

By: Garza

H.B. No. 3106

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the issuance of specially designed license plates by  
3 the Texas Department of Transportation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter F, Chapter 502, Transportation Code,  
6 is amended by adding Section 502.2524 to read as follows:

7 Sec. 502.2524. CREATION OF NEW SPECIALTY PLATES BY THE  
8 DEPARTMENT. (a) The department may create new specialty license  
9 plates on its own initiative or on receipt of an application from a  
10 potential sponsor. A new specialty plate created under this  
11 section must meet the requirements of Section 502.2526 unless it is  
12 created by the department on its own initiative. The department may  
13 allow a new specialty license plate to be personalized.

14 (b) Any person may sponsor a new specialty plate by  
15 submitting an application. An application may nominate a state  
16 agency to receive funds generated by the new specialty plate. An  
17 application may also identify uses to which the funds generated by  
18 the new specialty plate should be appropriated.

19 (c) The department shall design each new specialty plate in  
20 consultation with the sponsor, if any, that applied for creation of  
21 that specialty plate. The plate design shall be the exclusive  
22 property of the department. The department may refuse to create a  
23 new specialty plate if the design might be offensive to any members  
24 of the public, if the nominated state agency does not consent to

1 receipt of the funds generated by the plate, if the uses identified  
2 for the funds might violate any statutory or constitutional  
3 provision, or for any other reason established by the commission.  
4 At the request of the sponsor, distribution of the plate may be  
5 limited by the department. If distribution of a specialty plate is  
6 limited to particular persons or vehicles, the application must  
7 include evidence satisfactory to the department that the applicant  
8 and the applicant's vehicle are eligible.

9 (d) The department shall issue specialty plates created  
10 under this section to a person who:

11 (1) applies to the county assessor-collector of the  
12 county in which the person resides on a form provided by the  
13 department; and

14 (2) pays an annual fee of \$30 in addition to the fee  
15 prescribed by Section 502.161 and, if personalized prestige license  
16 plates are issued, in addition to the fee prescribed by Section  
17 502.251.

18 (e) The first \$15,000 collected as fees for a new specialty  
19 plate shall be deposited to the credit of the state highway fund to  
20 reimburse the department for its initial costs in beginning  
21 production of the new specialty plate. After the first \$15,000, for  
22 each fee collected:

23 (1) an amount determined by the commission shall be  
24 deposited to the credit of the state highway fund to reimburse the  
25 department for its incremental costs in producing each specialty  
26 plate; and

27 (2) the remainder shall be deposited to the credit of:

1           (A) the specialty license plate fund, an account  
2 in the general revenue fund, if the sponsor nominated a state agency  
3 to receive the funds; or

4           (B) the state highway fund if the sponsor did not  
5 nominate a state agency to receive the funds or if there is no  
6 sponsor.

7           (f) Subchapter D, Chapter 316, Government Code, and Section  
8 403.095, Government Code, do not apply to fees collected under this  
9 section.

10           (g) The department may report to the legislature at any time  
11 concerning implementation of this section. The report may include  
12 recommendation concerning the appropriations, by amount, state  
13 agency, and uses, that would be necessary to implement the requests  
14 of sponsors.

15           (h) If a sponsor did not name a state agency to receive the  
16 funds or if there is no sponsor, the department may license a  
17 trademark for inclusion within the design of the plates and may pay  
18 a fee for the trademark license.

19           (i) If the specialty plates issued under this section are  
20 lost, stolen, or mutilated, the owner of the vehicle for which the  
21 plates were issued may obtain replacement plates from the  
22 department by paying the replacement fee prescribed by Section  
23 502.184(a)(2). If the owner of a vehicle registered under this  
24 section disposes of the vehicle during the registration year, the  
25 owner shall return the specialty plates to the department.

26           (j) The commission shall adopt rules and the department  
27 shall issue forms to implement this section.

1 SECTION 2. This Act takes effect January 1, 2004.