



THE ATTORNEY GENERAL OF TEXAS

Overruled by _____

GERALD C. MANN
~~WILLIAM C. MANN~~
ATTORNEY GENERAL

AUSTIN 11, TEXAS

February 23, 1939

Hon. J.P. Bryan, County Attorney
Brazoria County
Angleton, Texas

Dear Sir:

Opinion No. 0-360

Re: What disposition should be made
of fine collected by Justice of
Peace for violation of Motor
Carrier Act?

Your request for an opinion on the above stated, ques-
tion, has been received by this office.

Articles 1690a and 1690b Penal Code, generally, desig-
nate and define criminal offenses coming under or within the
Motor Carrier Act and prescribe the penalties in connection
therewith.

Section 17(c), Article 911b, Revised Civil Statutes,
reads as follows:

"All fees except the fee provided in Section
5 of this Act accruing under the terms of this
Act and all fines and penalties collected under
the provisions of this Act shall be payable to the
State Treasury at Austin and credited to a fund
to be known and designated as the 'Motor Carrier
Fund,' which fund is appropriated for the purpose
of carrying out the terms of this Act and out of
which all warrants and expenditures necessary in
administering and enforcing this Act shall be paid."

All officers charged by law with collecting money in
the name or for the use of the State, would be entitled to the
commissions on fines collected by virtue of the above mentioned
statutes to the same extent as they would be in any other mis-
demeanor case as provided by chapter 3 of the Code of Criminal
Procedure.

You are respectfully advised that it is the opinion
of this department that all fines collected for the violation
of the Motor Carrier Act should be deposited with the State
Treasury at Austin, Texas and credited to a fund known and
designated as the "Motor Carrier Fund", after deducting com-

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missions as allowed by law.

Trusting the foregoing answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Ardell Williams
Ardell Williams
Assistant

AW:ob:wc

Approved:
s/Gerald C. Mann
ATTORNEY GENERAL OF TEXAS