


RENE GUERRA



MEMORANDUM

TO: Hidalgo County Tax Assessor-Collector, Office of Budget and Management, and Information and Technology Department

FROM: Criminal District Attorney, Rene Guerra 

Date: September 8, 2014

RE: INQUIRY REGARDING THE COLLECTION OF COUNTY SCOFFLAW FEES

My office received an inquiry regarding which office or department collects the Scofflaw fee under Texas Transportation Code Section 502.010 (“Fee”), as it relates to the Fee assessed by justice of the peace (“JP”) courts.

The Hidalgo County Commissioners Court has previously taken action to impose a \$20.00 Scofflaw fee to all JP cases with outstanding balances over 90 days, and authorized the Tax Assessor-Collector’s Office to administer the \$20.00 Scofflaw fee. (See AI-34251 CC Regular 09/18/12). Although subsection (f-1) of Section 502.010 implies that the “tax-assessor” or “another county department” could collect the Fee, the Commissioners Court action was not specific as to the actual collection of the Fee. In a previous opinion, the Attorney General’s Office stated that “[a]s the principal governing body of the county, the commissioners court may decide who assesses and collects the [Fee].” (See Attorney General Opinion No. GA-1006, at 3; 2013).

As such, the authority to decide which office or department assesses and collects the fee resides with the Hidalgo County Commissioners Court. Therefore, I would recommend that this matter be presented to the Hidalgo County Commissioners Court for clarification.

Should you have any questions or concerns, please do not hesitate to contact me, and/or the County Affairs Section of my office at 318-2313.