

BILL ANALYSIS

C.S.H.B. 3988
By: Merritt
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas currently issues military specialty license plates to eligible active duty and veteran servicemembers who are former prisoners of war, Pearl Harbor survivors, Purple Heart recipients, and disabled veterans. The current annual registration fee for a set of such military specialty plates is \$3.

State law entitles the surviving spouse of a deceased veteran who held a registration for military specialty license plates to continue to register one vehicle for that specific type of plate for an annual fee of \$3 as long as the spouse remains unmarried and provides proof of the eligibility of the applicant's deceased spouse for that type of plate. However, one category of military surviving spouse the state law does not address is a surviving spouse of a military servicemember who died on active duty.

C.S.H.B. 3988 establishes the eligibility of a disabled surviving spouse of a deceased disabled veteran to register for disabled veteran license plates and establishes related parking provisions. The bill establishes the eligibility of a surviving spouse of a military veteran to register for military specialty license plates.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3988 amends provisions of the Transportation Code relating to specialty license plates for disabled veterans to authorize the surviving spouse of a military veteran who, at the time of death, had a vehicle registered under those provisions to register one vehicle under those provisions as long as the spouse remains unmarried and is permanently disabled at the time of application. The bill requires an applicant for registration as the spouse of the deceased to submit proof of the deceased veteran's previous eligibility and the surviving spouse's current eligibility. The bill, subject to certain other laws, allows a vehicle to be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities if the vehicle is being operated by or for the transportation of a person with a disability and displays specialty license plates for veterans with disabilities. The bill exempts the owner of such a vehicle from the payment of a fee or penalty imposed by a governmental unit for parking at a meter.

C.S.H.B. 3988, in provisions relating to specialty license plates for the military, clarifies that the surviving spouse of a person is entitled to register one vehicle under such provisions if the surviving spouse remains unmarried and either the deceased was issued a military specialty license plate, the deceased would have been eligible for military specialty license plates if the deceased had applied when alive; or the deceased was killed in action or posthumously became qualified for issuance of military license plates. The bill provides that the fee for a set of

specialty license plates for the military, and for replacement plates, is as appropriate to the plate type category. The bill establishes that to the extent of a conflict between that fee provisions and another provision relating to specialty license plates generally, the provisions set forth by the bill prevail.

C.S.H.B. 3988 repeals Section 504.3015(c), Transportation Code, which requires a surviving spouse of a person eligible for military specialty license plates, on application for a set of license plates under state law, to pay the fees required for the type of license plate for which the surviving spouse is eligible.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3988 differs from the original, in provisions relating to specialty plates for disabled veterans, by requiring the surviving spouse, in order to continue registering a vehicle, not only to remain unmarried as in the original, but also be permanently disabled at the time of application. The substitute differs from the original by requiring an applicant for such registration not only to submit proof of the surviving spouse's current eligibility but also the deceased veterans' previous eligibility. The substitute adds provisions not in the original allowing a vehicle displaying specialty plates issued to such a surviving spouse, if being operated by or for the transportation of a person with a disability, to be parked for an unlimited period in an area designated specifically for persons with physical disabilities, and establishing an exemption for the owner of such a vehicle from paying a fee or penalty imposed for parking at a meter.

C.S.H.B. 3988, in provisions relating to military specialty license plates, removes a definition of "military servicemember" contained in the original. The substitute differs from the original by entitling a surviving spouse of a deceased military veteran to register one vehicle, without limiting such entitlement, as in the original, to a surviving spouse of a servicemember who died while serving on active duty. The substitute adds a provision, not in the original, extending the entitlement not only if the deceased was merely eligible for the plates, as in the original, but also if the deceased was actually issued plates. The substitute adds a provision, not in the original, extending the entitlement not only if the deceased posthumously qualified, as in the original, but also if the deceased was killed in action. The substitute removes provisions in the original requiring the surviving spouse to submit proof of both the deceased servicemember's eligibility and the surviving spouse's eligibility. The substitute differs from the original by containing different fee provisions for military specialty license plates.