal agreement with the County for scofflaw program enforcement or where, due to court order, all of that owner's flagged fines, fees, taxes, or failures to appear have been disposed of without requiring the owner to make an actual payment of money. An additional \$20.00 fee is imposed on and shall be collected from the owner flagged under the County scofflaw program for each fine, fee, tax or failure to appear owed to the County and cleared by actual payment of money. An additional \$20.00 fee shall be collected from the owner flagged under a municipality's interlocal agreement with the County for each outstanding warrant for traffic violations or failures to appear owed to the municipality and cleared by the owner's actual payment of money. Where there is more than one owner of the same vehicle to be registered or re-registered that owe money to the County or a municipality with an interlocal agreement with the County for scofflaw purposes, only one of the co-owners shall be required to clear the amount owed prior to registration or re-registration.

ADOPTED this ___ day of ___, 2015 by the WEBB COUNTY COMMISSIONERS COURT.


TANO E. TIJERINA
County Judge


Frank Sciaraffa
Commissioner Pct. #1


Rosaura Tijerina
Commissioner Pct. #2




John Galo
Commissioner Pct. #3




Jaime Canales
Commissioner Pct. #4

ATTEST:


Margie Ramirez Ibarra
Webb County Clerk



APPROVED AS TO FORM:


Marco A. Montemayor
Webb County Attorney

***By law, the county attorney's office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).**