

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Krusee

H.B. No. 733

A BILL TO BE ENTITLED

AN ACT

relating to the sale of certain used trucks; providing penalties.

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

SECTION 1. Section 2301.476, Occupations Code, is amended by adding Subsections (j) through (o) to read as follows:

(j) This section does not prohibit a manufacturer or distributor that owned, on or before January 1, 2007, an interest in a motor vehicle dealer engaged in the sale of used motor vehicles, and that has not agreed to or been ordered by a court order or ruling to comply with Subsection (c), from continuing to directly or indirectly own an interest in the motor vehicle dealer if the manufacturer's or distributor's ownership and control of the motor vehicle dealer does not increase after January 1, 2007. The exception provided by this subsection:

(1) applies if the motor vehicle dealer is engaged in the business of selling or offering for sale only used trucks that have a gross vehicle weight rating of 16,000 pounds or more;

(2) does not apply if the motor vehicle dealer sells a new motor vehicle;

(3) does not permit an increase in the manufacturer's or distributor's ownership interest in the motor vehicle dealer;

(4) does not grant an exception to this chapter other than the exception expressly provided by this subsection;

(5) applies regardless of whether there is a transfer

1 or relocation of the motor vehicle dealer required by:

2 (A) an act of God;

3 (B) the exercise of eminent domain authority; or

4 (C) another reason approved by the division after  
5 a hearing conducted in the same manner as a contested case under  
6 Subchapter O; and

7 (6) does not apply if the manufacturer or distributor  
8 no longer owns the interest in the motor vehicle dealer that the  
9 manufacturer or distributor owned on or before January 1, 2007.

10 (k) A motor vehicle dealer under Subsection (j) violates  
11 that subsection if the dealer:

12 (1) sells or offers for sale a motor vehicle with a  
13 gross vehicle weight rating of less than 16,000 pounds, other than a  
14 motor vehicle the dealer has acquired as a trade-in in a transaction  
15 involving the retail sale of a motor vehicle with a gross vehicle  
16 weight rating of 16,000 pounds or more and if the trade-in motor  
17 vehicle will be sold or offered for sale only to a person who holds a  
18 general distinguishing number issued in the category described by  
19 Section 503.029(a)(6)(C), Transportation Code;

20 (2) performs or offers to perform new motor vehicle  
21 warranty repair; or

22 (3) sells or offers for sale a new motor vehicle.

23 (l) A manufacturer or distributor described by Subsection  
24 (j) violates that subsection if the manufacturer or distributor:

25 (1) sells, assigns, or otherwise transfers an interest  
26 in the motor vehicle dealer or a portion of its interest in the  
27 motor vehicle dealer to an unaffiliated manufacturer or

1 distributor; or

2 (2) increases its ownership interest in the motor  
3 vehicle dealer.

4 (m) A person who violates Subsection (j), (k), or (l) is  
5 subject to:

6 (1) a civil penalty under Section 2301.801;

7 (2) a suit for injunctive relief under Section  
8 2301.804; and

9 (3) denial, revocation, or suspension of a license  
10 under Section 2301.651.

11 (n) For purposes of Subsections (j), (k), and (l), a  
12 reference to a motor vehicle dealer includes the physical premises,  
13 business facilities, and operations where motor vehicle sales  
14 occur.

15 (o) This subsection, Subsections (j) through (n), and the  
16 exception provided by Subsection (j) expire September 1, 2023.

17 SECTION 2. This Act takes effect September 1, 2008.

ADOPTED

MAY 01 2007

*Atty. Gen.*  
Secretary of the Senate

By: Krusee

H.B. No. 733

Substitute the following for H.B. No. 733 :

By: Carona

C.S. H.B. No. 733

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(1) applies if the motor vehicle dealer is engaged in the business of selling or offering for sale only used trucks that have a gross vehicle weight rating of 16,000 pounds or more;

(2) does not apply if the motor vehicle dealer sells a new motor vehicle;

(3) does not permit an increase in the manufacturer's or distributor's ownership interest in the motor vehicle dealer;

(4) does not grant an exception to this chapter other than the exception expressly provided by this subsection;

(5) applies regardless of whether there is a transfer

1 or relocation of the motor vehicle dealer required by:

2 (A) an act of God;

3 (B) the exercise of eminent domain authority; or

4 (C) another reason approved by the division after  
5 a hearing conducted in the same manner as a contested case under  
6 Subchapter O; and

7 (6) does not apply if the manufacturer or distributor  
8 no longer owns the interest in the motor vehicle dealer that the  
9 manufacturer or distributor owned on or before January 1, 2007.

10 (k) A motor vehicle dealer under Subsection (j) violates  
11 that subsection if the dealer:

12 (1) sells or offers for sale a motor vehicle with a  
13 gross vehicle weight rating of less than 16,000 pounds, other than a  
14 motor vehicle the dealer has acquired as a trade-in in a transaction  
15 involving the retail sale of a motor vehicle with a gross vehicle  
16 weight rating of 16,000 pounds or more and if the trade-in motor  
17 vehicle will be sold or offered for sale only to a person who holds a  
18 general distinguishing number issued in the category described by  
19 Section 503.029(a)(6)(C), Transportation Code;

20 (2) performs or offers to perform new motor vehicle  
21 warranty repair; or

22 (3) sells or offers for sale a new motor vehicle.

23 (l) A manufacturer or distributor described by Subsection  
24 (j) violates that subsection if the manufacturer or distributor:

25 (1) sells, assigns, or otherwise transfers an interest  
26 in the motor vehicle dealer or a portion of its interest in the  
27 motor vehicle dealer to an unaffiliated manufacturer or

1 distributor; or

2 (2) increases its ownership interest in the motor  
3 vehicle dealer.

4 (m) A person who violates Subsection (j), (k), or (l) is  
5 subject to:

6 (1) a civil penalty under Section 2301.801;

7 (2) a suit for injunctive relief under Section  
8 2301.804; and

9 (3) denial, revocation, or suspension of a license  
10 under Section 2301.651.

11 (n) For purposes of Subsections (j), (k), and (l), a  
12 reference to a motor vehicle dealer includes the physical premises,  
13 business facilities, and operations where motor vehicle sales  
14 occur.

15 (o) This subsection, Subsections (j) through (n), and the  
16 exception provided by Subsection (j) expire September 1, 2013.

17 SECTION 2. This Act takes effect September 1, 2008.

FLOOR AMENDMENT NO. 1

BY: Caron

1 Amend C.S.H.B. No. 733, in proposed Subsection (o), Section  
2 2301.476, Occupations Code (committee printing page 2, line 12), by  
3 striking "2013" and substituting "2023".

**ADOPTED**

19-9  
MAY 01 2007

*Lotay Spaw*  
Secretary of the Senate





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 19, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB733** by Krusee (Relating to the sale of certain used trucks; providing penalties.),  
**Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

Based on the analysis of the Texas Department of Transportation, it is assumed the provisions of the bill would have no fiscal impact to the state.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, TG, KJG



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 5, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB733** by Krusee (Relating to the sale of certain used trucks; providing penalties.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

Based on the analysis of the Texas Department of Transportation, it is assumed the provisions of the bill would have no fiscal impact to the state.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, TG



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 15, 2007**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB733** by Krusee (Relating to the sale of certain used trucks; providing penalties.),  
**Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

Based on the analysis of the Texas Department of Transportation, it is assumed the provisions of the bill would have no fiscal impact to the state.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, TG



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 3, 2007**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HB733 by Krusee (Relating to the sale of certain used trucks.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, TG

