

By: Carona

S.B. No. 1897

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Department of Transportation to refuse to register a motor vehicle in certain circumstances.

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

SECTION 1. Section 502.185, Transportation Code, is amended to read as follows:

Sec. 502.185. REFUSAL TO REGISTER CERTAIN VEHICLES [~~VEHICLE IN CERTAIN COUNTIES~~]. (a) A county may enter into a contract with [~~assessor-collector or~~] the department under which the department shall [~~may~~] refuse to register a motor vehicle if the assessor-collector for that county notifies [~~or~~] the department [~~receives information~~] that the owner of the vehicle owes the county money for a fine, fee, or tax that is past due.

(b) The [~~A county may contract with the~~] department shall refuse to register a motor vehicle if the department has received from the assessor-collector for a county that has entered into a contract with [~~to provide information to~~] the department [~~necessary to make a determination~~] under Subsection (a) notice that the owner of the vehicle owes the county money for a fine, fee, or tax that is past due. To be valid, the notice must include:

(1) the name of the owner and the license number or vehicle identification number of the vehicle;

(2) the amount of each fine, fee, or tax that is past due;

1 (3) the name of the entity to which each fine, fee, or
2 tax is due; and

3 (4) the address of the office where payment of each
4 fine, fee, or tax can be made or sent and the telephone number for
5 that office.

6 (c) On receipt of notice that complies with Subsection (b),
7 the department shall notify the owner of the vehicle, in writing, of
8 the department's refusal under this section to register the
9 vehicle. The department shall include with the notice to the owner
10 a copy of the notice received from the county assessor-collector
11 under Subsection (b) or a statement that includes the information
12 listed in Subsections (b)(1)-(4). The notice must state that the
13 department will continue to refuse to register the vehicle until
14 the owner pays or otherwise discharges each fine, fee, or tax due
15 the county.

16 (d) A county assessor-collector who ~~[that]~~ has sent a notice
17 to the department ~~[contract]~~ under Subsection (b) shall notify the
18 department not later than the third business day after the date the
19 person ~~[regarding a person for whom the county assessor-collector~~
20 ~~or the department has refused to register a motor vehicle on]~~ :

21 (1) makes ~~[the person's]~~ payment or other means of
22 discharge of the past due fine, fee, or tax; or

23 (2) perfects ~~[perfection of]~~ an appeal of the case
24 contesting payment of the fine, fee, or tax.

25 (e) ~~[(d)]~~ After notice is received under Subsection (d),
26 ~~[(c), the county assessor-collector or]~~ the department may not
27 refuse to register the motor vehicle under Subsection (b) ~~[(a)].~~

1 (f) The department may enter into a [~~(e)~~—A] contract with a
2 private vendor to implement this section [~~under Subsection (b) must~~
3 ~~be entered into in accordance with Chapter 791, Government Code,~~
4 ~~and is subject to the ability of the parties to provide or pay for~~
5 ~~the services required under the contract~~].

6 (g) [~~(f)~~] A county that has entered into a contract under
7 Subsection (a) [~~(b)~~] may impose an additional fee on [~~to~~] a person
8 paying a fine, fee, or tax to the county after the date the county
9 assessor-collector sends notice to the department under Subsection
10 (b) [~~it is past due~~]. The amount of the additional fee must be
11 reasonable. Each additional fee collected by a county shall be sent
12 to the department for deposit to the credit of the state highway
13 fund and [~~may be~~] used only to reimburse the department for its
14 expenses for providing services under the contract.

15 (h) [~~(g)~~] In this section:

16 (1) a fine, fee, or tax is considered past due if it is
17 unpaid 90 or more days after the date it is due; and

18 (2) registration of a motor vehicle includes renewal
19 of the registration of the vehicle.

20 (i) [~~(h)~~] This section does not apply to the registration of
21 a motor vehicle under Section 501.0234.

22 SECTION 2. An existing contract entered into by a county and
23 the Texas Department of Transportation under Section 502.185,
24 Transportation Code, as that section existed immediately before the
25 effective date of this Act, automatically terminates on the
26 effective date of this Act.

27 SECTION 3. This Act takes effect September 1, 2010.