1-1 By: Harless (Senate Sponsor - Ellis)   H.B. No. 2652
1-2   (In the Senate - Received from the House April 30, 2007;
1-3 May 2, 2007, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 21, 2007, reported
1-5 favorably by the following vote: Yeas 5, Nays 0; May 21, 2007, sent
1-6 to printer.)

1-7   A BILL TO BE ENTITLED
1-8   AN ACT

1-9 relating to application of certain law relating to the regulation
1-10 of certain motor vehicle manufacturers, converters, distributors,
1-11 and dealers and enforcement of motor vehicle warranties.
1-12   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13   SECTION 1. Sections 2301.002(23) and (32), Occupations
1-14 Code, are amended to read as follows:
1-15   (23) "Motor vehicle" means:
1-16   (A) a fully self-propelled vehicle having two or
1-17 more wheels that has as its primary purpose the transport of a
1-18 person or persons, or property, on a public highway;
1-19   (B) a fully self-propelled vehicle having two or
1-20 more wheels that:
1-21   (i) has as its primary purpose the
1-22 transport of a person or persons or property;
1-23   (ii) is not manufactured for use on public
1-24 streets, roads, or highways; and
1-25   (iii) is eligible for issuance of [has been
1-26 issued] a certificate of title;
1-27   (C) an engine, transmission, or rear axle,
1-28 regardless of whether attached to a vehicle chassis, manufactured
1-29 for installation in a vehicle that has:
1-30   (i) the transport of a person or persons, or
1-31 property, on a public highway as its primary purpose; and
1-32   (ii) a gross vehicle weight rating of more
1-33 than 16,000 pounds; or
1-34   (D) a towable recreational vehicle.
1-35   (32) "Towable recreational vehicle" means a
1-36 nonmotorized camper trailer [vehicle] that:
1-37   (A) is less than eight feet wide or 40 feet long,
1-38 not including any hitch installed on the vehicle;
1-39   (B) is [was originally] designed [and
1-40 manufactured] primarily for use as [to provide] temporary living
1-41 quarters [human habitation] in connection [conjunction] with
1-42 recreational, camping, or seasonal use and not as a permanent
1-43 dwelling;
1-44   [(B) is titled and registered with the department
1-45 as a travel trailer through a county tax assessor-collector;]
1-46   (C) is not a utility trailer, enclosed trailer,
1-47 or other trailer that does not have human habitation as its primary
1-48 purpose [permanently built on a single chassis;
1-49   [(D) contains at least one life support system];
1-50 and
1-51   (D) [(E)] is designed to be towable by a motor
1-52 vehicle.
1-53   SECTION 2. Section 2301.601(2), Occupations Code, is
1-54 amended to read as follows:
1-55   (2) "Owner" means a person who:
1-56   (A) purchased a motor vehicle at retail from a
1-57 license holder [and is entitled to enforce a manufacturer's
1-58 warranty with respect to the vehicle];
1-59   (B) is a lessor or lessee, other than a
1-60 sublessee, who purchased or leased the vehicle from a license
1-61 holder; [or]
1-62   (C) purchased at retail or leased a motor vehicle
1-63 and has the motor vehicle registered in [is the transferee or
1-64 assignee of a person described by Paragraph (A) or (B), a resident

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2-1   ~~of~~] this state<u>;</u>

2-2   <u>(D) is an active duty member of the United States</u>

2-3   <u>armed forces who is stationed in this state or was stationed in this</u>

2-4   <u>state at the time of the commencement of a proceeding under this</u>

2-5   <u>subchapter who purchased at retail or leased a motor vehicle; or</u>

2-6   <u>(E) is the transferee or assignee of a person</u>

2-7   <u>described by this subdivision and a resident of this state</u> [~~, and~~

2-8   ~~entitled to enforce the manufacturer's warranty~~].

2-9   SECTION 3. This Act takes effect immediately if it receives

2-10   a vote of two-thirds of all the members elected to each house, as

2-11   provided by Section 39, Article III, Texas Constitution. If this

2-12   Act does not receive the vote necessary for immediate effect, this

2-13   Act takes effect September 1, 2007.

2-14   * * * * *