

By: McClendon

H.B. No. 1549

A BILL TO BE ENTITLED

AN ACT

relating to the creation, organization, duties, and functions of the Texas Department of Motor Vehicles; providing a penalty.

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

ARTICLE 1. TEXAS DEPARTMENT OF MOTOR VEHICLES

SECTION 1.01. Title 7, Transportation Code, is amended by adding Subtitle M to read as follows:

SUBTITLE M. DEPARTMENT OF MOTOR VEHICLES

CHAPTER 1001. ORGANIZATION OF DEPARTMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1001.001. DEFINITIONS. In this subtitle:

(1) "Commissioner" means the commissioner of motor vehicles.

(2) "Department" means the Texas Department of Motor Vehicles.

Sec. 1001.002. CREATION OF DEPARTMENT; DUTIES. (a) The department is created as an agency of this state.

(b) In addition to the other duties required of the Texas Department of Motor Vehicles, the department shall administer and enforce:

(1) Subtitles A, B, and D;

(2) Chapters 550, 702, 703, 706, 708, and 724;

(3) Chapter 2301, Occupations Code; and

(4) Article 4413(37), Revised Statutes.

1 Sec. 1001.003. COMPOSITION OF DEPARTMENT. The department
2 is composed of the commissioner and other officers and employees
3 required to efficiently implement:

4 (1) this subtitle;

5 (2) other applicable motor vehicle laws of this state;

6 and

7 (3) other laws that grant jurisdiction to or are
8 applicable to the department.

9 Sec. 1001.004. SUNSET PROVISION. The department is subject
10 to Chapter 325, Government Code (Texas Sunset Act). Unless
11 continued in existence as provided by that chapter, the department
12 is abolished September 1, 2021.

13 Sec. 1001.005. DEFENSE BY ATTORNEY GENERAL. The attorney
14 general shall defend an action brought against the commissioner or
15 an employee or officer of the department as a result of that
16 person's official act or omission, whether or not at the time of the
17 institution of the action that person has terminated service with
18 the department.

19 [Sections 1001.006-1001.020 reserved for expansion]

20 SUBCHAPTER B. COMMISSIONER OF MOTOR VEHICLES

21 Sec. 1001.021. CHIEF EXECUTIVE. (a) The commissioner is
22 the department's chief executive and administrative officer.

23 (b) The commissioner has the powers and duties vested in the
24 commissioner by this code and other applicable motor vehicle laws
25 of this state.

26 Sec. 1001.022. APPOINTMENT; TERM. (a) The governor, with
27 the advice and consent of the senate, shall appoint the

1 commissioner. The commissioner serves a two-year term that expires
2 on February 1 of each odd-numbered year.

3 (b) The governor shall appoint the commissioner without
4 regard to the race, color, disability, sex, religion, age, or
5 national origin of the appointee.

6 Sec. 1001.023. QUALIFICATIONS. The commissioner must:

7 (1) be a competent and experienced administrator;

8 (2) be well informed and qualified in the fields of
9 motor vehicles and vehicle titling and registration; and

10 (3) have at least five years of experience in the
11 administration of business or government or as a practicing
12 attorney or certified public accountant.

13 Sec. 1001.024. INELIGIBILITY FOR PUBLIC OFFICE. The
14 commissioner is ineligible to be a candidate for a public elective
15 office in this state unless the commissioner has resigned and the
16 governor has accepted the resignation.

17 Sec. 1001.025. COMPENSATION. The commissioner is entitled
18 to compensation as provided by the General Appropriations Act.

19 Sec. 1001.026. GROUNDS FOR REMOVAL. (a) It is a ground for
20 removal from office if the commissioner:

21 (1) does not have at the time of appointment the
22 qualifications required by Section 1001.023;

23 (2) does not maintain during service as commissioner
24 the qualifications required by Section 1001.023;

25 (3) violates a prohibition established by Section
26 1007.002, 1007.004, or 1007.005; or

27 (4) cannot, because of illness or disability,

1 discharge the commissioner's duties for a substantial part of the
2 commissioner's term.

3 (b) The validity of an action of the commissioner or the
4 department is not affected by the fact that it is taken when a
5 ground for removal of the commissioner exists.

6 Sec. 1001.027. TRAINING PROGRAM FOR COMMISSIONER. (a) Not
7 later than the 90th day after the date on which the commissioner
8 takes office, the commissioner shall complete a training program
9 that complies with this section.

10 (b) The training program must provide the commissioner with
11 information regarding:

12 (1) the legislation that created the department;

13 (2) the programs operated by the department;

14 (3) the role and functions of the department;

15 (4) the rules of the department, with an emphasis on
16 the rules that relate to disciplinary and investigatory authority;

17 (5) the current budget for the department;

18 (6) the results of the most recent formal audit of the
19 department;

20 (7) the requirements of:

21 (A) the open meetings law, Chapter 551,
22 Government Code;

23 (B) the public information law, Chapter 552,
24 Government Code;

25 (C) the administrative procedure law, Chapter
26 2001, Government Code; and

27 (D) other laws relating to public officials,

1 including conflict of interest laws; and
2 (8) any applicable ethics policies adopted by the
3 department or the Texas Ethics Commission.

4 [Sections 1001.028-1001.040 reserved for expansion]

5 SUBCHAPTER C. PERSONNEL

6 Sec. 1001.041. DEPARTMENT PERSONNEL. (a) Subject to the
7 General Appropriations Act or other law, the commissioner shall
8 appoint deputies, assistants, and other personnel as necessary to
9 carry out the powers and duties of the commissioner and the
10 department under this code, other applicable motor vehicle laws of
11 this state, and other laws granting jurisdiction or applicable to
12 the department or the commissioner.

13 (b) A person appointed under this section must have the
14 professional, administrative, and motor vehicle experience
15 necessary to qualify the person for the position to which the person
16 is appointed.

17 (c) A person appointed as an associate or deputy
18 commissioner or to hold an equivalent position must have at least
19 five years of the experience required for appointment as
20 commissioner under Section 1001.023. At least two years of that
21 experience must be in work related to the position to be held.

22 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The
23 commissioner shall develop and implement policies that clearly
24 define the respective responsibilities of the commissioner and the
25 staff of the department.

26 Sec. 1001.043. EQUAL EMPLOYMENT OPPORTUNITY POLICY;
27 REPORT. (a) The commissioner or the commissioner's designee shall

1 prepare and maintain a written policy statement to ensure
2 implementation of a program of equal employment opportunity under
3 which all personnel transactions are made without regard to race,
4 color, disability, sex, religion, age, or national origin. The
5 policy statement must include:

6 (1) personnel policies, including policies relating
7 to recruitment, evaluation, selection, appointment, training, and
8 promotion of personnel that are in compliance with Chapter 21,
9 Labor Code;

10 (2) a comprehensive analysis of the department
11 workforce that meets federal and state guidelines;

12 (3) procedures by which a determination can be made of
13 significant underuse in the department workforce of all persons for
14 whom federal or state guidelines encourage a more equitable
15 balance; and

16 (4) reasonable methods to appropriately address those
17 areas of significant underuse.

18 (b) A policy statement prepared under this section must:

19 (1) cover an annual period;

20 (2) be updated annually;

21 (3) be reviewed by the civil rights division of the
22 Texas Workforce Commission for compliance with Subsection (a); and

23 (4) be filed with the governor.

24 (c) The governor shall deliver a biennial report to the
25 legislature based on the information received under Subsection (b).

26 The report may be made separately or as a part of other biennial
27 reports made to the legislature.

1 Sec. 1001.044. QUALIFICATIONS AND STANDARDS OF CONDUCT.

2 The commissioner shall provide to department employees, as often as
3 necessary, information regarding their:

4 (1) qualification for office or employment under this
5 subtitle; and

6 (2) responsibilities under applicable laws relating
7 to standards of conduct for state employees.

8 Sec. 1001.045. CAREER LADDER PROGRAM; PERFORMANCE
9 EVALUATIONS. (a) The commissioner or the commissioner's designee
10 shall develop an intra-agency career ladder program. The program
11 must require intra-agency posting of all nonentry level positions
12 concurrently with any public posting.

13 (b) The commissioner or the commissioner's designee shall
14 develop a system of annual performance evaluations. All merit pay
15 for department employees must be based on the system established
16 under this subsection.

17 CHAPTER 1002. RULES

18 Sec. 1002.001. GENERAL RULEMAKING AUTHORITY. The
19 commissioner or the department may adopt any rules necessary and
20 appropriate to implement the powers and duties of the department
21 under this code and other laws of this state.

22 Sec. 1002.002. RULES RESTRICTING ADVERTISING OR
23 COMPETITIVE BIDDING. The commissioner or the department may not
24 adopt rules restricting advertising or competitive bidding by a
25 person regulated by the department except to prohibit false,
26 misleading, or deceptive practices by the person.

27 Sec. 1002.003. INTERIM RULES TO COMPLY WITH FEDERAL

1 REQUIREMENTS. (a) The commissioner or the department may adopt
2 rules to implement state responsibility in compliance with a
3 federal law or regulation or action of a federal court relating to a
4 person or activity under the jurisdiction of the department if:

5 (1) federal law or regulation, or an action of a
6 federal court, requires:

7 (A) a state to adopt the rules; or

8 (B) action by a state to ensure protection of the
9 citizens of the state;

10 (2) the rules will avoid federal preemption of an
11 activity under the jurisdiction of the department; or

12 (3) the rules will prevent the loss of federal funds to
13 this state.

14 (b) The commissioner or the department may adopt a rule
15 under this section only if the federal action requiring the
16 adoption of a rule occurs or takes effect between sessions of the
17 legislature or at such time during a session of the legislature that
18 sufficient time does not remain to permit the preparation of a
19 recommendation for legislative action or permit the legislature to
20 act. A rule adopted under this section shall remain in effect only
21 until 30 days following the end of the next session of the
22 legislature unless a law is enacted that authorizes the subject
23 matter of the rule. If a law is enacted that authorizes the subject
24 matter of the rule, the rule will continue in effect.

25 CHAPTER 1003. DEPARTMENT PROCEDURES

26 Sec. 1003.001. APPLICABILITY OF CERTAIN LAWS. Except as
27 specifically provided by law, the department is subject to Chapters

1 2001 and 2002, Government Code.

2 Sec. 1003.002. SUMMARY PROCEDURES FOR ROUTINE MATTERS. (a)

3 The commissioner or the department by rule may:

4 (1) create a summary procedure for routine matters;

5 and

6 (2) designate department activities that otherwise
7 would be subject to Chapter 2001, Government Code, as routine
8 matters to be handled under the summary procedure.

9 (b) An activity may be designated as a routine matter only
10 if the activity is:

11 (1) voluminous;

12 (2) repetitive;

13 (3) believed to be noncontroversial; and

14 (4) of limited interest to anyone other than persons
15 immediately involved in or affected by the proposed department
16 action.

17 (c) The rules may establish procedures different from those
18 contained in Chapter 2001, Government Code. The procedures must
19 require, for each party directly involved, notice of a proposed
20 negative action not later than the fifth day before the date the
21 action is proposed to be taken.

22 (d) A rule adopted by the commissioner under this section
23 may provide for the delegation of authority to take action on a
24 routine matter to a salaried employee of the department designated
25 by the commissioner.

26 Sec. 1003.003. REVIEW OF ACTION ON ROUTINE MATTER. (a) A
27 person directly or indirectly affected by an action of the

1 commissioner or the department on a routine matter taken under the
2 summary procedure adopted under Section 1003.002 is entitled to a
3 review of the action under Chapter 2001, Government Code.

4 (b) The person must apply to the commissioner not later than
5 the 60th day after the date of the action to be entitled to the
6 review.

7 (c) The timely filing of the application for review
8 immediately stays the action pending a hearing on the merits.

9 (d) The commissioner and the department may adopt rules
10 relating to an application for review under this section and
11 consideration of the application.

12 Sec. 1003.004. INFORMAL DISPOSITION OF CERTAIN CONTESTED
13 CASES. The commissioner or the department, as applicable, may, on
14 written agreement or stipulation of each party and any intervenor,
15 informally dispose of a contested case in accordance with Section
16 2001.056, Government Code, notwithstanding any provision of this
17 code or other law that requires a hearing before the commissioner or
18 the department, as applicable.

19 Sec. 1003.005. NEWSPAPER PUBLICATION. Except as otherwise
20 provided by law, a notice or other matter that this code or other
21 law requires the commission or the department to publish must be
22 published for three successive weeks in two newspapers that:

23 (1) are printed in this state; and

24 (2) have a general circulation in this state.

25 CHAPTER 1004. GENERAL SUBPOENA POWERS; WITNESSES

26 AND PRODUCTION OF RECORDS

27 Sec. 1004.001. DEFINITION. In this chapter, "records"

1 includes books, accounts, documents, papers, correspondence, and
2 other material.

3 Sec. 1004.002. SUBPOENA AUTHORITY. (a) With respect to a
4 matter that the commissioner or the department has authority to
5 consider or investigate, the commissioner or the department may
6 issue a subpoena applicable throughout this state that requires:

7 (1) the attendance and testimony of a witness; and

8 (2) the production of records.

9 (b) In connection with a subpoena, the commissioner or
10 department may require attendance and production of records before
11 the commissioner or the commissioner's designee:

12 (1) at the department's offices in Austin; or

13 (2) at another place designated by the commissioner or
14 the department.

15 (c) In connection with a subpoena, the commissioner or the
16 commissioner's designee may administer an oath, examine a witness,
17 or receive evidence.

18 Sec. 1004.003. SERVICE OF SUBPOENA. (a) A subpoena issued
19 by the commissioner or the department may be served, at the
20 discretion of the commissioner or department, by the commissioner,
21 an authorized agent of the commissioner, a sheriff, or a constable.

22 (b) The sheriff's or constable's fee for serving the
23 subpoena is the same as the fee paid to the sheriff or constable for
24 similar services.

25 Sec. 1004.004. ENFORCEMENT OF SUBPOENA. (a) On
26 application of the commissioner or the department, as applicable,
27 in the case of disobedience of a subpoena issued by the commissioner

1 or the department or the contumacy of a person, a district court may
2 issue an order requiring a person subpoenaed to obey the subpoena,
3 to give evidence, or to produce records if the person has refused to
4 do so.

5 (b) A court may punish as contempt the failure to obey a
6 court order under Subsection (a).

7 (c) If the court orders compliance with the subpoena or
8 finds the person in contempt for failure to obey the order, the
9 commissioner or the department, as applicable, or the attorney
10 general when representing the department, may recover reasonable
11 costs and fees, including attorney's fees and investigative costs
12 incurred in the proceedings.

13 (d) An application under Subsection (a) must be made in a
14 district court in Travis County or in the county in which the
15 subpoena is served.

16 Sec. 1004.005. COMPENSATION FOR ATTENDANCE. A person
17 required by subpoena to attend a proceeding before the
18 commissioner, the commissioner's designee, or the department is
19 entitled to:

20 (1) reimbursement for mileage in the same amount for
21 each mile as the mileage travel allowance for a state employee for
22 traveling to or from the place where the person's attendance is
23 required, if the place is more than 25 miles from the person's place
24 of residence; and

25 (2) a fee for each day or part of a day the person is
26 required to be present as a witness that is equal to the greater of:

27 (A) \$10; or

1 (B) a state employee's per diem travel allowance.

2 Sec. 1004.006. OUT-OF-STATE MATERIALS. (a) A person with
3 materials located outside this state that are requested by the
4 commissioner or the department may make the materials available for
5 examination at the place where the materials are located.

6 (b) The commissioner may designate a representative,
7 including an official of the state in which the materials are
8 located, to examine the materials.

9 (c) The commissioner may respond to a similar request from
10 an official of another state or of the United States.

11 Sec. 1004.007. ACCESS TO INFORMATION. (a) A record or
12 other evidence acquired under a subpoena under this chapter is not a
13 public record for the period the commissioner or the department, as
14 applicable, considers reasonably necessary to:

15 (1) complete the investigation;

16 (2) protect the person being investigated from
17 unwarranted injury; or

18 (3) serve the public interest.

19 (b) The record or other evidence is not subject to a
20 subpoena, other than a grand jury subpoena, until:

21 (1) the record or other evidence is released for
22 public inspection by the commissioner or the department; or

23 (2) after notice and a hearing, a district court
24 determines that obeying the subpoena would not jeopardize the
25 public interest and any investigation by the commissioner or the
26 department.

27 (c) Except for good cause, a district court order under

1 Subsection (b) may not apply to:

2 (1) a record or communication received from a law
3 enforcement agency or another regulatory agency; or

4 (2) the internal notes, memoranda, reports, or
5 communications made in connection with a matter that the
6 commissioner or the department has the authority to consider or
7 investigate.

8 Sec. 1004.008. PRIVILEGED AND CONFIDENTIAL RECORDS AND
9 INFORMATION; PROTECTIVE ORDERS. (a) A record subpoenaed and
10 produced under this chapter that is otherwise privileged or
11 confidential by law remains privileged or confidential until
12 admitted into evidence in an administrative hearing or a court.

13 (b) The commissioner may issue a protective order relating
14 to the confidentiality or privilege of a record described by
15 Subsection (a) to restrict the use or distribution of the record:

16 (1) by a person; or

17 (2) in a proceeding other than a proceeding before the
18 commissioner or the department.

19 Sec. 1004.009. COOPERATION WITH LAW ENFORCEMENT. On
20 request, the commissioner or the department may furnish records or
21 other evidence obtained by subpoena to:

22 (1) a law enforcement agency of this state, another
23 state, or the United States; or

24 (2) a prosecuting attorney of a municipality, county,
25 or judicial district of this state, another state, or the United
26 States.

27 Sec. 1004.010. EFFECT ON CONTESTED CASE. Sections

1 1004.002, 1004.006, 1004.007, and 1004.009 do not affect the
2 conduct of a contested case under Chapter 2001, Government Code.

3 CHAPTER 1005. JUDICIAL REVIEW

4 Sec. 1005.001. ACTION SUBJECT TO JUDICIAL REVIEW. An
5 action of the commissioner or the department subject to judicial
6 review under this chapter includes a decision, order, rate, rule,
7 form, or administrative or other ruling of the commissioner.

8 Sec. 1005.002. PETITION FOR JUDICIAL REVIEW. (a) After
9 failing to get relief from the commissioner, any party at interest
10 who is dissatisfied with an action of the commissioner or the
11 department may file a petition for judicial review against the
12 commissioner or department, as applicable, as defendant.

13 (b) The petition must state the particular objection to the
14 action and may be filed only in a district court in Travis County.

15 Sec. 1005.003. JUDICIAL REVIEW. Judicial review of the
16 action is under the substantial evidence rule and shall be
17 conducted under Chapter 2001, Government Code.

18 Sec. 1005.004. ACTION NOT VACATED. (a) The filing of a
19 petition for judicial review of an action under this chapter does
20 not vacate the action.

21 (b) After notice and hearing, the court may vacate the
22 action if the court finds it would serve the interest of justice to
23 do so.

24 Sec. 1005.005. APPEAL. (a) A party to the action under
25 Section 1005.002 may appeal to an appellate court that has
26 jurisdiction, and the appeal is at once returnable to that court.

27 (b) An appeal under this section has precedence in the

1 appellate court over any cause of a different character pending in
2 the court.

3 (c) The commissioner or the department is not required to
4 give an appeal bond in an appeal arising under this chapter.

5 CHAPTER 1006. PUBLIC ACCESS

6 Sec. 1006.001. ACCESS TO PROGRAMS AND FACILITIES. (a) The
7 department shall prepare and maintain a written plan that describes
8 how a person who does not speak English may be provided reasonable
9 access to the department's programs.

10 (b) The department shall comply with federal and state laws
11 for program and facility accessibility.

12 Sec. 1006.002. PUBLIC COMMENT. The commissioner and the
13 department shall develop and implement policies that provide the
14 public with a reasonable opportunity to appear before the
15 commissioner or the department and to speak on any issue under the
16 jurisdiction of the commissioner or the department.

17 Sec. 1006.003. PUBLIC REPRESENTATION ON ADVISORY BODY. (a)
18 At least one-half of the membership of each advisory body appointed
19 by the commissioner, other than an advisory body whose membership
20 is determined by this code or by other law, must represent the
21 general public.

22 (b) A public representative may not be:

23 (1) an officer, director, or employee of a business
24 entity regulated by the department;

25 (2) a person required to register with the Texas
26 Ethics Commission under Chapter 305, Government Code; or

27 (3) a person related within the second degree by

1 affinity or consanguinity to a person described by Subdivision (1)
2 or (2).

3 CHAPTER 1007. STANDARDS OF CONDUCT

4 Sec. 1007.001. APPLICATION OF LAW RELATING TO ETHICAL
5 CONDUCT. The commissioner and each employee or agent of the
6 department is subject to the code of ethics and the standard of
7 conduct imposed by Chapter 572, Government Code, and any other law
8 regulating the ethical conduct of state officers and employees.

9 Sec. 1007.002. CERTAIN BUSINESS INTERESTS; SERVICE AS
10 COMMISSIONER. A person is not eligible for appointment as
11 commissioner if the person, the person's spouse, or any other
12 person who resides in the same household as the person:

13 (1) is registered, certified, or licensed by the
14 department;

15 (2) is employed by or participates in the management
16 of a business entity or other organization regulated by or
17 receiving funds from the department;

18 (3) owns or controls, directly or indirectly, more
19 than a 10 percent interest in a business entity or other
20 organization regulated by or receiving funds from the department;
21 or

22 (4) uses or receives a substantial amount of tangible
23 goods, services, or funds from the department, other than
24 compensation or reimbursement authorized by law.

25 Sec. 1007.003. CERTAIN BUSINESS INTERESTS; EMPLOYEES. (a)
26 A person who is a director, officer, attorney, agent, or employee of
27 an occupation or business entity regulated by the department may

1 not be employed by the department.

2 (b) A person who resides in the same household as a person
3 who is an officer, managerial employee, or paid consultant in an
4 occupation or business entity regulated by the department may not
5 be employed in an exempt salary position as defined by the General
6 Appropriations Act.

7 Sec. 1007.004. TRADE ASSOCIATIONS. (a) A person who is an
8 officer, employee, or paid consultant of a trade association of
9 motor vehicle dealers may not be:

10 (1) the commissioner; or

11 (2) an employee of the department who is exempt from
12 the state's position classification plan or is compensated at or
13 above the amount prescribed by the General Appropriations Act for
14 step 1, salary group A17, of the position classification salary
15 schedule.

16 (b) A person who is the spouse of an officer, manager, or
17 paid consultant of a trade association of motor vehicle dealers may
18 not be:

19 (1) the commissioner; or

20 (2) an employee of the department who is exempt from
21 the state's position classification plan or is compensated at or
22 above the amount prescribed by the General Appropriations Act for
23 step 1, salary group A17, of the position classification salary
24 schedule.

25 (c) In this section, "trade association" means a nonprofit,
26 cooperative, and voluntarily joined association of business or
27 professional competitors designed to assist its members and its

1 industry or profession in dealing with mutual business or
2 professional problems and in promoting their common interest.

3 Sec. 1007.005. LOBBYING ACTIVITIES. A person may not serve
4 as the commissioner or act as the general counsel to the
5 commissioner if the person is required to register as a lobbyist
6 under Chapter 305, Government Code, because of the person's
7 activities for compensation on behalf of an occupation related to
8 the operation of the department.

9 Sec. 1007.006. PROHIBITED REPRESENTATION. (a) A person
10 who served as the commissioner, the general counsel to the
11 commissioner or to the department, or an employee of the State
12 Office of Administrative Hearings who was involved in hearing cases
13 under this code or another motor vehicle law of this state commits
14 an offense if the person represents another person in a matter
15 before the commissioner or the department or receives compensation
16 for services performed on behalf of another person regarding a
17 matter pending before the commissioner or the department during the
18 one-year period after the date the person ceased to be the
19 commissioner, the general counsel to the commissioner or the
20 department, or an employee of the State Office of Administrative
21 Hearings.

22 (b) A person who served as a member of the Texas
23 Transportation Commission or the Public Safety Commission or as an
24 employee of the Texas Department of Transportation or Department of
25 Public Safety, or who served as the commissioner, the general
26 counsel to the commissioner or the department, or an employee of the
27 department or the State Office of Administrative Hearings, commits

1 an offense if, after the person ceased to serve, the person
2 represents another person or receives compensation for services
3 performed on behalf of another person regarding a matter with which
4 the person was directly concerned during the person's service. For
5 purposes of this subsection, a person was directly concerned with a
6 matter if the person had personal involvement with the matter or if
7 the matter was within the scope of the person's official
8 responsibility.

9 (c) An offense under this section is a Class A misdemeanor.

10 (d) This section does not apply to a department employee
11 whose position is eliminated as a direct result of a reduction in
12 the department's workforce.

13 ARTICLE 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS

14 DEPARTMENT OF TRANSPORTATION

15 PART A. GENERAL PROVISIONS AND ADMINISTRATION

16 SECTION 2A.01. Section 201.202(a), Transportation Code, is
17 amended to read as follows:

18 (a) The commission shall organize the department into
19 divisions to accomplish the department's functions and the duties
20 assigned to it, including divisions for:

- 21 (1) aviation;
- 22 (2) highways and roads; and
- 23 (3) public transportation[~~, and~~
- 24 [~~(4) motor vehicle titles and registration~~].

25 SECTION 2A.02. Section 201.931(2), Transportation Code, is
26 amended to read as follows:

27 (2) "License" includes:

1 (A) a permit issued by the department that
2 authorizes the operation of a vehicle and its load or a combination
3 of vehicles and load exceeding size or weight limitations;

4 (B) a motor carrier registration issued under
5 Chapter 643;

6 (C) a vehicle storage facility license issued
7 under Chapter 2303, Occupations Code;

8 (D) a license or permit for outdoor advertising
9 issued under Chapter 391 or 394; and

10 (E) a salvage vehicle dealer or agent license
11 issued under Chapter 2302, Occupations Code[+

12 [~~(F) specially designated or specialized license~~
13 ~~plates issued under Subchapters E and F, Chapter 502; and~~

14 [~~(G) an apportioned registration issued~~
15 ~~according to the International Registration Plan under Section~~
16 ~~502.054].~~

17 SECTION 2A.03. The following sections of the Transportation
18 Code are repealed:

19 (1) Section 201.202(c); and

20 (2) Section 201.805, as added by Chapter 1407 (S.B.
21 766), Acts of the 80th Legislature, Regular Session, 2007.

22 PART B. CONTROL OF TRANSPORTATION ASSETS

23 SECTION 2B.01. Section 202.002, Transportation Code, is
24 repealed.

25 PART C. FUNDING AND FEDERAL AID

26 SECTION 2C.01. Section 222.001, Transportation Code, is
27 amended to read as follows:

1 Sec. 222.001. USE OF STATE HIGHWAY FUND. Money that is
2 required to be used for public roadways by the Texas Constitution or
3 federal law and that is deposited in the state treasury to the
4 credit of the state highway fund, including money deposited to the
5 credit of the state highway fund under Title 23, United States Code,
6 may be used only:

7 (1) to improve the state highway system;

8 (2) to mitigate adverse environmental effects that
9 result directly from construction or maintenance of a state highway
10 by the department; ~~or~~

11 (3) by the Department of Public Safety to police the
12 state highway system and to administer state laws relating to
13 traffic and safety on public roads; or

14 (4) by the Texas Department of Motor Vehicles to
15 administer state laws relating to traffic and safety on public
16 roads.

17 SECTION 2C.02. Section 222.002, Transportation Code, is
18 amended to read as follows:

19 Sec. 222.002. USE OF STATE HIGHWAY FUND FOR DEPARTMENT
20 FUNCTIONS. Subject to legislative appropriation, money ~~Money~~ in
21 the state highway fund that is not required to be spent for public
22 roadways by the Texas Constitution or federal law may be used for
23 any function performed by the department or the Texas Department of
24 Motor Vehicles.

25 PART D. STATE HIGHWAY TOLL PROJECTS

26 SECTION 2D.01. Sections 228.055(b) and (h), Transportation
27 Code, are amended to read as follows:

1 (b) The department may impose and collect the
2 administrative fee, so as to recover the cost of collecting the
3 unpaid toll, not to exceed \$100. The department shall send a
4 written notice of nonpayment to the registered owner of the vehicle
5 at that owner's address as shown in the vehicle registration
6 records of the Texas Department of Motor Vehicles [~~department~~] by
7 first class mail and may require payment not sooner than the 30th
8 day after the date the notice was mailed. The registered owner
9 shall pay a separate toll and administrative fee for each event of
10 nonpayment under Section 228.054.

11 (h) In this section, "registered owner" means the owner of a
12 vehicle as shown on the vehicle registration records of the Texas
13 Department of Motor Vehicles [~~department~~] or the analogous
14 department or agency of another state or country.

15 SECTION 2D.02. Section 228.056(b), Transportation Code, is
16 amended to read as follows:

17 (b) In the prosecution of an offense under Section
18 228.055(c), (d), or (e):

19 (1) it is presumed that the notice of nonpayment was
20 received on the fifth day after the date of mailing;

21 (2) a computer record of the Texas Department of Motor
22 Vehicles [~~department~~] of the registered owner of the vehicle is
23 prima facie evidence of its contents and that the defendant was the
24 registered owner of the vehicle when the underlying event of
25 nonpayment under Section 228.054 occurred; and

26 (3) a copy of the rental, lease, or other contract
27 document covering the vehicle on the date of the underlying event of

1 nonpayment under Section 228.054 is prima facie evidence of its
2 contents and that the defendant was the lessee of the vehicle when
3 the underlying event of nonpayment under Section 228.054 occurred.

4 PART E. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND
5 HIGHWAYS IN CERTAIN COUNTIES

6 SECTION 2E.01. Sections 284.0701(b), (e), and (h),
7 Transportation Code, are amended to read as follows:

8 (b) The county may impose and collect the administrative
9 cost so as to recover the expense of collecting the unpaid toll, not
10 to exceed \$100. The county shall send a written notice of
11 nonpayment to the registered owner of the vehicle at that owner's
12 address as shown in the vehicle registration records of the Texas
13 Department of Motor Vehicles [~~department~~] by first-class mail not
14 later than the 30th day after the date of the alleged failure to pay
15 and may require payment not sooner than the 30th day after the date
16 the notice was mailed. The registered owner shall pay a separate
17 toll and administrative cost for each event of nonpayment under
18 Section 284.070.

19 (e) It is an exception to the application of Subsection (a)
20 or (c) if the registered owner of the vehicle transferred ownership
21 of the vehicle to another person before the event of nonpayment
22 under Section 284.070 occurred, submitted written notice of the
23 transfer to the Texas Department of Motor Vehicles [~~department~~] in
24 accordance with Section 520.023, and before the 30th day after the
25 date the notice of nonpayment is mailed, provides to the county the
26 name and address of the person to whom the vehicle was transferred.
27 If the former owner of the vehicle provides the required

1 information within the period prescribed, the county may send a
2 notice of nonpayment to the person to whom ownership of the vehicle
3 was transferred at the address provided by the former owner by
4 first-class mail before the 30th day after the date of receipt of
5 the required information from the former owner. The subsequent
6 owner of the vehicle for which the proper toll was not paid who is
7 mailed a written notice of nonpayment under this subsection and
8 fails to pay the proper toll and administrative cost within the time
9 specified by the notice of nonpayment commits an offense. The
10 subsequent owner shall pay a separate toll and administrative cost
11 for each event of nonpayment under Section 284.070. Each failure to
12 pay a toll or administrative cost under this subsection is a
13 separate offense.

14 (h) In this section, "registered owner" means the owner of a
15 vehicle as shown on the vehicle registration records of the Texas
16 Department of Motor Vehicles [~~department~~] or the analogous
17 department or agency of another state or country.

18 PART F. CERTIFICATE OF TITLE ACT

19 SECTION 2F.01. Section 501.002(3), Transportation Code, is
20 amended to read as follows:

21 (3) "Department" means the Texas Department of Motor
22 Vehicles [~~Transportation~~].

23 PART G. REGISTRATION OF VEHICLES

24 SECTION 2G.01. Section 502.001(3), Transportation Code, is
25 amended to read as follows:

26 (3) "Department" means the Texas Department of Motor
27 Vehicles [~~Transportation~~].

1 SECTION 2G.02. Sections 502.053(a) and (b), Transportation
2 Code, are amended to read as follows:

3 (a) The department [~~Texas Department of Transportation~~]
4 shall reimburse the Texas Department of Criminal Justice for the
5 cost of manufacturing license plates or registration insignia as
6 the license plates or insignia and the invoice for the license
7 plates or insignia are delivered to the department [~~Texas~~
8 ~~Department of Transportation~~].

9 (b) When manufacturing is started, the Texas Department of
10 Criminal Justice, the department [~~Texas Department of~~
11 ~~Transportation~~], and the comptroller, after negotiation, shall set
12 the price to be paid for each license plate or insignia. The price
13 must be determined from:

- 14 (1) the cost of metal, paint, and other materials
15 purchased;
- 16 (2) the inmate maintenance cost per day;
- 17 (3) overhead expenses;
- 18 (4) miscellaneous charges; and
- 19 (5) a previously approved amount of profit for the
20 work.

21 PART H. DEALER'S AND MANUFACTURER'S VEHICLE LICENSE PLATES

22 SECTION 2H.01. Sections 503.001(2) and (5), Transportation
23 Code, are amended to read as follows:

24 (2) "Commission" means the commissioner of motor
25 vehicles [~~Texas Transportation Commission~~].

26 (5) "Department" means the Texas Department of Motor
27 Vehicles [~~Transportation~~].

1 SECTION 2H.02. Section 503.001(1), Transportation Code, is
2 repealed.

3 PART I. MISCELLANEOUS PROVISIONS

4 SECTION 2I.01. Section 520.001, Transportation Code, is
5 amended to read as follows:

6 Sec. 520.001. DEFINITION. In this chapter, "department"
7 means the Texas Department of Motor Vehicles [~~Transportation~~].

8 PART J. COMPULSORY INSPECTION OF VEHICLES

9 SECTION 2J.01. Section 548.306(h), Transportation Code, is
10 amended to read as follows:

11 (h) The Texas Department of Motor Vehicles [~~Transportation~~]
12 may deny reregistration of a vehicle if the registered owner of the
13 vehicle has received notification under Subsection (c) and the
14 vehicle has not passed a verification emissions inspection.

15 PART K. ACCIDENTS AND ACCIDENT REPORTS

16 SECTION 2K.01. Section 550.0601, Transportation Code, is
17 amended to read as follows:

18 Sec. 550.0601. DEFINITION. In this subchapter,
19 "department" means the Texas Department of Motor Vehicles
20 [~~Transportation~~].

21 SECTION 2K.02. Section 550.081, Transportation Code, as
22 amended by Chapters 74 (H.B. 423) and 1407 (S.B. 766), Acts of the
23 80th Legislature, Regular Session, 2007, is reenacted and amended
24 to read as follows:

25 Sec. 550.081. REPORT OF MEDICAL EXAMINER OR JUSTICE OF THE
26 PEACE. (a) In this section, "department" means the Texas
27 Department of Motor Vehicles.

1 (b) A medical examiner or justice of the peace acting as
2 coroner in a county that does not have a medical examiner's office
3 or that is not part of a medical examiner's district shall submit a
4 report in writing to the department [~~Texas Department of~~
5 ~~Transportation~~] of the death of a person that was the result of a
6 traffic accident to which this chapter applies and that occurred
7 within the jurisdiction of the medical examiner or justice of the
8 peace in the preceding calendar quarter.

9 (c) [~~(b)~~] The report must be submitted before the 11th day
10 of each calendar month and include:

11 (1) the name of the deceased and a statement as to
12 whether the deceased was:

13 (A) the operator of or a passenger in a vehicle
14 involved in the accident; or

15 (B) a pedestrian or other nonoccupant of a
16 vehicle;

17 (2) the date of the accident and the name of the county
18 in which the accident occurred;

19 (3) the name of any laboratory, medical examiner's
20 office, or other facility that conducted toxicological testing
21 relative to the deceased; and

22 (4) the results of any toxicological testing that was
23 conducted.

24 (d) [~~(c)~~] A report required by this section shall be sent
25 to:

26 (1) the crash records bureau of the department at its
27 headquarters in Austin; or

1 (2) any other office or bureau of the department that
2 the department designates.

3 (e) [~~(d)~~] If toxicological test results are not available
4 to the medical examiner or justice of the peace on the date a report
5 must be submitted, the medical examiner or justice shall:

6 (1) submit a report that includes the statement
7 "toxicological test results unavailable"; and

8 (2) submit a supplement to the report that contains
9 the information required by Subsections (c)(3) [~~(b)(3)~~] and (4) as
10 soon as practicable after the toxicological test results become
11 available.

12 (f) [~~(e)~~] The department shall prepare and when requested
13 supply to medical examiners' offices and justices of the peace the
14 forms necessary to make the reports required by this section.

15 PART L. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

16 SECTION 2L.01. Section 551.302, Transportation Code, is
17 amended to read as follows:

18 Sec. 551.302. REGISTRATION. The Texas Department of Motor
19 Vehicles [~~Transportation~~] may adopt rules relating to the
20 registration and issuance of license plates to neighborhood
21 electric vehicles.

22 PART M. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

23 SECTION 2M.01. Sections 601.004(a), (c), and (d),
24 Transportation Code, are amended to read as follows:

25 (a) The operator of a motor vehicle that is involved in an
26 accident in this state shall report the accident to the department
27 [~~Texas Department of Transportation~~] not later than the 10th day

1 after the date of the accident if:

2 (1) the accident is not investigated by a law
3 enforcement officer; and

4 (2) at least one person, including the operator,
5 sustained:

6 (A) bodily injury or death; or

7 (B) property damage to an apparent extent of at
8 least \$1,000.

9 (c) The report must be made in writing in the form
10 prescribed by the [~~Texas Department of Transportation and the~~]
11 department and must contain information as necessary to enable the
12 department to determine if the requirements for the deposit of
13 security under Subchapter F do not apply because of the existence of
14 insurance or an exception specified in this chapter. The operator
15 or owner shall provide additional information as required by the
16 department.

17 (d) A written report of an accident made to the department
18 [~~Texas Department of Transportation~~] under Section 550.061 or
19 550.062 complies with this section if that report contains the
20 information required by this section.

21 SECTION 2M.02. Section 601.023, Transportation Code, is
22 amended to read as follows:

23 Sec. 601.023. PAYMENT OF STATUTORY FEES. The department
24 may pay[+]

25 [~~(1) a statutory fee required by the Texas Department~~
26 ~~of Transportation for a certified abstract or in connection with~~
27 ~~suspension of a vehicle registration; or~~

1 [~~2~~] a statutory fee payable to the comptroller for
2 issuance of a certificate of deposit required by Section 601.122.

3 SECTION 2M.03. Section 601.451, Transportation Code, as
4 added by Chapter 892 (S.B. 1670), Acts of the 79th Legislature,
5 Regular Session, 2005, is amended to read as follows:

6 Sec. 601.451. DEFINITION. In this subchapter,
7 "implementing agencies" means:

8 (1) the department;

9 (2) [~~the Texas Department of Transportation,~~

10 [~~3~~] the Texas Department of Insurance; and

11 (3) [~~4~~] the Department of Information Resources.

12 SECTION 2M.04. Subchapter N, Chapter 601, Transportation
13 Code, as added by Chapter 1325 (H.B. 3588), Acts of the 78th
14 Legislature, Regular Session, 2003, is repealed.

15 PART N. ADMINISTRATIVE ADJUDICATION OF VEHICLE PARKING AND
16 STOPPING OFFENSES

17 SECTION 2N.01. Section 682.008, Transportation Code, is
18 amended to read as follows:

19 Sec. 682.008. PRESUMPTIONS. In an administrative
20 adjudication hearing under this chapter:

21 (1) it is presumed that the registered owner of the
22 motor vehicle is the person who parked or stopped the vehicle at the
23 time and place of the offense charged; and

24 (2) the Texas Department of Motor Vehicle's
25 [~~Transportation's~~] computer-generated record of the registered
26 vehicle owner is prima facie evidence of the contents of the record.

PART O. ABANDONED MOTOR VEHICLES

SECTION 20.01. Section 683.001(1), Transportation Code, is amended to read as follows:

(1) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

PART P. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS

SECTION 2P.01. Section 702.001(1), Transportation Code, is amended to read as follows:

(1) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

PART Q. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM

SECTION 2Q.01. Section 707.001(2), Transportation Code, is amended to read as follows:

(2) "Owner of a motor vehicle" means the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Motor Vehicles [~~Transportation~~] or the analogous department or agency of another state or country.

SECTION 2Q.02. Section 707.011(b), Transportation Code, is amended to read as follows:

(b) Not later than the 30th day after the date the violation is alleged to have occurred, the designated department, agency, or office of the local authority or the entity with which the local authority contracts under Section 707.003(a)(1) shall mail the notice of violation to the owner at:

(1) the owner's address as shown on the registration records of the Texas Department of Motor Vehicles [~~Transportation~~];

or

1 (2) if the vehicle is registered in another state or
2 country, the owner's address as shown on the motor vehicle
3 registration records of the department or agency of the other state
4 or country analogous to the Texas Department of Motor Vehicles
5 [~~Transportation~~].

6 SECTION 2Q.03. Section 707.017, Transportation Code, is
7 amended to read as follows:

8 Sec. 707.017. ENFORCEMENT. If the owner of a motor vehicle
9 is delinquent in the payment of a civil penalty imposed under this
10 chapter, the county assessor-collector or the Texas Department of
11 Motor Vehicles [~~Transportation~~] may refuse to register a motor
12 vehicle alleged to have been involved in the violation.

13 PART R. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

14 SECTION 2R.01. Sections 1(3) and (4), Article 4413(37),
15 Revised Statutes, are amended to read as follows:

16 (3) "Department" means the Texas Department of Motor
17 Vehicles [~~Transportation~~].

18 (4) "Commissioner" [~~"Director"~~] means the
19 commissioner of motor vehicles [~~executive director of the Texas~~
20 ~~Department of Transportation~~].

21 SECTION 2R.02. Section 2, Article 4413(37), Revised
22 Statutes, is amended to read as follows:

23 Sec. 2. ESTABLISHMENT OF AUTHORITY. The Automobile
24 Burglary and Theft Prevention Authority is established in the Texas
25 Department of Motor Vehicles [~~Transportation~~]. The authority is
26 not an advisory body to the Texas Department of Motor Vehicles
27 [~~Transportation~~].

1 SECTION 2R.03. Sections 3(c), (h), and (l), Article
2 4413(37), Revised Statutes, are amended to read as follows:

3 (c) The commissioner [~~director of the Department of Public~~
4 ~~Safety~~] or the commissioner's [~~director's~~] designee serves ex
5 officio as the seventh member of the authority.

6 (h) If the commissioner [~~director~~] has knowledge that a
7 potential ground for removal exists, the commissioner [~~director~~]
8 shall notify the presiding officer of the authority of the
9 potential ground. The presiding officer shall then notify the
10 governor and the attorney general that a potential ground for
11 removal exists. If the potential ground for removal involves the
12 presiding officer, the commissioner [~~director~~] shall notify the
13 next highest officer of the authority, who shall notify the
14 governor and the attorney general that a potential ground for
15 removal exists.

16 (l) The commissioner [~~director~~] or the commissioner's
17 [~~director's~~] designee shall provide to members of the authority, as
18 often as necessary, information regarding their qualifications for
19 office under this article and their responsibilities under
20 applicable laws relating to standards of conduct for state
21 officers.

22 SECTION 2R.04. Sections 9(a), (b), and (g), Article
23 4413(37), Revised Statutes, are amended to read as follows:

24 (a) The authority shall develop a statewide motor vehicle
25 registration program to be administered by the department
26 [~~Department of Public Safety~~].

27 (b) The authority shall identify a period of the day during

1 which most motor vehicles are not used. An owner of a motor vehicle
2 that does not usually use the motor vehicle during that period may
3 register the motor vehicle with the department [~~Department of~~
4 ~~Public Safety~~] in accordance with the program developed by the
5 authority.

6 (g) The department [~~Department of Public Safety~~] shall
7 adopt rules to administer the program and shall adopt fees in an
8 amount sufficient to recover the cost of administering the program.

9 ARTICLE 3. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT
10 OF PUBLIC SAFETY

11 PART A. REGIONAL MOBILITY AUTHORITIES

12 SECTION 3A.01. Sections 370.191(c), (d), and (e),
13 Transportation Code, are amended to read as follows:

14 (c) To the extent an authority considers appropriate to
15 expedite commerce and based on the Texas ITS/CVO Business Plan
16 prepared by the department, the Texas Department of Motor Vehicles
17 [~~Public Safety~~], and the comptroller, the authority shall provide
18 for implementation by the appropriate agencies of the use of
19 Intelligent Transportation Systems for Commercial Vehicle
20 Operations (ITS/CVO) in any new commercial motor vehicle inspection
21 facility constructed by the authority and in any existing facility
22 located at a port of entry to which this section applies. The
23 authority shall coordinate with other state and federal
24 transportation officials to develop interoperability standards for
25 the systems.

26 (d) If an authority constructs a facility at which
27 commercial vehicle safety inspections are conducted, the facility

1 may not be used solely for the purpose of conducting commercial
2 motor vehicle inspections by the Texas Department of Motor Vehicles
3 [~~Public Safety~~] and the facility must include implementation of
4 ITS/CVO technology by the appropriate agencies to support all
5 commercial motor vehicle regulation and enforcement functions.

6 (e) As part of its implementation of technology under this
7 section, an authority shall to the greatest extent possible as a
8 requirement of the construction of the facility:

9 (1) enhance efficiency and reduce complexity for motor
10 carriers by providing a single point of contact between carriers
11 and regulating state and federal government officials and providing
12 a single point of information, available to wireless access, about
13 federal and state regulatory and enforcement requirements;

14 (2) prevent duplication of state and federal
15 procedures and locations for regulatory and enforcement
16 activities, including consolidation of collection of applicable
17 fees;

18 (3) link information systems of the authority, the
19 department, the Texas Department of Motor Vehicles [~~Public Safety~~],
20 the comptroller, and, to the extent possible, the United States
21 Department of Transportation and other appropriate regulatory and
22 enforcement entities; and

23 (4) take other necessary action to:

24 (A) facilitate the flow of commerce;

25 (B) assist federal interdiction efforts;

26 (C) protect the environment by reducing idling
27 time of commercial motor vehicles at the facilities;

1 (D) prevent highway damage caused by overweight
2 commercial motor vehicles; and

3 (E) seek federal funds to assist in the
4 implementation of this section.

5 PART B. CERTIFICATE OF TITLE ACT

6 SECTION 3B.01. Section 501.100(e), Transportation Code, is
7 amended to read as follows:

8 (e) On or after the 31st day after the date the department
9 receives a rebuilder fee under Subsection (d), the department shall
10 deposit \$50 of the fee to the credit of the state highway fund to be
11 used only by the department [~~Department of Public Safety~~] to
12 enforce this chapter and \$15 to the credit of the general revenue
13 fund.

14 PART C. REGISTRATION OF VEHICLES

15 SECTION 3C.01. Sections 502.009(a), (b), and (d),
16 Transportation Code, are amended to read as follows:

17 (a) The department [~~Department of Public Safety~~] shall
18 ensure compliance with the motor vehicle emissions inspection and
19 maintenance program through a vehicle inspection sticker-based
20 enforcement system except as provided by this section or Section
21 548.3011. Subsections (b)-(e) apply only if the United States
22 Environmental Protection Agency determines that the state has not
23 demonstrated, as required by 40 C.F.R. Section 51.361, that
24 sticker-based enforcement of the program is more effective than
25 registration-based enforcement and gives the Texas Natural
26 Resource Conservation Commission or the governor written
27 notification that the reregistration-based enforcement of the

1 program, as described by those subsections, will be required. If
2 Subsections (b)-(e) are made applicable as provided by this
3 subsection, the department shall terminate reregistration-based
4 enforcement of the program under those subsections on the date the
5 United States Environmental Protection Agency gives the Texas
6 Natural Resource Conservation Commission or a person the commission
7 designates written notification that reregistration-based
8 enforcement is not required for the state implementation plan.

9 (b) The department may not register a motor vehicle if the
10 department determines or receives from the Texas Natural Resource
11 Conservation Commission [~~or the Department of Public Safety~~]
12 notification that the registered owner of the vehicle has not
13 complied with Subchapter F, Chapter 548.

14 (d) The department and[~~7~~] the Texas Natural Resource
15 Conservation Commission[~~7 and the Department of Public Safety~~]
16 shall enter an agreement regarding the responsibilities for costs
17 associated with implementing this section.

18 SECTION 3C.02. Section 502.1715(b), Transportation Code,
19 is amended to read as follows:

20 (b) Fees collected under this section shall be deposited to
21 the credit of the state highway fund. Subject to appropriations,
22 the money shall be used by the department [~~Department of Public~~
23 ~~Safety~~] to:

24 (1) support the department's [~~Department of Public~~
25 ~~Safety's~~] reengineering of the driver's license system to provide
26 for the issuance by the department [~~Department of Public Safety~~] of
27 a driver's license or personal identification certificate, to

1 include use of image comparison technology;

2 (2) establish and maintain a system to support the
3 driver responsibility program under Chapter 708; and

4 (3) make lease payments to the master lease purchase
5 program for the financing of the driver's license reengineering
6 project.

7 SECTION 3C.03. Section 502.1715(c), Transportation Code,
8 as amended by Chapters 892 (S.B. 1670) and 1108 (H.B. 2337), Acts of
9 the 79th Legislature, Regular Session, 2005, is reenacted and
10 amended to read as follows:

11 (c) Fees collected under this section shall be deposited to
12 the credit of the state highway fund. Subject to appropriation,
13 the money may be used by the [~~Department of Public Safety, the~~
14 Texas Department of Insurance, the Department of Information
15 Resources, and the department to carry out Subchapter N, Chapter
16 601.

17 SECTION 3C.04. Section 502.1715(d), Transportation Code,
18 is amended to read as follows:

19 (d) The [~~Department of Public Safety, the~~] Texas Department
20 of Insurance, the Department of Information Resources, and the
21 department shall jointly adopt rules and develop forms necessary to
22 administer this section.

23 PART D. DRIVER'S LICENSES AND CERTIFICATES

24 SECTION 3D.01. Sections 521.001(a)(1) and (2),
25 Transportation Code, are amended to read as follows:

26 (1) "Commissioner" means the commissioner of motor
27 vehicles.

1 (2) "Department" means the Texas Department of Motor
2 Vehicles [~~Public Safety~~].

3 [~~(2) "Director" means the public safety director~~].

4 SECTION 3D.02. Section 521.042(e), Transportation Code, is
5 amended to read as follows:

6 (e) The commissioner [~~director~~] may maintain records
7 required under this subchapter on microfilm or computer.

8 SECTION 3D.03. Section 521.043, Transportation Code, is
9 amended to read as follows:

10 Sec. 521.043. ELIMINATION OF CERTAIN UNNECESSARY RECORDS.
11 The department is not required to maintain records relating to a
12 person if the commissioner [~~director~~] decides that the records are
13 no longer necessary, except that the department shall maintain a
14 record of a conviction as long as the record may be used:

15 (1) as grounds for a license cancellation, suspension,
16 revocation, or denial; or

17 (2) in conjunction with other records of convictions,
18 to establish that a person is a frequent violator of traffic laws.

19 SECTION 3D.04. Section 521.163, Transportation Code, is
20 amended to read as follows:

21 Sec. 521.163. REEXAMINATION. (a) The commissioner
22 [~~director~~] may require the holder of a license to be reexamined if
23 the commissioner [~~director~~] determines that the holder is incapable
24 of safely operating a motor vehicle.

25 (b) The reexamination shall be conducted in the license
26 holder's county of residence unless the holder and the commissioner
27 [~~director~~] agree to a different location.

1 SECTION 3D.05. Sections 521.165(a) and (c), Transportation
2 Code, are amended to read as follows:

3 (a) The commissioner [~~director~~] may certify and set
4 standards for the certification of certain employers, government
5 agencies, and other appropriate organizations to allow those
6 persons to train and test for the ability to operate certain types
7 of vehicles.

8 (c) In issuing a driver's license for certain types of
9 vehicles, the commissioner [~~director~~] may waive a driving test for
10 an applicant who has successfully completed and passed the training
11 and testing conducted by a person certified under Subsection (a).

12 SECTION 3D.06. Section 521.294, Transportation Code, is
13 amended to read as follows:

14 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
15 REVOCATION. The department shall revoke the person's license if
16 the department determines that the person:

17 (1) is incapable of safely operating a motor vehicle;
18 (2) has not complied with the terms of a citation
19 issued by a jurisdiction that is a party to the Nonresident Violator
20 Compact of 1977 for a traffic violation to which that compact
21 applies;

22 (3) has failed to provide medical records or has
23 failed to undergo medical or other examinations as required by a
24 panel of the medical advisory board;

25 (4) has failed to pass an examination required by the
26 commissioner [~~director~~] under this chapter;

27 (5) has been reported by a court under Section

1 521.3452 for failure to appear unless the court files an additional
2 report on final disposition of the case;

3 (6) has been reported within the preceding two years
4 by a justice or municipal court for failure to appear or for a
5 default in payment of a fine for a misdemeanor punishable only by
6 fine, other than a failure reported under Section 521.3452,
7 committed by a person who is at least 14 years of age but younger
8 than 17 years of age when the offense was committed, unless the
9 court files an additional report on final disposition of the case;
10 or

11 (7) has committed an offense in another state or
12 Canadian province that, if committed in this state, would be
13 grounds for revocation.

14 SECTION 3D.07. Section 521.310(a), Transportation Code, is
15 amended to read as follows:

16 (a) If the commissioner [~~director~~] believes that a person
17 who has been placed on probation under Section 521.309 has violated
18 a term or condition of the probation, the commissioner [~~director~~]
19 shall notify the person and summon the person to appear at a hearing
20 in the court or before the presiding officer or judge who
21 recommended that the person be placed on probation after notice as
22 provided by Sections 521.295 and 521.296.

23 SECTION 3D.08. Sections 521.344(e), (f), and (g),
24 Transportation Code, are amended to read as follows:

25 (e) After the date has passed, according to department
26 records, for successful completion of the educational program
27 designed to rehabilitate persons who operated motor vehicles while

1 intoxicated, the commissioner [~~director~~] shall revoke the license
2 of a person who does not successfully complete the program or, if
3 the person is a resident without a license to operate a motor
4 vehicle in this state, shall issue an order prohibiting the person
5 from obtaining a license.

6 (f) After the date has passed, according to department
7 records, for successful completion of an educational program for
8 repeat offenders as required by Section 13, Article 42.12, Code of
9 Criminal Procedure, the commissioner [~~director~~] shall suspend the
10 license of a person who does not successfully complete the program
11 or, if the person is a resident without a license, shall issue an
12 order prohibiting the person from obtaining a license.

13 (g) A revocation, suspension, or prohibition order under
14 Subsection (e) or (f) remains in effect until the department
15 receives notice of successful completion of the educational
16 program. The commissioner [~~director~~] shall promptly send notice of
17 a revocation or prohibition order issued under Subsection (e) or
18 (f) by first class mail to the person at the person's most recent
19 address as shown in the records of the department. The notice must
20 include the date of the revocation or prohibition order, the reason
21 for the revocation or prohibition, and a statement that the person
22 has the right to request in writing that a hearing be held on the
23 revocation or prohibition. Notice is considered received on the
24 fifth day after the date the notice is mailed. A revocation or
25 prohibition under Subsection (e) or (f) takes effect on the 30th day
26 after the date the notice is mailed. The person may request a
27 hearing not later than the 20th day after the date the notice is

1 mailed. If the department receives a request under this
2 subsection, the department shall set the hearing for the earliest
3 practical time and the revocation or prohibition does not take
4 effect until resolution of the hearing.

5 SECTION 3D.09. Section 521.3465(c), Transportation Code,
6 is amended to read as follows:

7 (c) If the person is a resident of this state without a
8 driver's license to operate a motor vehicle, the commissioner
9 [~~director~~] shall issue an order prohibiting the person from being
10 issued a driver's license before the 181st day after the date of the
11 conviction.

12 SECTION 3D.10. Section 521.3466(b), Transportation Code,
13 is amended to read as follows:

14 (b) If the person is a resident of this state without a
15 driver's license to operate a motor vehicle, the commissioner
16 [~~director~~] shall issue an order prohibiting the person from being
17 issued a driver's license until the second anniversary of the date
18 of the conviction.

19 SECTION 3D.11. Section 521.452(a), Transportation Code, is
20 amended to read as follows:

21 (a) After written approval by the commissioner [~~director~~],
22 the department may issue to a law enforcement officer an alias
23 driver's license to be used in supervised activities involving a
24 criminal investigation.

25 PART E. COMMERCIAL DRIVER'S LICENSES

26 SECTION 3E.01. Section 522.003(8), Transportation Code, is
27 amended to read as follows:

1 (8) "Department" means the Texas Department of Motor
2 Vehicles [~~Public Safety~~].

3 SECTION 3E.02. Section 522.007, Transportation Code, is
4 amended to read as follows:

5 Sec. 522.007. EXEMPTION FOR NEIGHBORING STATES. (a) The
6 commissioner of motor vehicles [~~public safety director~~] shall enter
7 negotiations with an appropriate person or entity of a state
8 bordering this state for the purpose of applying the exemption
9 contained in Section 522.004(a)(1) to residents of that state.

10 (b) The commissioner of motor vehicles [~~public safety~~
11 ~~director~~] may enter an agreement to apply the exemption contained
12 in Section 522.004(a)(1) to residents of a bordering state only if
13 that state extends a similar exemption to residents of this state.

14 PART F. DRIVER'S LICENSE COMPACT OF 1993

15 SECTION 3F.01. Sections 523.003(2) and (5), Transportation
16 Code, are amended to read as follows:

17 (2) "Executive director" means the commissioner of
18 motor vehicles [~~director of the Department of Public Safety~~] or the
19 equivalent officer of another state.

20 (5) "Licensing authority" means the Texas Department
21 of Motor Vehicles [~~Public Safety~~] or the equivalent agency of
22 another state.

23 PART G. ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE FOR FAILURE
24 TO PASS TEST FOR INTOXICATION

25 SECTION 3G.01. Section 524.001(8), Transportation Code, is
26 amended to read as follows:

27 (8) "Department" means the Texas Department of Motor

1 Vehicles [~~Public Safety~~].

2 SECTION 3G.02. Section 524.001(9), Transportation Code, is
3 repealed.

4 PART H. MOTORCYCLE AND BICYCLE AWARENESS

5 SECTION 3H.01. Section 525.001(b), Transportation Code, is
6 amended to read as follows:

7 (b) The Texas Department of Motor Vehicles [~~Public Safety~~]
8 shall include motorcycle and bicycle awareness information in any
9 edition of the Texas driver's handbook [~~published after the~~
10 ~~department exhausts the supply of the handbook that the department~~
11 ~~had on September 1, 1993~~].

12 PART I. SUBTITLE C, TITLE 7, DEFINITIONS

13 SECTION 3I.01. Sections 541.002(1) and (2), Transportation
14 Code, are amended to read as follows:

15 (1) "Department" means the Texas Department of Motor
16 Vehicles [~~Public Safety~~] acting directly or through its authorized
17 officers and agents.

18 (2) "Commissioner" [~~"Director"~~] means the
19 commissioner of motor vehicles [~~public safety director~~].

20 PART J. VEHICLE EQUIPMENT

21 SECTION 3J.01. Section 547.104, Transportation Code, is
22 amended to read as follows:

23 Sec. 547.104. SLOW-MOVING-VEHICLE EMBLEM STANDARDS. The
24 commissioner [~~director~~] shall adopt standards and specifications
25 that:

26 (1) apply to the color, size, and mounting position of
27 a slow-moving-vehicle emblem; and

1 (2) at the time adopted, correlate with and conform as
2 closely as practicable to the standards and specifications adopted
3 or approved by the American Society of Agricultural Engineers for a
4 uniform emblem to identify a slow-moving vehicle.

5 SECTION 3J.02. Section 547.802(c), Transportation Code, is
6 amended to read as follows:

7 (c) The commissioner [~~director~~] may require an inspection
8 of a motor-driven cycle braking system and may disapprove a system
9 that:

10 (1) does not comply with the brake performance
11 requirements in Section 547.408; or

12 (2) is not designed or constructed to ensure
13 reasonable and reliable performance during actual use.

14 PART K. COMPULSORY INSPECTION OF VEHICLES

15 SECTION 3K.01. Section 548.001(2), Transportation Code, is
16 amended to read as follows:

17 (2) "Commissioner" [~~"Commission"~~] means the
18 commissioner of motor vehicles [~~Public Safety Commission~~].

19 SECTION 3K.02. The heading to Section 548.301,
20 Transportation Code, is amended to read as follows:

21 Sec. 548.301. COMMISSIONER [~~COMMISSION~~] TO ESTABLISH
22 PROGRAM.

23 SECTION 3K.03. Sections 548.301(a), (b), and (b-1),
24 Transportation Code, are amended to read as follows:

25 (a) The commissioner [~~commission~~] shall establish a motor
26 vehicle emissions inspection and maintenance program for vehicles
27 as required by any law of the United States or the state's air

1 quality state implementation plan.

2 (b) The commissioner [~~commission~~] by rule may establish a
3 motor vehicle emissions inspection and maintenance program for
4 vehicles specified by the conservation commission in a county for
5 which the conservation commission has adopted a resolution
6 requesting the commission to establish such a program and for which
7 the county and the municipality with the largest population in the
8 county by resolution have formally requested a proactive air
9 quality plan consisting of such a program.

10 (b-1) The commissioner [~~commission~~] by rule may establish a
11 motor vehicle emissions inspection and maintenance program for
12 vehicles subject to an early action compact as defined by Section
13 382.301, Health and Safety Code, that is consistent with the early
14 action compact.

15 SECTION 3K.04. Section 548.302, Transportation Code, is
16 amended to read as follows:

17 Sec. 548.302. COMMISSIONER [~~COMMISSION~~] TO ADOPT STANDARDS
18 AND REQUIREMENTS. The commissioner [~~commission~~] shall:

19 (1) adopt standards for emissions-related inspection
20 criteria consistent with requirements of the United States and the
21 conservation commission applicable to a county in which a program
22 is established under this subchapter; and

23 (2) develop and impose requirements necessary to
24 ensure that an inspection certificate is not issued to a vehicle
25 subject to a program established under this subchapter unless the
26 vehicle has passed a motor vehicle emissions inspection at a
27 facility authorized and certified by the department.

1 SECTION 3K.05. Sections 548.407(a), (b), (f), (g), (h),
2 (j), and (l), Transportation Code, are amended to read as follows:

3 (a) Before an application for certification as an
4 inspection station or inspector is denied, the commissioner
5 [~~director~~] or a person the commissioner [~~director~~] designates shall
6 give the person written notification of:

- 7 (1) the proposed denial;
8 (2) each reason for the proposed denial; and
9 (3) the person's right to an administrative hearing to
10 determine whether the evidence warrants the denial.

11 (b) Before a certificate of appointment as an inspector or
12 inspection station is revoked or suspended, the commissioner
13 [~~director~~] or a person the commissioner [~~director~~] designates shall
14 give written notification to the inspector or inspection station of
15 the revocation or the period of suspension. The notice shall
16 include:

- 17 (1) the effective date of the revocation or the period
18 of the suspension, as applicable;
19 (2) each reason for the revocation or suspension; and
20 (3) a statement explaining the person's right to an
21 administrative hearing to determine whether the evidence warrants
22 the revocation or suspension.

23 (f) To obtain an administrative hearing on a denial,
24 suspension, or revocation under this section, a person must submit
25 a written request for a hearing to the commissioner [~~director~~] not
26 later than the 20th day after the date notice is delivered
27 personally or is mailed.

1 (g) If the commissioner [~~director~~] receives a timely
2 request under Subsection (f), the commissioner [~~director~~] shall
3 provide the person with an opportunity for a hearing as soon as
4 practicable. A hearing on a revocation or suspension under
5 Subsection (d) that takes effect on receipt of the notice must be
6 held not later than 14 days after the department receives the
7 request for hearing. The revocation or suspension continues in
8 effect until the hearing is completed if the hearing is continued
9 beyond the 14-day period:

10 (1) at the request of the inspector or inspection
11 station; or

12 (2) on a finding of good cause by a judge,
13 administrative law judge, or hearing officer.

14 (h) If the commissioner [~~director~~] does not receive a timely
15 request under Subsection (f), the commissioner [~~director~~] may deny
16 the application, revoke or suspend a certificate, or sustain the
17 revocation or suspension of a certificate without a hearing.

18 (j) The commissioner [~~director~~] or a person designated by
19 the commissioner [~~director~~] shall conduct the hearing and may
20 administer oaths and issue subpoenas for the attendance of
21 witnesses and the production of relevant books, papers, or
22 documents. If the hearing is conducted by a person designated by
23 the commissioner [~~director~~], the commissioner [~~director~~] may take
24 action under this section on a recommendation of the designated
25 person.

26 (l) If an administrative law judge of the State Office of
27 Administrative Hearings conducts a hearing under this section and

1 the proposal for decision supports the position of the department,
2 the proposal for decision may recommend a denial of an application
3 or a revocation or suspension of a certificate only. The proposal
4 may not recommend a reprimand or a probated or otherwise deferred
5 disposition of the denial, revocation, or suspension. If the
6 administrative law judge makes a proposal for a decision to deny an
7 application or to suspend or revoke a certificate, the
8 administrative law judge shall include in the proposal a finding of
9 the costs, fees, expenses, and reasonable and necessary attorney's
10 fees the state incurred in bringing the proceeding. The
11 commissioner [~~director~~] may adopt the finding for costs, fees, and
12 expenses and make the finding a part of the final order entered in
13 the proceeding. Proceeds collected from a finding made under this
14 subsection shall be paid to the department.

15 SECTION 3K.06. Section 548.408, Transportation Code, is
16 amended to read as follows:

17 Sec. 548.408. JUDICIAL REVIEW OF ADMINISTRATIVE ACTION.

18 (a) A person dissatisfied with the final decision of the
19 commissioner [~~director~~] may appeal the decision by filing a
20 petition as provided by Subchapter G, Chapter 2001, Government
21 Code.

22 (b) The district or county attorney or the attorney general
23 shall represent the commissioner [~~director~~] in the appeal, except
24 that an attorney who is a full-time employee of the department may
25 represent the commissioner [~~director~~] in the appeal with the
26 approval of the attorney general.

27 (c) The court in which the appeal is filed shall:

1 (1) set the matter for hearing after 10 days' written
2 notice to the commissioner [~~director~~] and the attorney representing
3 the commissioner [~~director~~]; and

4 (2) determine whether an enforcement action of the
5 commissioner [~~director~~] shall be suspended pending hearing and
6 enter an order for the suspension.

7 (d) The court order takes effect when served on the
8 commissioner [~~director~~].

9 (e) The commissioner [~~director~~] shall provide a copy of the
10 petition and court order to the attorney representing the
11 commissioner [~~director~~].

12 (f) A stay under this section may not be effective for more
13 than 90 days after the date the petition for appeal is filed. On the
14 expiration of the stay, the commissioner's [~~director's~~] enforcement
15 action shall be reinstated or imposed. The department or court may
16 not extend the stay or grant an additional stay.

17 (g) Judicial review of the final decision of the
18 commissioner [~~director~~] is under the substantial evidence rule.

19 SECTION 3K.07. Section 548.001(4), Transportation Code, is
20 repealed.

21 PART L. ACCIDENTS AND ACCIDENT REPORTS

22 SECTION 3L.01. Subchapter A, Chapter 550, Transportation
23 Code, is amended by adding Section 550.002 to read as follows:

24 Sec. 550.002. TABULATION AND ANALYSIS OF ACCIDENT REPORTS.

25 The department shall:

26 (1) tabulate and analyze the vehicle accident reports
27 it receives;

1 (2) annually or more frequently publish statistical
2 information derived from the accident reports as to the number,
3 cause, and location of highway accidents, including information
4 regarding the number of accidents involving injury to, death of, or
5 property damage to a bicyclist or pedestrian; and

6 (3) not later than December 15 of each even-numbered
7 year provide to the governor and the legislature:

8 (A) an abstract of the statistical information
9 for the biennium ending on the preceding August 31; and

10 (B) a report with the department's conclusions,
11 findings, and recommendations for decreasing highway accidents and
12 increasing highway safety.

13 SECTION 3L.02. Section 550.063, Transportation Code, is
14 amended to read as follows:

15 Sec. 550.063. REPORT ON APPROPRIATE FORM. The form of all
16 written accident reports must be approved by the department [~~and~~
17 ~~the Department of Public Safety~~]. A person who is required to file
18 a written accident report shall report on the appropriate form and
19 shall disclose all information required by the form unless the
20 information is not available.

21 SECTION 3L.03. Section 550.0601, Transportation Code, is
22 repealed.

23 PART M. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

24 SECTION 3M.01. Section 601.002(1), Transportation Code, is
25 amended to read as follows:

26 (1) "Department" means the Texas Department of Motor
27 Vehicles [~~Public Safety~~].

1 SECTION 3M.02. Section 601.233(a), Transportation Code, is
2 amended to read as follows:

3 (a) A citation for an offense under Section 601.191 issued
4 as a result of Section 601.053 must include, in type larger than
5 other type on the citation, except for the type of the statement
6 required by Section 708.105, the following statement:

7 "A second or subsequent conviction of an offense
8 under the Texas Motor Vehicle Safety Responsibility
9 Act will result in the suspension of your driver's
10 license and motor vehicle registration unless you file
11 and maintain evidence of financial responsibility with
12 the Texas Department of Motor Vehicles [~~Public Safety~~]
13 for two years from the date of conviction. The
14 department may waive the requirement to file evidence
15 of financial responsibility if you file satisfactory
16 evidence with the department showing that at the time
17 this citation was issued, the vehicle was covered by a
18 motor vehicle liability insurance policy or that you
19 were otherwise exempt from the requirements to provide
20 evidence of financial responsibility."

21 SECTION 3M.03. Section 601.373(b), Transportation Code, is
22 amended to read as follows:

23 (b) The department may direct a department employee to
24 obtain and send to the department the driver's license and vehicle
25 registration of a person who fails to send the person's license or
26 registration in accordance with Section 601.372. The commissioner
27 [~~director~~] of motor vehicles [~~the department~~] or the person

1 designated by the commissioner [~~director~~] may file a complaint
2 against a person for an offense under Subsection (a).

3 PART N. GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT

4 SECTION 3N.01. Section 621.201(a), Transportation Code, is
5 amended to read as follows:

6 (a) The total width of a vehicle operated on a public
7 highway other than a vehicle to which Subsection (b) applies,
8 including a load on the vehicle but excluding any safety device
9 determined by the United States Department of Transportation or the
10 Texas Department of Motor Vehicles [~~Public Safety~~] to be necessary
11 for the safe and efficient operation of motor vehicles of that type,
12 may not be greater than 102 inches.

13 SECTION 3N.02. Section 621.204(c), Transportation Code, is
14 amended to read as follows:

15 (c) The limitations prescribed by this section do not
16 include any safety device determined by regulation of the United
17 States Department of Transportation or by rule of the Texas
18 Department of Motor Vehicles [~~Public Safety~~] to be necessary for
19 the safe and efficient operation of motor vehicles.

20 PART O. FOREIGN COMMERCIAL MOTOR TRANSPORTATION

21 SECTION 3O.01. Section 648.002, Transportation Code, is
22 amended to read as follows:

23 Sec. 648.002. RULES. In addition to rules required by this
24 chapter, the Texas Department of Transportation, the Texas
25 Department of Motor Vehicles [~~Public Safety~~], and the Texas
26 Department of Insurance may adopt other rules to carry out this
27 chapter.

1 PART P. PROTECTIVE HEADGEAR FOR MOTORCYCLE OPERATORS AND
2 PASSENGERS

3 SECTION 3P.01. Section 661.001(2), Transportation Code, is
4 amended to read as follows:

5 (2) "Department" means the Texas Department of Motor
6 Vehicles [~~Public Safety~~].

7 PART Q. MOTORCYCLE OPERATOR TRAINING AND SAFETY

8 SECTION 3Q.01. Section 662.011(a), Transportation Code, is
9 amended to read as follows:

10 (a) Of each fee collected under Sections 521.421(b) and (f),
11 Sections 522.029(f) and (g), and Section 661.003(d), the Texas
12 Department of Motor Vehicles [~~Public Safety~~] shall send \$5 to the
13 comptroller for deposit to the credit of the motorcycle education
14 fund account.

15 PART R. ALL-TERRAIN VEHICLES

16 SECTION 3R.01. Section 663.037(e), Transportation Code, is
17 amended to read as follows:

18 (e) The commissioner of motor vehicles [~~director of the~~
19 ~~Department of Public Safety~~] shall adopt standards and
20 specifications that apply to the color, size, and mounting position
21 of the flag required under Subsections (d)(2) and (g)(2).

22 PART S. MISCELLANEOUS PROVISIONS

23 SECTION 3S.01. Section 680.001(1), Transportation Code, is
24 amended to read as follows:

25 (1) "Department" means the Texas Department of Motor
26 Vehicles [~~Public Safety~~].

PART T. ABANDONED MOTOR VEHICLES

SECTION 3T.01. Section 683.051, Transportation Code, is amended to read as follows:

Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF CERTAIN MOTOR VEHICLES. A person may apply to the department for authority:

(1) to sell, give away, or dispose of a motor vehicle to a motor vehicle demolisher if:

(A) the person owns the motor vehicle and the certificate of title to the vehicle is lost, destroyed, or faulty; or

(B) the vehicle is an abandoned motor vehicle and is:

(i) in the possession of the person; or

(ii) located on property owned by the person; or

(2) to dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:

(A) the abandoned motor vehicle:

(i) is in the possession of the person;

(ii) is more than eight years old;

(iii) either has no motor or is otherwise totally inoperable or does not comply with all applicable air pollution emissions control related requirements included in: (aa) the vehicle inspection requirements under Chapter 548, as evidenced by a current inspection certificate affixed to the vehicle windshield; or (bb) the vehicle emissions inspection and

1 maintenance requirements contained in the commissioner of motor
2 vehicle's [~~Public Safety Commission's~~] motor vehicle emissions
3 inspection and maintenance program under Subchapter F, Chapter 548,
4 or the state's air quality state implementation plan; and

5 (iv) was authorized to be towed by a law
6 enforcement agency; and

7 (B) the law enforcement agency approves the
8 application.

9 PART U. NONRESIDENT VIOLATOR COMPACT OF 1977

10 SECTION 3U.01. Section 703.001(2), Transportation Code, is
11 amended to read as follows:

12 (2) "Department" and "licensing authority" mean the
13 Texas Department of Motor Vehicles [~~Public Safety~~].

14 PART V. DENIAL OF RENEWAL OF LICENSE FOR FAILURE TO APPEAR

15 SECTION 3V.01. Section 706.001(2), Transportation Code, is
16 amended to read as follows:

17 (2) "Department" means the Texas Department of Motor
18 Vehicles [~~Public Safety~~].

19 PART W. IMPLIED CONSENT

20 SECTION 3W.01. Section 724.001(7), Transportation Code, is
21 amended to read as follows:

22 (7) "Department" means the Texas Department of Motor
23 Vehicles [~~Public Safety~~].

24 SECTION 3W.02. Sections 724.032(a) and (b), Transportation
25 Code, are amended to read as follows:

26 (a) If a person refuses to submit to the taking of a
27 specimen, whether expressly or because of an intentional failure of

1 the person to give the specimen, the peace officer shall:

2 (1) serve notice of license suspension or denial on
3 the person;

4 (2) take possession of any license issued by this
5 state and held by the person arrested;

6 (3) issue a temporary driving permit to the person
7 unless department records show or the officer otherwise determines
8 that the person does not hold a license to operate a motor vehicle
9 in this state; and

10 (4) make a written report of the refusal to the
11 commissioner [~~director~~] of motor vehicles [~~the department~~].

12 (b) The commissioner [~~director~~] must approve the form of the
13 refusal report. The report must:

14 (1) show the grounds for the officer's belief that the
15 person had been operating a motor vehicle or watercraft powered
16 with an engine having a manufacturer's rating of 50 horsepower or
17 above while intoxicated; and

18 (2) contain a copy of:

19 (A) the refusal statement requested under
20 Section 724.031; or

21 (B) a statement signed by the officer that the
22 person refused to:

23 (i) submit to the taking of the requested
24 specimen; and

25 (ii) sign the requested statement under
26 Section 724.031.

1 ARTICLE 4. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF
2 TRANSPORTATION IN OTHER CODES

3 PART A. BUSINESS & COMMERCE CODE

4 SECTION 4A.01. Section 51.003(b), Business & Commerce Code,
5 as effective April 1, 2009, is amended to read as follows:

6 (b) In this chapter, "business opportunity" does not
7 include:

8 (1) the sale or lease of an established and ongoing
9 business or enterprise that has actively conducted business before
10 the sale or lease, whether composed of one or more than one
11 component business or enterprise, if the sale or lease represents
12 an isolated transaction or series of transactions involving a bona
13 fide change of ownership or control of the business or enterprise or
14 liquidation of the business or enterprise;

15 (2) a sale by a retailer of goods or services under a
16 contract or other agreement to sell the inventory of one or more
17 ongoing leased departments to a purchaser who is granted the right
18 to sell the goods or services within or adjoining a retail business
19 establishment as a department or division of the retail business
20 establishment;

21 (3) a transaction that is:

22 (A) regulated by the Texas Department of
23 Licensing and Regulation, the Texas Department of Insurance, the
24 Texas Real Estate Commission, or the commissioner of motor vehicles
25 [~~director of the Motor Vehicle Division of the Texas Department of~~
26 ~~Transportation~~]; and

27 (B) engaged in by a person licensed by one of

1 those agencies;

2 (4) a real estate syndication;

3 (5) a sale or lease to a business enterprise that also
4 sells or leases products, equipment, or supplies or performs
5 services:

6 (A) that are not supplied by the seller; and

7 (B) that the purchaser does not use with the
8 seller's products, equipment, supplies, or services;

9 (6) the offer or sale of a franchise as described by
10 the Petroleum Marketing Practices Act (15 U.S.C. Section 2801 et
11 seq.) and its subsequent amendments;

12 (7) the offer or sale of a business opportunity if the
13 seller:

14 (A) has a net worth of \$25 million or more
15 according to the seller's audited balance sheet as of a date not
16 earlier than the 13th month before the date of the transaction; or

17 (B) is at least 80 percent owned by another
18 person who:

19 (i) in writing unconditionally guarantees
20 performance by the person offering the business opportunity plan;
21 and

22 (ii) has a net worth of more than \$25
23 million according to the person's most recent audited balance sheet
24 as of a date not earlier than the 13th month before the date of the
25 transaction; or

26 (8) an arrangement defined as a franchise by 16 C.F.R.
27 Section 436.2(a) and its subsequent amendments if:

1 (A) the franchisor complies in all material
2 respects in this state with 16 C.F.R. Part 436 and each order or
3 other action of the Federal Trade Commission; and

4 (B) before offering for sale or selling a
5 franchise in this state, a person files with the secretary of state
6 a notice containing:

7 (i) the name of the franchisor;

8 (ii) the name under which the franchisor
9 intends to transact business; and

10 (iii) the franchisor's principal business
11 address.

12 SECTION 4A.02. Section 105.004(b), Business & Commerce
13 Code, as effective April 1, 2009, is amended to read as follows:

14 (b) The Texas Department of Motor Vehicles [~~Transportation~~]
15 shall provide a notice that states the provisions of this chapter to
16 each person with a disability who is issued:

17 (1) license plates under Section 504.201,
18 Transportation Code; or

19 (2) a disabled parking placard under Section 681.004,
20 Transportation Code.

21 PART B. CODE OF CRIMINAL PROCEDURE

22 SECTION 4B.01. Section 1(1), Article 42.22, Code of
23 Criminal Procedure, is amended to read as follows:

24 (1) "Department" means the Texas Department of Motor
25 Vehicles [~~Transportation~~].

26 SECTION 4B.02. Article 59.04(c), Code of Criminal
27 Procedure, is amended to read as follows:

1 (c) If the property is a motor vehicle, and if there is
2 reasonable cause to believe that the vehicle has been registered
3 under the laws of this state, the attorney representing the state
4 shall ask the Texas Department of Motor Vehicles [~~Transportation~~]
5 to identify from its records the record owner of the vehicle and any
6 interest holder. If the addresses of the owner and interest holder
7 are not otherwise known, the attorney representing the state shall
8 request citation be served on such persons at the address listed
9 with the Texas Department of Motor Vehicles [~~Transportation~~]. If
10 the citation issued to such address is returned unserved, the
11 attorney representing the state shall cause a copy of the notice of
12 the seizure and intended forfeiture to be posted at the courthouse
13 door, to remain there for a period of not less than 30 days. If the
14 owner or interest holder does not answer or appear after the notice
15 has been so posted, the court shall enter a judgment by default as
16 to the owner or interest holder, provided that the attorney
17 representing the state files a written motion supported by
18 affidavit setting forth the attempted service. An owner or
19 interest holder whose interest is forfeited in this manner shall
20 not be liable for court costs. If the person in possession of the
21 vehicle at the time of the seizure is not the owner or the interest
22 holder of the vehicle, notification shall be provided to the
23 possessor in the same manner specified for notification to an owner
24 or interest holder.

25 PART C. FAMILY CODE

26 SECTION 4C.01. Section 157.316(b), Family Code, is amended
27 to read as follows:

1 (b) If a lien established under this subchapter attaches to
2 a motor vehicle, the lien must be perfected in the manner provided
3 by Chapter 501, Transportation Code, and the court or Title IV-D
4 agency that rendered the order of child support shall include in the
5 order a requirement that the obligor surrender to the court or Title
6 IV-D agency evidence of the legal ownership of the motor vehicle
7 against which the lien may attach. A lien against a motor vehicle
8 under this subchapter is not perfected until the obligor's title to
9 the vehicle has been surrendered to the court or Title IV-D agency
10 and the Texas Department of Motor Vehicles [~~Transportation~~] has
11 issued a subsequent title that discloses on its face the fact that
12 the vehicle is subject to a child support lien under this
13 subchapter.

14 SECTION 4C.02. Section 232.0022(a), Family Code, is amended
15 to read as follows:

16 (a) The Texas Department of Motor Vehicles [~~Transportation~~]
17 is the appropriate licensing authority for suspension or nonrenewal
18 of a motor vehicle registration under this chapter.

19 SECTION 4C.03. Section 232.014(b), Family Code, is amended
20 to read as follows:

21 (b) A fee collected by the Texas Department of Motor
22 Vehicles [~~Transportation~~] or the Department of Public Safety shall
23 be deposited to the credit of the state highway fund.

24 SECTION 4C.04. Section 264.502(b), Family Code, is amended
25 to read as follows:

26 (b) The members of the committee who serve under Subsections
27 (a)(1) through (3) shall select the following additional committee

1 members:

- 2 (1) a criminal prosecutor involved in prosecuting
- 3 crimes against children;
- 4 (2) a sheriff;
- 5 (3) a justice of the peace;
- 6 (4) a medical examiner;
- 7 (5) a police chief;
- 8 (6) a pediatrician experienced in diagnosing and
- 9 treating child abuse and neglect;
- 10 (7) a child educator;
- 11 (8) a child mental health provider;
- 12 (9) a public health professional;
- 13 (10) a child protective services specialist;
- 14 (11) a sudden infant death syndrome family service
- 15 provider;
- 16 (12) a neonatologist;
- 17 (13) a child advocate;
- 18 (14) a chief juvenile probation officer;
- 19 (15) a child abuse prevention specialist;
- 20 (16) a representative of the Department of Public
- 21 Safety; and
- 22 (17) a representative of the Texas Department of Motor
- 23 Vehicles [~~Transportation~~].

24 PART D. FINANCE CODE

25 SECTION 4D.01. Section 306.001(9), Finance Code, is amended

26 to read as follows:

- 27 (9) "Qualified commercial loan":

1 (A) means:

2 (i) a commercial loan in which one or more
3 persons as part of the same transaction lends, advances, borrows,
4 or receives, or is obligated to lend or advance or entitled to
5 borrow or receive, money or credit with an aggregate value of:

6 (a) \$3 million or more if the
7 commercial loan is secured by real property; or

8 (b) \$250,000 or more if the commercial
9 loan is not secured by real property and, if the aggregate value of
10 the commercial loan is less than \$500,000, the loan documents
11 contain a written certification from the borrower that:

12 (1) the borrower has been
13 advised by the lender to seek the advice of an attorney and an
14 accountant in connection with the commercial loan; and

15 (2) the borrower has had
16 the opportunity to seek the advice of an attorney and accountant of
17 the borrower's choice in connection with the commercial loan; and

18 (ii) a renewal or extension of a commercial
19 loan described by Paragraph (A), regardless of the principal amount
20 of the loan at the time of the renewal or extension; and

21 (B) does not include a commercial loan made for
22 the purpose of financing a business licensed by the [~~Motor Vehicle~~
23 ~~Board of the~~] Texas Department of Motor Vehicles [~~Transportation~~]
24 under Section 2301.251(a), Occupations Code.

25 SECTION 4D.02. Section 348.001(10-a), Finance Code, is
26 amended to read as follows:

27 (10-a) "Towable recreation vehicle" means a

1 nonmotorized vehicle that:

2 (A) was originally designed and manufactured
3 primarily to provide temporary human habitation in conjunction with
4 recreational, camping, or seasonal use;

5 (B) is titled and registered with the Texas
6 Department of Motor Vehicles [~~Transportation~~] as a travel trailer
7 through a county tax assessor-collector;

8 (C) is permanently built on a single chassis;

9 (D) contains at least one life support system;

10 and

11 (E) is designed to be towable by a motor vehicle.

12 SECTION 4D.03. Section 348.518, Finance Code, is amended to
13 read as follows:

14 Sec. 348.518. SHARING OF INFORMATION. To ensure consistent
15 enforcement of law and minimization of regulatory burdens, the
16 commissioner and the Texas Department of Motor Vehicles
17 [~~Transportation~~] may share information, including criminal history
18 information, relating to a person licensed under this chapter.
19 Information otherwise confidential remains confidential after it
20 is shared under this section.

21 PART E. GOVERNMENT CODE

22 SECTION 4E.01. Section 411.122(d), Government Code, is
23 amended to read as follows:

24 (d) The following state agencies are subject to this
25 section:

26 (1) Texas Appraiser Licensing and Certification
27 Board;

- 1 (2) Texas Board of Architectural Examiners;
- 2 (3) Texas Board of Chiropractic Examiners;
- 3 (4) State Board of Dental Examiners;
- 4 (5) Texas Board of Professional Engineers;
- 5 (6) Texas Funeral Service Commission;
- 6 (7) Texas Board of Professional Geoscientists;
- 7 (8) Department of State Health Services, except as
- 8 provided by Section 411.110, and agencies attached to the
- 9 department, including:
 - 10 (A) Texas State Board of Examiners of Dietitians;
 - 11 (B) Texas State Board of Examiners of Marriage
 - 12 and Family Therapists;
 - 13 (C) Midwifery Board;
 - 14 (D) Texas State Board of Examiners of
 - 15 Perfusionists;
 - 16 (E) Texas State Board of Examiners of
 - 17 Professional Counselors;
 - 18 (F) Texas State Board of Social Worker Examiners;
 - 19 (G) State Board of Examiners for Speech-Language
 - 20 Pathology and Audiology;
 - 21 (H) Advisory Board of Athletic Trainers;
 - 22 (I) State Committee of Examiners in the Fitting
 - 23 and Dispensing of Hearing Instruments;
 - 24 (J) Texas Board of Licensure for Professional
 - 25 Medical Physicists; and
 - 26 (K) Texas Board of Orthotics and Prosthetics;
 - 27 (9) Texas Board of Professional Land Surveying;

- 1 (10) Texas Department of Licensing and Regulation,
2 except as provided by Section 411.093;
- 3 (11) Texas Commission on Environmental Quality;
- 4 (12) Texas Board of Occupational Therapy Examiners;
- 5 (13) Texas Optometry Board;
- 6 (14) Texas State Board of Pharmacy;
- 7 (15) Texas Board of Physical Therapy Examiners;
- 8 (16) Texas State Board of Plumbing Examiners;
- 9 (17) Texas State Board of Podiatric Medical Examiners;
- 10 (18) Polygraph Examiners Board;
- 11 (19) Texas State Board of Examiners of Psychologists;
- 12 (20) Texas Real Estate Commission;
- 13 (21) Board of Tax Professional Examiners;
- 14 (22) Texas Department of Transportation;
- 15 (23) State Board of Veterinary Medical Examiners;
- 16 (24) Texas Department of Housing and Community
17 Affairs;
- 18 (25) secretary of state;
- 19 (26) state fire marshal;
- 20 (27) Texas Education Agency; ~~and~~
- 21 (28) Department of Agriculture; and
- 22 (29) Texas Department of Motor Vehicles.

23 SECTION 4E.02. Section 531.02414(c), Government Code, is
24 amended to read as follows:

25 (c) Notwithstanding any other law, the commission may not
26 delegate the commission's duty to supervise the medical
27 transportation program to any other person, including through a

1 contract with the Texas Department of Motor Vehicles
2 [~~Transportation~~] for the department to assume any of the
3 commission's responsibilities relating to the provision of
4 services through that program.

5 SECTION 4E.03. Section 659.082(a), Government Code, is
6 amended to read as follows:

7 (a) An employee is entitled to be paid employment
8 compensation twice a month if:

9 (1) the employee is employed by:

10 (A) the Texas Department of Mental Health and
11 Mental Retardation;

12 (B) the Texas Department of Transportation;

13 (C) the Texas Department of Human Services;

14 (D) the Texas Workforce Commission;

15 (E) the Department of Public Safety; [~~or~~]

16 (F) the Texas Department of Motor Vehicles; or

17 (G) any other state agency designated by the
18 comptroller;

19 (2) the employee holds a classified position under the
20 state's position classification plan;

21 (3) the employee's position is classified below salary
22 group A12 under classification salary Schedule A in the General
23 Appropriations Act;

24 (4) the employing state agency satisfies the
25 comptroller's requirements relating to the payment of compensation
26 twice a month; and

27 (5) at least 30 percent of the eligible employees of

1 the agency choose to be paid twice a month.

2 PART F. HEALTH AND SAFETY CODE

3 SECTION 4F.01. Section 382.209(e), Health and Safety Code,
4 is amended to read as follows:

5 (e) A vehicle is not eligible to participate in a low-income
6 vehicle repair assistance, retrofit, and accelerated vehicle
7 retirement program established under this section unless:

8 (1) the vehicle is capable of being operated;

9 (2) the registration of the vehicle:

10 (A) is current; and

11 (B) reflects that the vehicle has been registered
12 in the county implementing the program for the 12 months preceding
13 the application for participation in the program;

14 (3) the commissioners court of the county
15 administering the program determines that the vehicle meets the
16 eligibility criteria adopted by the commission, the Texas
17 Department of Motor Vehicles [~~Transportation~~], and the Public
18 Safety Commission;

19 (4) if the vehicle is to be repaired, the repair is
20 done by a repair facility recognized by the Department of Public
21 Safety, which may be an independent or private entity licensed by
22 the state; and

23 (5) if the vehicle is to be retired under this
24 subsection and Section 382.213, the replacement vehicle is a
25 qualifying motor vehicle.

26 SECTION 4F.02. Section 382.210(f), Health and Safety Code,
27 is amended to read as follows:

1 (f) In this section, "total cost" means the total amount of
2 money paid or to be paid for the purchase of a motor vehicle as set
3 forth as "sales price" in the form entitled "Application for Texas
4 Certificate of Title" promulgated by the Texas Department of Motor
5 Vehicles [~~Transportation~~]. In a transaction that does not involve
6 the use of that form, the term means an amount of money that is
7 equivalent, or substantially equivalent, to the amount that would
8 appear as "sales price" on the Application for Texas Certificate of
9 Title if that form were involved.

10 SECTION 4F.03. Section 461.017(a), Health and Safety Code,
11 is amended to read as follows:

12 (a) The Drug Demand Reduction Advisory Committee is
13 composed of the following members:

14 (1) five representatives of the public from different
15 geographic regions of the state who have knowledge and expertise in
16 issues relating to reducing drug demand and who are appointed by the
17 executive director of the Texas Commission on Alcohol and Drug
18 Abuse; and

19 (2) one representative of each of the following
20 agencies or offices who is appointed by the executive director or
21 commissioner of the agency or office and who is directly involved in
22 the agency's or office's policies, programs, or funding activities
23 relating to reducing drug demand:

24 (A) the criminal justice division of the
25 governor's office;

26 (B) the Criminal Justice Policy Council;

27 (C) the Department of Protective and Regulatory

- 1 Services;
- 2 (D) the Department of Public Safety of the State
- 3 of Texas;
- 4 (E) the Health and Human Services Commission;
- 5 (F) the Texas Alcoholic Beverage Commission;
- 6 (G) the Texas Commission on Alcohol and Drug
- 7 Abuse;
- 8 (H) the Texas Council on Offenders with Mental
- 9 Impairments;
- 10 (I) the Texas Department of Criminal Justice;
- 11 (J) the Texas Department of Health;
- 12 (K) the Texas Department of Human Services;
- 13 (L) the Texas Department of Mental Health and
- 14 Mental Retardation;
- 15 (M) the Texas Education Agency;
- 16 (N) the Texas Juvenile Probation Commission;
- 17 (O) the Texas Youth Commission;
- 18 (P) the Texas Rehabilitation Commission;
- 19 (Q) the Texas Workforce Commission;
- 20 (R) the Texas Department of Motor Vehicles
- 21 [~~Transportation~~];
- 22 (S) the comptroller of public accounts; and
- 23 (T) the adjutant general's department.

24 PART G. HUMAN RESOURCES CODE

25 SECTION 4G.01. Section 22.041, Human Resources Code, is

26 amended to read as follows:

27 Sec. 22.041. THIRD-PARTY INFORMATION. Notwithstanding any

1 other provision of this code, the department may use information
2 obtained from a third party to verify the assets and resources of a
3 person for purposes of determining the person's eligibility and
4 need for medical assistance, financial assistance, or nutritional
5 assistance. Third-party information includes information obtained
6 from:

7 (1) a consumer reporting agency, as defined by Section
8 20.01, Business & Commerce Code;

9 (2) an appraisal district; or

10 (3) the Texas Department of Motor Vehicles
11 [~~Transportation's~~] vehicle registration record database.

12 SECTION 4G.02. Section 32.026(g), Human Resources Code, is
13 amended to read as follows:

14 (g) Notwithstanding any other provision of this code, the
15 department may use information obtained from a third party to
16 verify the assets and resources of a person for purposes of
17 determining the person's eligibility and need for medical
18 assistance. Third-party information includes information obtained
19 from:

20 (1) a consumer reporting agency, as defined by Section
21 20.01, Business & Commerce Code;

22 (2) an appraisal district; or

23 (3) the Texas Department of Motor Vehicles
24 [~~Transportation's~~] vehicle registration record database.

25 PART H. LOCAL GOVERNMENT CODE

26 SECTION 4H.01. Section 130.006, Local Government Code, is
27 amended to read as follows:

1 Sec. 130.006. PROCEDURES FOR COLLECTION OF DISHONORED
2 CHECKS AND INVOICES. A county tax assessor-collector may establish
3 procedures for the collection of dishonored checks and credit card
4 invoices. The procedures may include:

5 (1) official notification to the maker that the check
6 or invoice has not been honored and that the receipt, registration,
7 certificate, or other instrument issued on the receipt of the check
8 or invoice is not valid until payment of the fee or tax is made;

9 (2) notification of the sheriff or other law
10 enforcement officers that a check or credit card invoice has not
11 been honored and that the receipt, registration, certificate, or
12 other instrument held by the maker is not valid; and

13 (3) notification to the Texas Department of Motor
14 Vehicles [~~Transportation~~], the comptroller of public accounts, or
15 the Department of Public Safety that the receipt, registration,
16 certificate, or other instrument held by the maker is not valid.

17 SECTION 4H.02. Section 130.007, Local Government Code, is
18 amended to read as follows:

19 Sec. 130.007. REMISSION TO STATE NOT REQUIRED; STATE
20 ASSISTANCE IN COLLECTION. (a) If a fee or tax is required to be
21 remitted to the comptroller or the Texas Department of Motor
22 Vehicles [~~Transportation~~] and if payment was made to the county tax
23 assessor-collector by a check that was not honored by the drawee
24 bank or by a credit card invoice that was not honored by the credit
25 card issuer, the amount of the fee or tax is not required to be
26 remitted, but the assessor-collector shall notify the appropriate
27 department of:

- 1 (1) the amount of the fee or tax;
- 2 (2) the type of fee or tax involved; and
- 3 (3) the name and address of the maker.

4 (b) The Texas Department of Motor Vehicles [~~Transportation~~]
5 and the comptroller shall assist the county tax assessor-collector
6 in collecting the fee or tax and may cancel or revoke any receipt,
7 registration, certificate, or other instrument issued in the name
8 of the state conditioned on the payment of the fee or tax.

9 SECTION 4H.03. Section 130.008, Local Government Code, is
10 amended to read as follows:

11 Sec. 130.008. LIABILITY OF TAX COLLECTOR FOR VIOLATIONS OF
12 SUBCHAPTER. If the comptroller or the Texas Department of Motor
13 Vehicles [~~Transportation~~] determines that the county tax
14 assessor-collector has accepted payment for fees and taxes to be
15 remitted to that department in violation of Section 130.004 or that
16 more than two percent of the fees and taxes to be received from the
17 assessor-collector are not remitted because of the acceptance of
18 checks that are not honored by the drawee bank or of credit card
19 invoices that are not honored by the credit card issuer, the
20 department may notify the assessor-collector that the
21 assessor-collector may not accept a check or credit card invoice
22 for the payment of any fee or tax to be remitted to that department.
23 A county tax assessor-collector who accepts a check or credit card
24 invoice for the payment of a fee or tax, after notice that the
25 assessor-collector may not receive a check or credit card invoice
26 for the payment of fees or taxes to be remitted to a department, is
27 liable to the state for the amount of the check or credit card

1 invoice accepted.

2 SECTION 4H.04. Section 130.009, Local Government Code, is
3 amended to read as follows:

4 Sec. 130.009. STATE RULES. The comptroller and the Texas
5 Department of Motor Vehicles [~~Transportation~~] may make rules
6 concerning the acceptance of checks or credit card invoices by a
7 county tax assessor-collector and for the collection of dishonored
8 checks or credit card invoices.

9 PART I. OCCUPATIONS CODE

10 SECTION 4I.01. Section 554.009(c), Occupations Code, is
11 amended to read as follows:

12 (c) The board may register a vehicle with the Texas
13 Department of Motor Vehicles [~~Transportation~~] in an alias name only
14 for investigative personnel.

15 SECTION 4I.02. Sections 2301.002(7), (9), (16), (17),
16 (17-a), (18), (25), (26), and (31), Occupations Code, are amended
17 to read as follows:

18 (7) "Dealer" means a person who holds a general
19 distinguishing number issued by the commissioner [~~board~~] under
20 Chapter 503, Transportation Code.

21 (9) "Department" means the Texas Department of Motor
22 Vehicles [~~Transportation~~].

23 (16) "Franchised dealer" means a person who:

24 (A) holds a franchised motor vehicle dealer's
25 license issued by the commissioner [~~board~~] under Chapter 503,
26 Transportation Code; and

27 (B) is engaged in the business of buying,

1 selling, or exchanging new motor vehicles and servicing or
2 repairing motor vehicles under a manufacturer's warranty at an
3 established and permanent place of business under a franchise in
4 effect with a manufacturer or distributor.

5 (17) "General distinguishing number" means a dealer
6 license issued by the commissioner [~~board~~] under Chapter 503,
7 Transportation Code.

8 (17-a) "Independent mobility motor vehicle dealer"
9 means a nonfranchised dealer who:

10 (A) holds a general distinguishing number issued
11 by the commissioner [~~board~~] under Chapter 503, Transportation Code;

12 (B) holds a converter's license issued under this
13 chapter;

14 (C) is engaged in the business of buying,
15 selling, or exchanging mobility motor vehicles and servicing or
16 repairing the devices installed on mobility motor vehicles at an
17 established and permanent place of business in this state; and

18 (D) is certified by the manufacturer of each
19 mobility device that the dealer installs, if the manufacturer
20 offers that certification.

21 (18) "License holder" means a person who holds a
22 license or general distinguishing number issued by the commissioner
23 [~~board~~] under this chapter or Chapter 503, Transportation Code.

24 (25) "Nonfranchised dealer" means a person who holds
25 an independent motor vehicle dealer's general distinguishing
26 number, an independent mobility motor vehicle dealer's general
27 distinguishing number, or a wholesale motor vehicle dealer's

1 general distinguishing number issued by the commissioner [~~board~~]
2 under Chapter 503, Transportation Code.

3 (26) "Party" means a person or agency named or
4 admitted as a party and whose legal rights, duties, or privileges
5 are to be determined by the commissioner [~~board~~] after an
6 opportunity for adjudicative hearing.

7 (31) "Rule":

8 (A) means a statement by the commissioner [~~board~~]
9 of general applicability that:

10 (i) implements, interprets, or prescribes
11 law or policy; or

12 (ii) describes the procedure or practice
13 requirements of the commissioner [~~board~~];

14 (B) includes the amendment or repeal of a prior
15 rule; and

16 (C) does not include a statement regarding only
17 the internal management or organization of the commissioner [~~board~~]
18 and not affecting the rights of a person not connected with the
19 commissioner [~~board~~].

20 SECTION 4I.03. The heading to Subchapter C, Chapter 2301,
21 Occupations Code, is amended to read as follows:

22 SUBCHAPTER C. COMMISSIONER [~~DIRECTOR~~] AND OTHER DIVISION PERSONNEL

23 SECTION 4I.04. Section 2301.101, Occupations Code, is
24 amended to read as follows:

25 Sec. 2301.101. COMMISSIONER [~~DIRECTOR~~]. [~~(a)~~] The
26 commissioner [~~director is the division's chief executive and~~
27 ~~administrative officer and~~] shall administer and enforce this

1 chapter.

2 ~~[(b) The director must be licensed to practice law in this~~
3 ~~state.]~~

4 ~~[(c) The director serves at the will of the executive~~
5 ~~director.]~~

6 SECTION 4I.05. Section 2301.105, Occupations Code, is
7 amended to read as follows:

8 Sec. 2301.105. CAREER LADDER PROGRAM; PERFORMANCE
9 EVALUATIONS. (a) The commissioner [~~director~~] or the
10 commissioner's [~~director's~~] designee shall develop an intra-agency
11 career ladder program that addresses opportunities for mobility and
12 advancement of employees in the division. The program must require
13 intra-agency postings of all positions concurrently with any public
14 posting.

15 (b) The commissioner [~~director~~] or the commissioner's
16 [~~director's~~] designee shall develop a system of annual performance
17 evaluations based on documented employee performance. All merit
18 pay for employees of the division must be based on the system
19 established under this subsection.

20 SECTION 4I.06. Section 2301.106(a), Occupations Code, is
21 amended to read as follows:

22 (a) The commissioner [~~director~~] or the commissioner's
23 [~~director's~~] designee shall prepare and maintain a written policy
24 statement to ensure implementation of an equal employment
25 opportunity program under which all personnel transactions are made
26 without regard to race, color, disability, sex, religion, age, or
27 national origin. The policy statement must include:

1 (1) personnel policies, including policies relating
2 to recruitment, evaluation, selection, appointment, training, and
3 promotion of personnel that comply with Chapter 21, Labor Code;

4 (2) a comprehensive analysis of the division workforce
5 that meets federal and state laws, rules, and regulations and
6 instructions adopted directly under those laws, rules, or
7 regulations;

8 (3) procedures by which a determination can be made of
9 significant underuse in the division workforce of all persons for
10 whom federal or state laws, rules, and regulations and instructions
11 adopted directly under those laws, rules, or regulations encourage
12 a more equitable balance; and

13 (4) reasonable methods to appropriately address those
14 areas of significant underuse.

15 SECTION 4I.07. The heading to Subchapter D, Chapter 2301,
16 Occupations Code, is amended to read as follows:

17 SUBCHAPTER D. COMMISSIONER [~~BOARD~~] POWERS AND DUTIES

18 SECTION 4I.08. Section 2301.151, Occupations Code, is
19 amended to read as follows:

20 Sec. 2301.151. GENERAL JURISDICTION OF COMMISSIONER
21 [~~BOARD~~]. (a) The commissioner [~~board~~] has the exclusive original
22 jurisdiction to regulate those aspects of the distribution, sale,
23 or lease of motor vehicles that are governed by this chapter,
24 including the original jurisdiction to determine its own
25 jurisdiction.

26 (b) The commissioner [~~board~~] may take any action that is
27 specifically designated or implied under this chapter or that is

1 necessary or convenient to the exercise of the power and
2 jurisdiction granted under Subsection (a).

3 SECTION 4I.09. Section 2301.152, Occupations Code, is
4 amended to read as follows:

5 Sec. 2301.152. GENERAL DUTIES OF COMMISSIONER [~~BOARD~~]. (a)
6 In accordance with this chapter, the commissioner [~~board~~] shall:

- 7 (1) administer this chapter;
- 8 (2) establish the qualifications of license holders;
- 9 (3) ensure that the distribution, sale, and lease of
10 motor vehicles is conducted as required by this chapter and
11 commissioner [~~board~~] rules;
- 12 (4) provide for compliance with warranties; and
- 13 (5) prevent fraud, unfair practices, discrimination,
14 impositions, and other abuses in connection with the distribution
15 and sale of motor vehicles.

16 (b) In addition to the duties delegated to the commissioner
17 [~~board~~] under this chapter, the commissioner [~~board~~] shall enforce
18 and administer Chapter 503, Transportation Code.

19 SECTION 4I.10. Section 2301.153, Occupations Code, is
20 amended to read as follows:

21 Sec. 2301.153. GENERAL POWERS OF COMMISSIONER [~~BOARD~~]. (a)
22 Notwithstanding any other provision of law, the commissioner
23 [~~board~~] has all powers necessary, incidental, or convenient to
24 perform a power or duty expressly granted under this chapter,
25 including the power to:

- 26 (1) initiate and conduct proceedings, investigations,
27 or hearings;

- 1 (2) administer oaths;
- 2 (3) receive evidence and pleadings;
- 3 (4) issue subpoenas to compel the attendance of any
4 person;
- 5 (5) order the production of any tangible property,
6 including papers, records, or other documents;
- 7 (6) make findings of fact on all factual issues
8 arising out of a proceeding initiated under this chapter;
- 9 (7) specify and govern appearance, practice, and
10 procedures before the commissioner [~~board~~];
- 11 (8) adopt rules and issue conclusions of law and
12 decisions, including declaratory decisions or orders;
- 13 (9) enter into contracts;
- 14 (10) execute instruments;
- 15 (11) retain counsel;
- 16 (12) use the services of the attorney general and
17 institute and direct the conduct of legal proceedings in any forum;
- 18 (13) obtain other professional services as necessary
19 and convenient;
- 20 (14) impose a sanction for contempt;
- 21 (15) assess and collect fees and costs, including
22 attorney's fees;
- 23 (16) issue, suspend, or revoke licenses;
- 24 (17) prohibit and regulate acts and practices in
25 connection with the distribution and sale of motor vehicles or
26 warranty performance obligations;
- 27 (18) issue cease and desist orders in the nature of

1 temporary or permanent injunctions;

2 (19) impose a civil penalty;

3 (20) enter an order requiring a person to:

4 (A) pay costs and expenses of a party in
5 connection with an order entered under Section 2301.465;

6 (B) perform an act other than the payment of
7 money; or

8 (C) refrain from performing an act; and

9 (21) enforce a commissioner [~~board~~] order.

10 (b) The commissioner [~~board~~] may inspect the books and
11 records of a license holder in connection with the performance of
12 the commissioner's [~~its~~] duties under this chapter.

13 SECTION 4I.11. Section 2301.154, Occupations Code, is
14 amended to read as follows:

15 Sec. 2301.154. DELEGATION OF POWERS. The commissioner
16 [~~director~~] may delegate any of the commissioner's [~~director's~~]
17 powers to one or more of the division's employees.

18 SECTION 4I.12. Section 2301.155, Occupations Code, is
19 amended to read as follows:

20 Sec. 2301.155. RULES. The authority to adopt rules under
21 this chapter is vested in the commissioner [~~board~~]. In accordance
22 with this chapter and the rules, decisions, and orders of the
23 commissioner [~~board~~], the commissioner [~~board~~] shall adopt rules as
24 necessary or convenient to administer this chapter and to govern
25 practice and procedure before the commissioner [~~board~~].

26 SECTION 4I.13. Section 2301.156, Occupations Code, is
27 amended to read as follows:

1 Sec. 2301.156. DEPOSIT OF REVENUE. Notwithstanding any
2 other law to the contrary, all money collected by the commissioner
3 [~~board~~] under this chapter shall be deposited in the state treasury
4 to the credit of the state highway fund.

5 SECTION 4I.14. Sections 2301.157(a) and (b), Occupations
6 Code, are amended to read as follows:

7 (a) Notwithstanding any other law, the commissioner
8 [~~director or a board member~~], hearings examiner, or division
9 employee is not personally liable for damages resulting from an
10 official act or omission unless the act or omission constitutes
11 intentional or malicious malfeasance.

12 (b) The attorney general shall defend a person described by
13 Subsection (a) in an action brought in connection with the act or
14 omission by the person regardless of whether the person serves the
15 commissioner [~~board~~] or division in any capacity at the time the
16 action is brought.

17 SECTION 4I.15. Section 2301.160, Occupations Code, is
18 amended to read as follows:

19 Sec. 2301.160. TOLLING OF TIME LIMIT DURING MEDIATION. A
20 time limit relating to a commissioner [~~board~~] proceeding that is
21 imposed by this chapter on the commissioner [~~board~~] or on a dealer
22 is tolled during the pendency of mediation required by this chapter
23 or by a franchise agreement.

24 SECTION 4I.16. Section 2301.201, Occupations Code, is
25 amended to read as follows:

26 Sec. 2301.201. PUBLIC INTEREST INFORMATION. (a) The
27 commissioner [~~director~~] or the commissioner's [~~director's~~]

1 designee shall prepare information describing the functions of the
2 commissioner [~~board~~] and the procedures by which complaints or
3 protests are filed with and resolved by the commissioner [~~board~~].

4 (b) The commissioner [~~board~~] shall make the information
5 available to the public and appropriate state agencies.

6 SECTION 4I.17. Section 2301.202, Occupations Code, is
7 amended to read as follows:

8 Sec. 2301.202. COMPLAINTS; RECORDS. (a) The commissioner
9 [~~board~~] shall provide to a person who files a complaint, and to each
10 person that is the subject of the complaint, information about the
11 commissioner's [~~board's~~] policies and procedures relating to
12 complaint investigation and resolution.

13 (b) The commissioner [~~board~~] shall keep an information file
14 about each complaint filed with the commissioner [~~board~~] that the
15 commissioner [~~board~~] has authority to resolve. The commissioner
16 [~~board~~] shall keep the following information for each complaint
17 filed by the commissioner [~~board~~] for the purpose of enforcing this
18 chapter:

19 (1) the date the complaint is filed;
20 (2) the name of the person filing the complaint;
21 (3) the subject matter of the complaint;
22 (4) each person contacted in relation to the
23 complaint;

24 (5) a summary of the results of the review or
25 investigation of the complaint; and

26 (6) if the commissioner [~~board~~] does not take action
27 on the complaint, an explanation of the reasons that action was not

1 taken.

2 (c) If a written complaint is filed with the commissioner
3 [~~board~~] that the commissioner [~~board~~] has authority to resolve, the
4 commissioner [~~board~~], at least quarterly and until final
5 disposition of the complaint, shall notify the parties to the
6 complaint of the status of the complaint unless the notice would
7 jeopardize an ongoing commissioner [~~board~~] investigation.

8 SECTION 4I.18. Section 2301.203, Occupations Code, is
9 amended to read as follows:

10 Sec. 2301.203. COMPLAINT INVESTIGATION AND DISPOSITION.

11 (a) If the commissioner [~~board~~] has reason to believe, through
12 receipt of a complaint or otherwise, that a violation of this
13 chapter or a rule, order, or decision of the commissioner [~~board~~]
14 has occurred or is likely to occur, the commissioner [~~board~~] shall
15 conduct an investigation unless the commissioner [~~it~~] determines
16 that the complaint is frivolous or for the purpose of harassment.

17 (b) If the investigation establishes that a violation of
18 this chapter or a rule, order, or decision of the commissioner
19 [~~board~~] has occurred or is likely to occur, the commissioner
20 [~~board~~] shall initiate proceedings as the commissioner [~~it~~]
21 determines appropriate to enforce this chapter or the
22 commissioner's [~~its~~] rules, orders, and decisions.

23 (c) The commissioner [~~board~~] may not file a complaint
24 alleging a violation of this chapter or a commissioner [~~board~~] rule
25 relating to advertising until the commissioner [~~board~~] has notified
26 the license holder involved of the alleged violation and given the
27 license holder an opportunity to cure the violation without further

1 proceedings or liability.

2 SECTION 4I.19. Section 2301.204(c), Occupations Code, is
3 amended to read as follows:

4 (c) The owner may also invoke the commissioner's [~~board's~~]
5 jurisdiction by sending a copy of the complaint to the commissioner
6 [~~board~~].

7 SECTION 4I.20. Section 2301.205(b), Occupations Code, is
8 amended to read as follows:

9 (b) The commissioner [~~board~~] may require the commissioner's
10 [~~its~~] approval of the contents of the notice required by Subsection
11 (a) or may prescribe the contents of the notice.

12 SECTION 4I.21. Section 2301.206, Occupations Code, is
13 amended to read as follows:

14 Sec. 2301.206. PUBLIC PARTICIPATION. (a) The commissioner
15 [~~board~~] shall develop and implement policies that provide the
16 public with a reasonable opportunity to appear before the
17 commissioner [~~board~~] and to speak on any issue under the
18 commissioner's [~~board's~~] jurisdiction.

19 (b) The commissioner [~~board~~] shall prepare and maintain a
20 written plan that describes how a person who does not speak English
21 or who has a physical, mental, or developmental disability may be
22 provided reasonable access to the commissioner's [~~board's~~]
23 programs.

24 SECTION 4I.22. Section 2301.257, Occupations Code, is
25 amended to read as follows:

26 Sec. 2301.257. APPLICATION FOR DEALER'S LICENSE. (a) An
27 application for a dealer's license must be on a form prescribed by

1 the commissioner [~~board~~]. The application must include:

2 (1) the information required by Chapter 503,
3 Transportation Code; and

4 (2) information relating to the applicant's financial
5 resources, business integrity, business ability and experience,
6 franchise if applicable, physical facilities, vehicle inventory,
7 and other factors the commissioner [~~board~~] considers necessary to
8 determine the applicant's qualifications to adequately serve the
9 public.

10 (b) If a material change occurs in the information included
11 in an application for a dealer's license, the dealer shall notify
12 the commissioner [~~director~~] of the change within a reasonable
13 time. The commissioner [~~director~~] shall prescribe a form for the
14 disclosure of the change.

15 (c) A franchised dealer must apply for a separate license
16 under this section for each separate and distinct dealership as
17 determined by the commissioner [~~board~~]. Before changing a
18 location, a dealer must obtain a new license for that location.

19 SECTION 4I.23. Section 2301.258, Occupations Code, is
20 amended to read as follows:

21 Sec. 2301.258. GENERAL REQUIREMENTS FOR APPLICATION FOR
22 MANUFACTURER'S, DISTRIBUTOR'S, CONVERTER'S, OR REPRESENTATIVE'S
23 LICENSE. An application for a manufacturer's, distributor's,
24 converter's, or representative's license must be on a form
25 prescribed by the commissioner [~~board~~]. The application must
26 include information the commissioner [~~board~~] determines necessary
27 to fully determine the qualifications of an applicant, including

1 financial resources, business integrity and experience, facilities
2 and personnel for serving franchised dealers, and other information
3 the commissioner [~~board~~] determines pertinent to safeguard the
4 public interest and welfare.

5 SECTION 4I.24. Sections 2301.259(a) and (b), Occupations
6 Code, are amended to read as follows:

7 (a) An applicant for a manufacturer's license must provide a
8 list of each distributor or representative acting for the applicant
9 and each dealer franchised to sell the applicant's products in this
10 state and their respective locations. An applicant for or holder of
11 a manufacturer's license must inform the commissioner [~~board~~] of a
12 change to the list not later than the 15th day after the date of the
13 change. Information submitted under this subsection becomes a part
14 of the application.

15 (b) An application for a manufacturer's license must
16 include a document stating the terms and conditions of each
17 warranty agreement in effect at the time of the application on a
18 product the manufacturer sells in this state so that the
19 commissioner [~~board~~] may determine:

20 (1) the protection provided a retail purchaser of the
21 manufacturer's products;

22 (2) the obligation of a franchised dealer under the
23 agreement; and

24 (3) the basis for compensating a franchised dealer for
25 labor, parts, or other expenses under the agreement.

26 SECTION 4I.25. Section 2301.260(c), Occupations Code, is
27 amended to read as follows:

1 (c) An applicant for or holder of a distributor's license
2 must inform the commissioner [~~board~~] of a change in the information
3 provided under this section not later than the 15th day after the
4 date of the change. Information submitted under this subsection
5 becomes a part of the application.

6 SECTION 4I.26. Section 2301.261(a), Occupations Code, is
7 amended to read as follows:

8 (a) An application for a vehicle lessor's license must:

9 (1) be on a form prescribed by the commissioner
10 [~~board~~];

11 (2) contain evidence of compliance with Chapter 503,
12 Transportation Code, if applicable; and

13 (3) state other information required by the
14 commissioner [~~board~~].

15 SECTION 4I.27. Section 2301.262(a), Occupations Code, is
16 amended to read as follows:

17 (a) An application for a vehicle lease facilitator license
18 must be on a form prescribed by the commissioner [~~board~~] and contain
19 the information required by the commissioner [~~board~~].

20 SECTION 4I.28. Section 2301.263, Occupations Code, is
21 amended to read as follows:

22 Sec. 2301.263. LICENSE ISSUED SUBJECT TO NEW LAW AND RULES.
23 A license issued under this chapter is subject to each provision of
24 this chapter and commissioner [~~board~~] rule in effect on the date the
25 license is issued and each provision of this chapter and
26 commissioner [~~board~~] rule that takes effect during the term of the
27 license.

1 SECTION 4I.29. Sections 2301.264(c) and (d), Occupations
2 Code, are amended to read as follows:

3 (c) The commissioner [~~board~~] may prorate the fee for a
4 representative's license to allow the representative's license and
5 the license of the manufacturer or distributor who employs the
6 representative to expire on the same day.

7 (d) The commissioner [~~board~~] may refund from funds
8 appropriated to the commissioner [~~board~~] for that purpose a fee
9 collected under this chapter that is not due or that exceeds the
10 amount due.

11 SECTION 4I.30. Section 2301.266, Occupations Code, is
12 amended to read as follows:

13 Sec. 2301.266. DUPLICATE LICENSE. The commissioner [~~board~~]
14 may:

15 (1) issue a duplicate license for any license the
16 commissioner [~~board~~] issues;

17 (2) charge a fee for the issuance of a duplicate
18 license; and

19 (3) adopt rules applicable to the issuance of a
20 duplicate license.

21 SECTION 4I.31. Sections 2301.301(b) and (d), Occupations
22 Code, are amended to read as follows:

23 (b) The commissioner [~~director~~] may issue a license for a
24 term of less than the period prescribed under Subsection (a) to
25 coordinate the expiration dates of licenses held by a person that is
26 required to obtain more than one license to perform activities
27 under this chapter.

1 (d) A license renewal may be administratively granted
2 unless a protest is made to the commissioner [~~board~~].

3 SECTION 4I.32. Section 2301.302, Occupations Code, is
4 amended to read as follows:

5 Sec. 2301.302. NOTICE OF LICENSE EXPIRATION. The
6 commissioner [~~board~~] shall notify each person licensed under this
7 chapter of the date of license expiration and the amount of the fee
8 required for license renewal. The notice shall be mailed at least
9 30 days before the date of license expiration.

10 SECTION 4I.33. Section 2301.303, Occupations Code, is
11 amended to read as follows:

12 Sec. 2301.303. RENEWAL OF DEALER'S LICENSE. A dealer shall
13 renew the dealer's license on an application prescribed by the
14 commissioner [~~director~~]. The commissioner [~~director~~] shall
15 include in the renewal application a request for disclosure of
16 material changes described by Section 2301.257.

17 SECTION 4I.34. Section 2301.304, Occupations Code, is
18 amended to read as follows:

19 Sec. 2301.304. PROCEDURE FOR RENEWAL OF CERTAIN LICENSES.
20 The holder of a manufacturer's, distributor's, converter's, or
21 representative's license may apply for a renewal of the license by
22 complying with the application process specified by this chapter
23 and commissioner [~~board~~] rule.

24 SECTION 4I.35. Section 2301.351, Occupations Code, is
25 amended to read as follows:

26 Sec. 2301.351. GENERAL PROHIBITION. A dealer may not:

27 (1) violate a commissioner [~~board~~] rule;

1 (2) aid or abet a person who violates this chapter; or

2 (3) use false, deceptive, or misleading advertising.

3 SECTION 4I.36. Section 2301.353, Occupations Code, is
4 amended to read as follows:

5 Sec. 2301.353. PROHIBITION: PERFORMANCE OF OBLIGATION
6 UNDER AGREEMENT WITH MANUFACTURER. A franchised dealer may not
7 fail to perform an obligation placed on:

8 (1) the selling dealer in connection with the
9 preparation and delivery of a new motor vehicle for retail sale as
10 provided in the manufacturer's preparation and delivery agreements
11 on file with the commissioner [~~board~~] that are applicable to the
12 vehicle; or

13 (2) the dealer in connection with the manufacturer's
14 warranty agreements on file with the commissioner [~~board~~].

15 SECTION 4I.37. Section 2301.354(c), Occupations Code, is
16 amended to read as follows:

17 (c) If a dispute arises under this section:

18 (1) the commissioner [~~board~~] has exclusive
19 jurisdiction to determine whether a sign complies with this
20 section; and

21 (2) the commissioner [~~board~~] shall uphold an ordinance
22 of a home-rule municipality and protect a franchised dealer from
23 retribution by a manufacturer or distributor for complying with the
24 ordinance.

25 SECTION 4I.38. Section 2301.356, Occupations Code, is
26 amended to read as follows:

27 Sec. 2301.356. NOTICE OF CERTAIN PROPOSED CHANGES. A

1 licensed dealer shall promptly notify the commissioner [~~board~~] of
2 any proposed change in its ownership, location, franchise, or any
3 other matter the commissioner [~~board~~] by rule may require.

4 SECTION 4I.39. Sections 2301.358(a), (c), and (d),
5 Occupations Code, are amended to read as follows:

6 (a) A person who holds a license issued under this chapter
7 may not participate in a new motor vehicle show or exhibition
8 unless:

9 (1) the person provides the commissioner [~~board~~] with
10 written notice at least 30 days before the date the show or
11 exhibition opens; and

12 (2) the commissioner [~~board~~] grants written approval.

13 (c) This section does not prohibit the sale of a towable
14 recreational vehicle, motor home, ambulance, fire-fighting
15 vehicle, or tow truck at a show or exhibition if:

16 (1) the show or exhibition is approved by the
17 commissioner [~~board~~]; and

18 (2) the sale is not otherwise prohibited by law.

19 (d) A rule adopted by the commissioner [~~board~~] regulating
20 the off-site display or sale of towable recreational vehicles must
21 include a provision that authorizes the display and sale of towable
22 recreational vehicles at a private event in a trade area that would
23 not otherwise qualify for the private event under the application
24 of general participation requirements for organized dealer shows
25 and exhibitions.

26 SECTION 4I.40. Section 2301.359(c), Occupations Code, is
27 amended to read as follows:

1 (c) The notice must be accompanied by:

2 (1) a copy of pertinent agreements regarding the
3 proposed assignment, sale, or transfer;

4 (2) completed application forms and related
5 information generally used by the manufacturer or distributor in
6 reviewing prospective dealers, if the forms are on file with the
7 commissioner [~~board~~]; and

8 (3) the prospective transferee's written agreement to
9 comply with the franchise to the extent that the franchise is not in
10 conflict with this chapter.

11 SECTION 4I.41. Section 2301.360, Occupations Code, is
12 amended to read as follows:

13 Sec. 2301.360. REVIEW BY COMMISSIONER [~~BOARD~~] FOLLOWING
14 DENIAL OF TRANSFER. (a) A dealer whose application is rejected
15 under Section 2301.359 may file a protest with the commissioner
16 [~~board~~]. A protest filed under this section is a contested case.

17 (b) In a protest under this section, the commissioner
18 [~~board~~] must determine whether the prospective transferee is
19 qualified. The burden is on the manufacturer or distributor to
20 prove that the prospective transferee is not qualified. The
21 commissioner [~~board~~] shall enter an order holding that the
22 prospective transferee either is qualified or is not qualified.

23 (c) If the commissioner's [~~board's~~] order is that the
24 prospective transferee is qualified, the dealer's franchise is
25 amended to reflect the change in franchisee, and the manufacturer
26 or distributor shall accept the transfer for all purposes.

27 (d) If the commissioner's [~~board's~~] order is that the

1 prospective transferee is not qualified, the commissioner [~~board~~]
2 may include in the order:

3 (1) specific reasons why the prospective transferee is
4 not qualified; and

5 (2) specific conditions under which the prospective
6 transferee would be qualified.

7 (e) If the commissioner's [~~board's~~] order that a prospective
8 transferee is not qualified includes specific conditions under
9 which the prospective transferee would be qualified, the
10 commissioner [~~board~~] may retain jurisdiction of the dispute for a
11 time certain to allow the dealer and prospective transferee to meet
12 the conditions.

13 SECTION 4I.42. Section 2301.401(a), Occupations Code, is
14 amended to read as follows:

15 (a) A manufacturer or distributor shall file with the
16 commissioner [~~board~~] a copy of the current requirements the
17 manufacturer or distributor imposes on its dealers with respect to
18 the dealer's:

19 (1) duties under the manufacturer's or distributor's
20 warranty; and

21 (2) vehicle preparation and delivery obligations.

22 SECTION 4I.43. Sections 2301.403(c), (d), and (e),
23 Occupations Code, are amended to read as follows:

24 (c) A requesting dealer may file a protest with the
25 commissioner [~~board~~] if the manufacturer or distributor:

26 (1) disapproves the request; or

27 (2) fails to respond within the time required by this

1 section.

2 (d) After a protest is filed, the commissioner [~~board~~] may
3 uphold the manufacturer's or distributor's decision only if the
4 manufacturer or distributor proves by a preponderance of the
5 evidence that the disapproval of the request or failure to respond
6 was reasonable.

7 (e) If the commissioner [~~board~~] does not determine that the
8 disapproval of the request or failure to respond was reasonable,
9 the commissioner [~~board~~] shall order the requested rate into effect
10 as of the 60th day after the receipt of the request by the
11 manufacturer or distributor.

12 SECTION 4I.44. Sections 2301.453(a) and (c) through (h),
13 Occupations Code, are amended to read as follows:

14 (a) Notwithstanding the terms of any franchise, a
15 manufacturer, distributor, or representative may not terminate or
16 discontinue a franchise with a franchised dealer or directly or
17 indirectly force or attempt to force a franchised dealer to
18 relocate or discontinue a line-make or parts or products related to
19 that line-make unless the manufacturer, distributor, or
20 representative provides notice of the termination or
21 discontinuance as required by Subsection (c) and:

22 (1) the manufacturer, distributor, or representative
23 receives the dealer's informed written consent;

24 (2) the appropriate time for the dealer to file a
25 protest under Subsection (e) has expired; or

26 (3) the commissioner [~~board~~] makes a determination of
27 good cause under Subsection (g).

1 (c) Except as provided by Subsection (d), the manufacturer,
2 distributor, or representative must provide written notice by
3 registered or certified mail to the dealer and the commissioner
4 [~~board~~] stating the specific grounds for the termination or
5 discontinuance. The notice must:

6 (1) be received not later than the 60th day before the
7 effective date of the termination or discontinuance; and

8 (2) contain on its first page a conspicuous statement
9 that reads: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A
10 PROTEST WITH THE TEXAS DEPARTMENT OF MOTOR VEHICLES [~~VEHICLE BOARD~~]
11 IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE
12 PROPOSED TERMINATION OR DISCONTINUANCE OF YOUR FRANCHISE UNDER THE
13 TERMS OF CHAPTER 2301, OCCUPATIONS CODE, IF YOU OPPOSE THIS
14 ACTION."

15 (d) Notice may be provided not later than the 15th day
16 before the effective date of termination or discontinuance if a
17 licensed dealer fails to conduct its customary sales and service
18 operations during its customary business hours for seven
19 consecutive business days. This subsection does not apply if the
20 failure is caused by:

21 (1) an act of God;

22 (2) a work stoppage or delay because of a strike or
23 labor dispute;

24 (3) an order of the commissioner [~~board~~]; or

25 (4) another cause beyond the control of the dealer.

26 (e) A franchised dealer may file a protest with the
27 commissioner [~~board~~] of the termination or discontinuance not later

1 than the latter of:

2 (1) the 60th day after the date of the receipt of the
3 notice of termination or discontinuance; or

4 (2) the time specified in the notice.

5 (f) After a timely protest is filed under Subsection (e),
6 the commissioner [~~board~~] shall notify the party seeking the
7 termination or discontinuance that:

8 (1) a timely protest has been filed;

9 (2) a hearing is required under this chapter; and

10 (3) the party may not terminate or discontinue the
11 franchise until the commissioner [~~board~~] issues a [~~its~~] final order
12 or decision.

13 (g) After a hearing, the commissioner [~~board~~] shall
14 determine whether the party seeking the termination or
15 discontinuance has established by a preponderance of the evidence
16 that there is good cause for the proposed termination or
17 discontinuance.

18 (h) If a franchise is terminated or discontinued, the
19 manufacturer, distributor, or representative shall establish
20 another franchise in the same line-make within a reasonable time
21 unless it is shown to the commissioner [~~board~~] by a preponderance of
22 the evidence that the community or trade area cannot reasonably
23 support such a dealership. If this showing is made, a license may
24 not be issued for a franchised dealer in the same area until a
25 change in circumstances is established.

26 SECTION 4I.45. Section 2301.454, Occupations Code, is
27 amended to read as follows:

1 Sec. 2301.454. MODIFICATION OR REPLACEMENT OF FRANCHISE.

2 (a) Notwithstanding the terms of any franchise, a manufacturer,
3 distributor, or representative may not modify or replace a
4 franchise if the modification or replacement would adversely affect
5 to a substantial degree the dealer's sales, investment, or
6 obligations to provide service to the public, unless:

7 (1) the manufacturer, distributor, or representative
8 provides written notice by registered or certified mail to each
9 affected dealer and the commissioner [~~board~~] of the modification or
10 replacement; and

11 (2) if a protest is filed under this section, the
12 commissioner [~~board~~] approves the modification or replacement.

13 (b) The notice required by Subsection (a)(1) must:

14 (1) be given not later than the 60th day before the
15 date of the modification or replacement; and

16 (2) contain on its first page a conspicuous statement
17 that reads: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A
18 PROTEST WITH THE TEXAS DEPARTMENT OF MOTOR VEHICLES [~~VEHICLE BOARD~~]
19 IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE
20 PROPOSED MODIFICATION OR REPLACEMENT OF YOUR FRANCHISE UNDER THE
21 TERMS OF CHAPTER 2301, OCCUPATIONS CODE, IF YOU OPPOSE THIS
22 ACTION."

23 (c) A franchised dealer may file a protest with the
24 commissioner [~~board~~] of the modification or replacement not later
25 than the latter of:

26 (1) the 60th day after the date of the receipt of the
27 notice; or

1 (2) the time specified in the notice.

2 (d) After a protest is filed, the commissioner [~~board~~] shall
3 determine whether the manufacturer, distributor, or representative
4 has established by a preponderance of the evidence that there is
5 good cause for the proposed modification or replacement. The prior
6 franchise continues in effect until the commissioner [~~board~~]
7 resolves the protest.

8 SECTION 4I.46. Section 2301.455(a), Occupations Code, is
9 amended to read as follows:

10 (a) Notwithstanding the terms of any franchise, in
11 determining whether good cause has been established under Section
12 2301.453 or 2301.454, the commissioner [~~board~~] shall consider all
13 existing circumstances, including:

14 (1) the dealer's sales in relation to the sales in the
15 market;

16 (2) the dealer's investment and obligations;

17 (3) injury or benefit to the public;

18 (4) the adequacy of the dealer's service facilities,
19 equipment, parts, and personnel in relation to those of other
20 dealers of new motor vehicles of the same line-make;

21 (5) whether warranties are being honored by the
22 dealer;

23 (6) the parties' compliance with the franchise, except
24 to the extent that the franchise conflicts with this chapter; and

25 (7) the enforceability of the franchise from a public
26 policy standpoint, including issues of the reasonableness of the
27 franchise's terms, oppression, adhesion, and the parties' relative

1 bargaining power.

2 SECTION 4I.47. Section 2301.460, Occupations Code, is
3 amended to read as follows:

4 Sec. 2301.460. WARRANTY, PREPARATION, OR DELIVERY
5 AGREEMENT OBLIGATIONS. Notwithstanding the terms of any
6 franchise, a manufacturer, distributor, or representative may not,
7 after a complaint and a hearing, fail or refuse to perform an
8 obligation placed on the manufacturer in connection with the
9 preparation, delivery, and warranty of a new motor vehicle as
10 provided in the manufacturer's warranty, preparation, and delivery
11 agreements on file with the commissioner [~~board~~].

12 SECTION 4I.48. Section 2301.461(a), Occupations Code, is
13 amended to read as follows:

14 (a) Notwithstanding the terms of any franchise or any other
15 law, a franchised dealer's preparation, delivery, and warranty
16 obligations as filed with the commissioner [~~board~~] are the dealer's
17 sole responsibility for product liability as between the dealer and
18 a manufacturer or distributor.

19 SECTION 4I.49. Section 2301.462(b), Occupations Code, is
20 amended to read as follows:

21 (b) Notwithstanding the terms of any franchise, a
22 manufacturer, distributor, or representative may refuse to honor a
23 succession if, after notice and hearing, it is shown to the
24 commissioner [~~board~~] that the result of the succession will be
25 detrimental to the public interest and to the representation of the
26 manufacturer or distributor.

27 SECTION 4I.50. Sections 2301.464(a) and (c), Occupations

1 Code, are amended to read as follows:

2 (a) Notwithstanding the terms of any franchise, a
3 manufacturer, distributor, or representative may not deny or
4 withhold approval of a written application to relocate a franchise
5 unless:

6 (1) the applicant receives written notice of the
7 denial or withholding of approval not later than the 60th day after
8 the date the application is received; and

9 (2) if the applicant files a protest with the
10 commissioner [~~board~~], the commissioner [~~board~~] makes a
11 determination of reasonable grounds under this section.

12 (c) If the applicant files a protest under Subsection
13 (a)(2), the commissioner [~~board~~] shall hold a hearing. After the
14 hearing, the commissioner [~~board~~] shall determine whether the
15 manufacturer or distributor has established by a preponderance of
16 the evidence that the grounds for the denial or withholding of
17 approval of the relocation are reasonable.

18 SECTION 4I.51. Section 2301.466(b), Occupations Code, is
19 amended to read as follows:

20 (b) An arbitrator shall apply this chapter in resolving a
21 controversy. Either party may appeal to the commissioner [~~board~~] a
22 decision of an arbitrator on the ground that the arbitrator failed
23 to apply this chapter.

24 SECTION 4I.52. Section 2301.472, Occupations Code, is
25 amended to read as follows:

26 Sec. 2301.472. ADDITION OF LINE-MAKE. (a) Notwithstanding
27 the terms of any franchise, a manufacturer, distributor, or

1 representative may not deny or withhold approval of a franchised
2 dealer's application to add a line-make or parts or products
3 related to that line-make unless:

4 (1) the manufacturer or distributor provides written
5 notice of the denial or withholding of approval to the applicant not
6 later than the 60th day after the date the application is received;
7 and

8 (2) if the applicant files a protest under this
9 section, the commissioner [~~board~~] upholds the denial or withholding
10 of approval.

11 (b) After receiving notice under Subsection (a)(1), a
12 dealer may file a protest with the commissioner [~~board~~].

13 (c) If the dealer files a protest, the commissioner [~~board~~]
14 may uphold the manufacturer's or distributor's decision to deny or
15 withhold approval of the addition of the line-make only if the
16 manufacturer or distributor establishes by a preponderance of the
17 evidence that the denial or withholding of approval was reasonable.

18 (d) In determining whether a manufacturer or distributor
19 has established that the denial or withholding of approval is
20 reasonable, the commissioner [~~board~~] shall consider all existing
21 circumstances, including:

22 (1) the dealer's sales in relation to the sales in the
23 market;

24 (2) the dealer's investment and obligations;

25 (3) injury or benefit to the public;

26 (4) the adequacy of the dealer's sales and service
27 facilities, equipment, parts, and personnel in relation to those of

1 other dealers of new motor vehicles of the same line-make;

2 (5) whether warranties are being honored by the dealer
3 agreement;

4 (6) the parties' compliance with the franchise, except
5 to the extent that the franchise conflicts with this chapter;

6 (7) the enforceability of the franchise from a public
7 policy standpoint, including issues of the reasonableness of the
8 franchise's terms, oppression, adhesion, and the parties' relative
9 bargaining power;

10 (8) whether the dealer complies with reasonable
11 capitalization requirements or will be able to comply with
12 reasonable capitalization requirements within a reasonable time;

13 (9) any harm to the manufacturer if the denial or
14 withholding of approval is not upheld; and

15 (10) any harm to the dealer if the denial or
16 withholding of approval is upheld.

17 SECTION 4I.53. Section 2301.476(e), Occupations Code, is
18 amended to read as follows:

19 (e) On a showing of good cause by a manufacturer or
20 distributor, the commissioner [~~board~~] may extend the time limit
21 imposed under Subsection (d) for a period not to exceed an
22 additional 12 months. An application for an extension after the
23 first extension is granted is subject to protest by a dealer of the
24 same line-make whose dealership is located in the same county as, or
25 within 15 miles of, the dealership owned or controlled by the
26 manufacturer or distributor.

27 SECTION 4I.54. Sections 2301.522(a), (b), and (d),

1 Occupations Code, are amended to read as follows:

2 (a) In an action brought against a manufacturer or
3 distributor under Sections 2301.451-2301.474 by a franchised
4 dealer whose franchise provides for arbitration in compliance with
5 this chapter, the commissioner [~~board~~] shall order the parties to
6 submit the dispute to mediation in the manner provided by this
7 subchapter.

8 (b) Subsection (a) applies only if the dealer's franchise
9 does not contain an arbitration provision in conflict with this
10 chapter. In a dispute concerning whether Subsection (a) applies,
11 the commissioner [~~board~~] shall enter an order either that the
12 franchise contains a provision in conflict with this chapter or
13 that it does not. If the commissioner [~~board~~] determines that the
14 franchise does not contain an arbitration provision that conflicts
15 with this chapter, the commissioner [~~board~~] shall order the parties
16 to proceed to mediation as provided by this subchapter.

17 (d) This subchapter does not apply to an action brought by
18 the commissioner [~~board~~] to enforce this chapter.

19 SECTION 4I.55. Section 2301.524(c), Occupations Code, is
20 amended to read as follows:

21 (c) Mediation must be completed not later than the 60th day
22 after the date the commissioner [~~board~~] orders the parties to
23 mediate. The deadline may be extended by the commissioner [~~board~~]
24 at the request of all parties.

25 SECTION 4I.56. Section 2301.525(b), Occupations Code, is
26 amended to read as follows:

27 (b) If Section 154.073, Civil Practice and Remedies Code,

1 conflicts with another legal requirement for disclosure of
2 communications or materials, the issue of confidentiality may be
3 presented to the commissioner [~~board~~] to determine, in camera,
4 whether the facts, circumstances, and context of the communications
5 or materials sought to be disclosed warrant a protective order of
6 the commissioner [~~board~~] or whether the communications or materials
7 are subject to disclosure.

8 SECTION 4I.57. Section 2301.526(a), Occupations Code, is
9 amended to read as follows:

10 (a) The commissioner [~~board~~] is not liable for the
11 compensation paid or to be paid to a mediator employed under this
12 subchapter.

13 SECTION 4I.58. Section 2301.527, Occupations Code, is
14 amended to read as follows:

15 Sec. 2301.527. JURISDICTION OF COMMISSIONER [~~BOARD~~]. The
16 commissioner [~~board~~] retains jurisdiction of the subject matter of
17 and parties to a dispute during mediation and may, on the motion of
18 a party or on the commissioner's [~~its~~] own motion, enter
19 appropriate orders.

20 SECTION 4I.59. Sections 2301.528(a) and (d), Occupations
21 Code, are amended to read as follows:

22 (a) Except as provided by this subchapter, mediation under
23 this subchapter does not affect a procedural right or duty
24 conferred by this chapter or by commissioner [~~board~~] rule.

25 (d) The commissioner [~~board~~] shall stay proceedings
26 involving the parties in mediation until the commissioner [~~board~~]
27 receives the mediator's certification that mediation has

1 concluded.

2 SECTION 4I.60. Section 2301.529, Occupations Code, is
3 amended to read as follows:

4 Sec. 2301.529. OUTCOME OF MEDIATION. (a) If mediation
5 resolves the dispute, the commissioner [~~board~~] shall enter an order
6 incorporating the terms of the agreement reached in mediation.

7 (b) If mediation does not resolve the dispute, the
8 commissioner [~~board~~] shall proceed to a contested case hearing or
9 other appropriate exercise of its jurisdiction.

10 SECTION 4I.61. Section 2301.552(b), Occupations Code, is
11 amended to read as follows:

12 (b) An appointment must:

13 (1) be in writing;

14 (2) disclose its terms; and

15 (3) comply with commissioner [~~board~~] rules.

16 SECTION 4I.62. Section 2301.554(b), Occupations Code, is
17 amended to read as follows:

18 (b) In the interests of justice and giving deference to
19 standard national business practices, the commissioner [~~board~~] may
20 adopt a rule by which a lease may prohibit the lessee from taking
21 the vehicle into a specific foreign country regardless of whether
22 the lease prohibits the lessee from taking the vehicle into another
23 foreign country. In adopting a rule under this subsection the
24 commissioner [~~board~~] shall give consideration to the proximity of
25 international borders to prospective Texas lessees.

26 SECTION 4I.63. Section 2301.602, Occupations Code, is
27 amended to read as follows:

1 Sec. 2301.602. DUTY OF COMMISSIONER [~~BOARD~~]. (a) The
2 commissioner [~~board~~] shall cause a manufacturer, converter, or
3 distributor to perform an obligation imposed by this subchapter.

4 (b) The commissioner [~~board~~] shall adopt rules for the
5 enforcement and implementation of this subchapter.

6 SECTION 4I.64. Section 2301.604(c), Occupations Code, is
7 amended to read as follows:

8 (c) As necessary to promote the public interest, the
9 commissioner [~~board~~] by rule:

10 (1) shall define the incidental costs that are
11 eligible for reimbursement;

12 (2) shall specify other requirements necessary to
13 determine an eligible cost; and

14 (3) may set a maximum amount that is eligible for
15 reimbursement, either by type of eligible cost or by a total for all
16 costs.

17 SECTION 4I.65. Sections 2301.606(a), (b), and (c),
18 Occupations Code, are amended to read as follows:

19 (a) The commissioner [~~director~~] under commissioner [~~board~~]
20 rules shall conduct hearings and issue final orders for the
21 implementation and enforcement of this subchapter. [~~An order
22 issued by the director under this subchapter is considered a final
23 order of the board.~~]

24 (b) In a hearing before the commissioner [~~director~~] under
25 this subchapter, a manufacturer, converter, or distributor may
26 plead and prove as an affirmative defense to a remedy under this
27 subchapter that a nonconformity:

1 (1) is the result of abuse, neglect, or unauthorized
2 modification or alteration of the motor vehicle; or

3 (2) does not substantially impair the use or market
4 value of the motor vehicle.

5 (c) The commissioner [~~director~~] may not issue an order
6 requiring a manufacturer, converter, or distributor to make a
7 refund or to replace a motor vehicle unless:

8 (1) the owner or a person on behalf of the owner has
9 mailed written notice of the alleged defect or nonconformity to the
10 manufacturer, converter, or distributor; and

11 (2) the manufacturer, converter, or distributor has
12 been given an opportunity to cure the alleged defect or
13 nonconformity.

14 SECTION 4I.66. Section 2301.607(c), Occupations Code, is
15 amended to read as follows:

16 (c) If the administrative law judge does not issue a
17 proposal for decision and recommend to the commissioner [~~director~~]
18 a final order before the 151st day after the date a complaint is
19 filed under this subchapter, the commissioner [~~director~~] shall
20 provide written notice by certified mail to the complainant and to
21 the manufacturer, converter, or distributor of the expiration of
22 the 150-day period and of the complainant's right to file a civil
23 action. The commissioner [~~board~~] shall extend the 150-day period
24 if a delay is requested or caused by the person who filed the
25 complaint.

26 SECTION 4I.67. Section 2301.608, Occupations Code, is
27 amended to read as follows:

1 Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR
2 REFUND. (a) In an order issued under this subchapter, the
3 commissioner [~~director~~] shall name the person responsible for
4 paying the cost of any refund or replacement. A manufacturer,
5 converter, or distributor may not cause a franchised dealer to
6 directly or indirectly pay any money not specifically ordered by
7 the commissioner [~~director~~].

8 (b) If the commissioner [~~director~~] orders a manufacturer,
9 converter, or distributor to make a refund or replace a motor
10 vehicle under this subchapter, the commissioner [~~director~~] may
11 order the franchised dealer to reimburse the owner, lienholder,
12 manufacturer, converter, or distributor only for an item or option
13 added to the vehicle by the dealer to the extent that the item or
14 option contributed to the defect that served as the basis for the
15 order.

16 (c) In a case involving a leased vehicle, the commissioner
17 [~~director~~] may terminate the lease and apportion allowances or
18 refunds, including the reasonable allowance for use, between the
19 lessee and lessor of the vehicle.

20 SECTION 4I.68. Section 2301.609(a), Occupations Code, is
21 amended to read as follows:

22 (a) A party to a proceeding before the commissioner
23 [~~director~~] under this subchapter that is affected by a final order
24 of the commissioner [~~director~~] is entitled to judicial review of
25 the order under the substantial evidence rule in a district court of
26 Travis County.

27 SECTION 4I.69. Sections 2301.610(a), (c), and (d),

1 Occupations Code, are amended to read as follows:

2 (a) A manufacturer, distributor, or converter that has been
3 ordered to repurchase or replace a vehicle shall, through its
4 franchised dealer, issue a disclosure statement stating that the
5 vehicle was repurchased or replaced by the manufacturer,
6 distributor, or converter under this subchapter. The statement
7 must accompany the vehicle through the first retail purchase
8 following the issuance of the statement and must include the
9 commissioner's [~~board's~~] toll-free telephone number that will
10 enable the purchaser to obtain information about the condition or
11 defect that was the basis of the order for repurchase or
12 replacement.

13 (c) The commissioner [~~board~~] shall adopt rules for the
14 enforcement of this section.

15 (d) The commissioner [~~board~~] shall maintain a toll-free
16 telephone number to provide information to a person who requests
17 information about a condition or defect that was the basis for
18 repurchase or replacement by an order of the commissioner
19 [~~director~~]. The commissioner [~~board~~] shall maintain an effective
20 method of providing information to a person who makes a request.

21 SECTION 4I.70. Sections 2301.611(a) and (c), Occupations
22 Code, are amended to read as follows:

23 (a) The commissioner [~~board~~] shall publish an annual report
24 on the motor vehicles ordered repurchased or replaced under this
25 subchapter.

26 (c) The commissioner [~~board~~] shall make the report
27 available to the public and may charge a reasonable fee to cover the

1 cost of the report.

2 SECTION 4I.71. Section 2301.612, Occupations Code, is
3 amended to read as follows:

4 Sec. 2301.612. OPEN RECORDS EXCEPTION. Information filed
5 with the commissioner [~~board~~] under this subchapter is not a public
6 record and is not subject to release under Chapter 552, Government
7 Code, until the complaint is finally resolved by order of the
8 commissioner [~~board~~].

9 SECTION 4I.72. Section 2301.613(a), Occupations Code, is
10 amended to read as follows:

11 (a) The commissioner [~~board~~] shall prepare, publish, and
12 distribute information concerning an owner's rights under this
13 subchapter. The retail seller of a new motor vehicle shall
14 conspicuously post a copy of the information in the area where its
15 customers usually pay for repairs.

16 SECTION 4I.73. Sections 2301.651(a), (b), and (d),
17 Occupations Code, are amended to read as follows:

18 (a) The commissioner [~~board~~] may deny an application for a
19 license, revoke or suspend a license, place on probation a person
20 whose license has been suspended, or reprimand a license holder if
21 the applicant or license holder:

22 (1) is unfit under standards described in this chapter
23 or commissioner [~~board~~] rules;

24 (2) makes a material misrepresentation in any
25 application or other information filed under this chapter or
26 commissioner [~~board~~] rules;

27 (3) violates this chapter or a commissioner [~~board~~]

1 rule or order;

2 (4) violates any law relating to the sale,
3 distribution, financing, or insuring of motor vehicles;

4 (5) fails to maintain the qualifications for a
5 license;

6 (6) wilfully defrauds a purchaser;

7 (7) fails to fulfill a written agreement with a retail
8 purchaser of a motor vehicle; or

9 (8) violates the requirements of Section 503.0631,
10 Transportation Code.

11 (b) The commissioner [~~board~~] may take action under
12 Subsection (a) against an applicant or license holder for an act or
13 omission by an officer, director, partner, trustee, or other person
14 acting in a representative capacity for the applicant or license
15 holder that would be cause for denying, revoking, or suspending a
16 license under this chapter.

17 (d) A license may not be denied, revoked, or suspended, and
18 disciplinary action may not be taken under this subchapter, except
19 on order of the commissioner [~~board~~] after a hearing.

20 SECTION 4I.74. Section 2301.652(a), Occupations Code, is
21 amended to read as follows:

22 (a) The commissioner [~~board~~] may deny an application for a
23 license to establish a dealership if, following a protest, the
24 applicant fails to establish good cause for establishing the
25 dealership. In determining good cause, the commissioner [~~board~~]
26 shall consider:

27 (1) whether the manufacturer or distributor of the

1 same line-make of new motor vehicle is being adequately represented
2 as to sales and service;

3 (2) whether the protesting franchised dealer
4 representing the same line-make of new motor vehicle is in
5 substantial compliance with the dealer's franchise, to the extent
6 that the franchise is not in conflict with this chapter;

7 (3) the desirability of a competitive marketplace;

8 (4) any harm to the protesting franchised dealer; and

9 (5) the public interest.

10 SECTION 4I.75. Section 2301.654, Occupations Code, is
11 amended to read as follows:

12 Sec. 2301.654. PROBATION. If a suspension of a license is
13 probated, the commissioner [~~board~~] may:

14 (1) require the license holder to report regularly to
15 the commissioner [~~board~~] on matters that are the basis of the
16 probation; or

17 (2) limit activities to those prescribed by the
18 commissioner [~~board~~].

19 SECTION 4I.76. Sections 2301.7025(a) and (b), Occupations
20 Code, are amended to read as follows:

21 (a) This section does not apply to:

22 (1) an action with respect to which this chapter or
23 rules of the commissioner [~~board~~] establish specific procedural
24 time limits; or

25 (2) an action brought under Section 2301.204.

26 (b) Except as provided by this section, a license holder may
27 not file an action with the commissioner [~~board~~] after the fourth

1 anniversary of the date the action accrues.

2 SECTION 4I.77. Section 2301.703(a), Occupations Code, is
3 amended to read as follows:

4 (a) A hearing shall be conducted in any contested case
5 arising under this chapter or a commissioner [~~board~~] rule. The
6 hearing must be conducted in accordance with this chapter, any
7 order, decision, or rule of the commissioner [~~board~~], and Chapter
8 2001, Government Code.

9 SECTION 4I.78. Section 2301.704(b), Occupations Code, is
10 amended to read as follows:

11 (b) An administrative law judge has all of the
12 commissioner's [~~board's~~] power and authority under this chapter to
13 conduct hearings, including the power to:

- 14 (1) hold a hearing;
- 15 (2) administer an oath;
- 16 (3) receive pleadings and evidence;
- 17 (4) issue a subpoena to compel the attendance of a
18 witness;
- 19 (5) compel the production of papers and documents;
- 20 (6) issue an interlocutory order, including a cease
21 and desist order in the nature of a temporary restraining order or a
22 temporary injunction;
- 23 (7) make findings of fact and conclusions of law; and
- 24 (8) issue a proposal for decision and recommend a
25 final order.

26 SECTION 4I.79. Section 2301.705(a), Occupations Code, is
27 amended to read as follows:

1 (a) Notice of a contested case hearing involving a license
2 holder must be given in accordance with this chapter and
3 commissioner [~~board~~] rules.

4 SECTION 4I.80. Section 2301.706, Occupations Code, is
5 amended to read as follows:

6 Sec. 2301.706. NOTICE OF RULEMAKING HEARING. Notice of a
7 rulemaking hearing must be given in accordance with Chapter 2001,
8 Government Code, and commissioner [~~board~~] rules before the 30th day
9 preceding the date of the hearing.

10 SECTION 4I.81. Section 2301.709, Occupations Code, is
11 amended to read as follows:

12 Sec. 2301.709. PROPOSED DECISION; REVIEW BY COMMISSIONER
13 [~~BOARD~~]. (a) In a contested case, the administrative law judge
14 shall serve on each party a copy of the administrative law judge's
15 proposal for decision and recommended order containing findings of
16 fact and conclusions of law. A party may file exceptions and
17 replies to the commissioner [~~board~~].

18 (b) In reviewing the case, the commissioner [~~board~~] may
19 consider only materials that are submitted timely.

20 (c) The commissioner [~~board~~] may hear such oral argument
21 from any party as the commissioner [~~board~~] may allow.

22 (d) The commissioner [~~board~~] shall take any further action
23 conducive to the issuance of a final order and shall issue a written
24 final decision or order. [~~A majority vote of a quorum of the board~~
25 ~~is required to adopt a final decision or order of the board.~~]

26 SECTION 4I.82. Section 2301.710, Occupations Code, is
27 amended to read as follows:

1 Sec. 2301.710. DISMISSAL OF COMPLAINT. On the motion of any
2 party, the commissioner [~~board~~], without holding a contested case
3 hearing, may issue a final order dismissing a complaint, protest,
4 or response in accordance with the terms and procedures set forth in
5 Rule 166a, Texas Rules of Civil Procedure, or its successor.

6 SECTION 4I.83. Section 2301.711, Occupations Code, is
7 amended to read as follows:

8 Sec. 2301.711. ORDERS AND DECISIONS. (a) An order or
9 decision of the commissioner [~~board~~] must:

10 (1) include a separate finding of fact with respect to
11 each specific issue the commissioner [~~board~~] is required by law to
12 consider in reaching a decision;

13 (2) set forth additional findings of fact and
14 conclusions of law on which the order or decision is based; and

15 (3) give the reasons for the particular actions taken.

16 (b) Except as provided by Subchapter M, the order or
17 decision must:

18 (1) be signed by the commissioner [~~presiding officer~~
19 ~~or assistant presiding officer for the board~~];

20 (2) be attested to by the commissioner [~~director~~]; and

21 (3) have the seal affixed to it.

22 SECTION 4I.84. Section 2301.712(b), Occupations Code, is
23 amended to read as follows:

24 (b) If a person who brings a complaint under Subchapter M
25 prevails in the case, the commissioner [~~board~~] shall order the
26 nonprevailing party in the case to reimburse the amount of the
27 filing fee for the case.

1 SECTION 4I.85. Section 2301.751(a), Occupations Code, is
2 amended to read as follows:

3 (a) A party to a proceeding affected by a final order, rule,
4 or decision or other final action of the commissioner [~~board or~~
5 ~~director~~] under this chapter or under another law with respect to a
6 matter arising under this chapter may seek judicial review of the
7 action under the substantial evidence rule in:

- 8 (1) a district court in Travis County; or
9 (2) the court of appeals for the Third Court of Appeals
10 District.

11 SECTION 4I.86. Section 2301.752(b), Occupations Code, is
12 amended to read as follows:

13 (b) Citation for an appeal must be served on the
14 commissioner [~~director~~] and each party of record in the matter. For
15 an appeal initiated in the court of appeals, the court shall cause
16 the citation to be issued.

17 SECTION 4I.87. Section 2301.753, Occupations Code, is
18 amended to read as follows:

19 Sec. 2301.753. ADDITIONAL EVIDENCE. An appeal in which
20 evidence outside the record of the commissioner [~~board~~] is to be
21 taken under Chapter 2001, Government Code, or otherwise, shall be
22 brought in a district court in Travis County or in the court of
23 appeals. An appeal brought in the court of appeals is subject to
24 remand to a district court in Travis County for proceedings under
25 instructions from the court of appeals.

26 SECTION 4I.88. Section 2301.755, Occupations Code, is
27 amended to read as follows:

1 Sec. 2301.755. EFFECT OF APPEAL ON ORDER. An appeal under
2 this subchapter does not affect the enforcement of a final
3 commissioner [~~board~~] order unless:

4 (1) the enforcement of the order is enjoined under
5 Chapter 65, Civil Practice and Remedies Code, and under principles
6 of primary jurisdiction; or

7 (2) the commissioner [~~board~~], in the interest of
8 justice, suspends the enforcement of the order pending final
9 determination of the appeal.

10 SECTION 4I.89. Sections 2301.801(a) and (b), Occupations
11 Code, are amended to read as follows:

12 (a) If, after a proceeding under this chapter and
13 commissioner [~~board~~] rules, the commissioner [~~board~~] determines
14 that a person is violating or has violated this chapter, a rule
15 adopted or order issued under this chapter, or Section 503.038(a),
16 Transportation Code, the commissioner [~~board~~] may impose a civil
17 penalty. The amount of the penalty may not exceed \$10,000 for each
18 violation. Each act of violation and each day a violation continues
19 is a separate violation.

20 (b) In determining the amount of the penalty, the
21 commissioner [~~board~~] shall consider:

22 (1) the seriousness of the violation, including the
23 nature, circumstances, extent, and gravity of any prohibited act,
24 and the harm or potential harm to the safety of the public;

25 (2) the economic damage to the public caused by the
26 violation;

27 (3) the history of previous violations;

- (4) the amount necessary to deter a future violation;
- (5) efforts to correct the violation; and
- (6) any other matter that justice may require.

SECTION 4I.90. Section 2301.802, Occupations Code, is amended to read as follows:

Sec. 2301.802. CEASE AND DESIST ORDER. (a) If it appears to the commissioner [~~board~~] that a person is violating this chapter or a commissioner [~~board~~] rule or order, the commissioner [~~board~~] after notice may require the person engaged in the conduct to appear and show cause why a cease and desist order should not be issued prohibiting the conduct described in the notice.

(b) An interlocutory cease and desist order may be granted with or without bond or other undertaking if:

(1) the order is necessary to the performance of the duties delegated to the commissioner [~~board~~] by this chapter;

(2) the order is necessary or convenient to maintaining the status quo between two or more adverse parties before the commissioner [~~board~~];

(3) a party before the commissioner [~~board~~] is entitled to relief demanded of the commissioner [~~board~~] and all or part of the relief requires the restraint of some act prejudicial to the party;

(4) a person is performing, about to perform, or procuring or allowing the performance of an act:

(A) relating to the subject of a contested case pending before the commissioner [~~board~~], in violation of the rights of a party before the commissioner [~~board~~]; and

1 (B) that would tend to render the commissioner's
2 [~~board's~~] order in the case ineffectual; or

3 (5) substantial injury to the rights of a person
4 subject to the commissioner's [~~board's~~] jurisdiction is threatened
5 regardless of any remedy available at law.

6 (c) A proceeding under this section is governed by:

7 (1) this chapter and the commissioner's [~~board's~~]
8 rules; and

9 (2) Chapter 2001, Government Code, relating to a
10 contested case, to the extent that chapter is not in conflict with
11 Subdivision (1).

12 (d) An interlocutory cease and desist order remains in
13 effect until vacated or incorporated in a final order of the
14 commissioner [~~board~~]. An appeal of an interlocutory cease and
15 desist order must be made to the commissioner [~~board~~] before
16 seeking judicial review as provided by this chapter.

17 (e) A permanent cease and desist order may be issued
18 regardless of the requirements of Subsection (b) but only under the
19 procedures for a final order by the commissioner [~~board~~] under this
20 chapter. An appeal of a permanent cease and desist order is made in
21 the same manner as an appeal of a final order under this chapter.

22 SECTION 4I.91. Sections 2301.803(a) and (c), Occupations
23 Code, are amended to read as follows:

24 (a) On the initiation of a commissioner [~~board~~] proceeding,
25 whether by complaint, protest, or otherwise, a person who receives
26 notice from the commissioner [~~board~~] of a statutory stay imposed by
27 this chapter may not allow or commit any act or omission that would:

1 (1) violate this chapter or any rule, order, or
2 decision of the commissioner [~~board~~];

3 (2) affect a legal right, duty, or privilege of any
4 party before the commissioner [~~board~~]; or

5 (3) tend to render ineffectual a commissioner [~~board~~]
6 order in a pending proceeding.

7 (c) A person affected by a statutory stay imposed by this
8 chapter may initiate a proceeding before the commissioner [~~board~~]
9 to modify, vacate, or clarify the extent and application of the
10 statutory stay.

11 SECTION 4I.92. Sections 2301.804(a) and (b), Occupations
12 Code, are amended to read as follows:

13 (a) If it appears that a person has violated, is violating,
14 or is threatening to violate this chapter or a commissioner [~~board~~]
15 rule or order, the commissioner [~~board or the director, if~~
16 ~~authorized by the board,~~] may cause a suit to be instituted in a
17 court for:

18 (1) injunctive relief to restrain the person from
19 committing the violation or threat of violation;

20 (2) imposition of a civil penalty; or

21 (3) both injunctive relief and a civil penalty.

22 (b) At the request of the commissioner [~~board or the~~
23 ~~director, if authorized by the board~~], the attorney general shall
24 bring in the name of the state a suit for an injunction or a civil
25 penalty as described by Subsection (a).

26 SECTION 4I.93. Section 2301.805(b), Occupations Code, is
27 amended to read as follows:

1 (b) In an action brought under this section, and in the
2 interest of judicial economy and efficiency, a judgment entered in
3 the action must give deference to the findings of fact and
4 conclusions of law of the commissioner [~~board~~] contained in any
5 final order that is the basis of the action.

6 SECTION 4I.94. Section 2301.806, Occupations Code, is
7 amended to read as follows:

8 Sec. 2301.806. COMMISSIONER [~~BOARD~~] EXEMPT FROM FILING
9 FEE. Notwithstanding the other provisions of this chapter, the
10 commissioner [~~board~~] is not required to pay a filing fee when filing
11 a complaint or other enforcement action.

12 SECTION 4I.95. Section 2305.007(a), Occupations Code, is
13 amended to read as follows:

14 (a) Except as provided by Subsection (b), for the purpose of
15 enforcing or administering this chapter, Chapter 2302 of this code,
16 or Chapter 501 or 502, Transportation Code, a member of the Texas
17 Transportation Commission, an employee of the Texas Transportation
18 Commission or Texas Department of Transportation, an employee of
19 the Texas Department of Motor Vehicles, a member of the Public
20 Safety Commission, an officer of the Department of Public Safety,
21 or another peace officer who is interested in tracing or locating a
22 stolen motor vehicle may at a reasonable time:

23 (1) enter the premises of a business regulated under
24 one of those chapters; and

25 (2) inspect or copy any document, record, vehicle,
26 part, or other item regulated under one of those chapters.

27 SECTION 4I.96. Section 2308.252(b), Occupations Code, is

1 amended to read as follows:

2 (b) A parking facility owner is considered to have given
3 notice under Subsection (a)(3) if:

4 (1) a conspicuous notice has been attached to the
5 vehicle's front windshield or, if the vehicle has no front
6 windshield, to a conspicuous part of the vehicle stating:

7 (A) that the vehicle is in a parking space in
8 which the vehicle is not authorized to be parked;

9 (B) a description of all other unauthorized areas
10 in the parking facility;

11 (C) that the vehicle will be towed at the expense
12 of the owner or operator of the vehicle if it remains in an
13 unauthorized area of the parking facility; and

14 (D) a telephone number that is answered 24 hours
15 a day to enable the owner or operator of the vehicle to locate the
16 vehicle; and

17 (2) a notice is mailed after the notice is attached to
18 the vehicle as provided by Subdivision (1) to the owner of the
19 vehicle by certified mail, return receipt requested, to the last
20 address shown for the owner according to the vehicle registration
21 records of the Texas Department of Motor Vehicles [~~Transportation~~],
22 or if the vehicle is registered in another state, the appropriate
23 agency of that state.

24 SECTION 4I.97. The following sections of the Occupations
25 Code are repealed:

26 (1) Sections 2301.002(2), (10), and (13); and

27 (2) Section 2301.005.

1 PART J. PENAL CODE

2 SECTION 4J.01. Section 31.03(c), Penal Code, is amended to
3 read as follows:

4 (c) For purposes of Subsection (b):

5 (1) evidence that the actor has previously
6 participated in recent transactions other than, but similar to,
7 that which the prosecution is based is admissible for the purpose of
8 showing knowledge or intent and the issues of knowledge or intent
9 are raised by the actor's plea of not guilty;

10 (2) the testimony of an accomplice shall be
11 corroborated by proof that tends to connect the actor to the crime,
12 but the actor's knowledge or intent may be established by the
13 uncorroborated testimony of the accomplice;

14 (3) an actor engaged in the business of buying and
15 selling used or secondhand personal property, or lending money on
16 the security of personal property deposited with the actor, is
17 presumed to know upon receipt by the actor of stolen property (other
18 than a motor vehicle subject to Chapter 501, Transportation Code)
19 that the property has been previously stolen from another if the
20 actor pays for or loans against the property \$25 or more (or
21 consideration of equivalent value) and the actor knowingly or
22 recklessly:

23 (A) fails to record the name, address, and
24 physical description or identification number of the seller or
25 pledgor;

26 (B) fails to record a complete description of the
27 property, including the serial number, if reasonably available, or

1 other identifying characteristics; or

2 (C) fails to obtain a signed warranty from the
3 seller or pledgor that the seller or pledgor has the right to
4 possess the property. It is the express intent of this provision
5 that the presumption arises unless the actor complies with each of
6 the numbered requirements;

7 (4) for the purposes of Subdivision (3)(A),
8 "identification number" means driver's license number, military
9 identification number, identification certificate, or other
10 official number capable of identifying an individual;

11 (5) stolen property does not lose its character as
12 stolen when recovered by any law enforcement agency;

13 (6) an actor engaged in the business of obtaining
14 abandoned or wrecked motor vehicles or parts of an abandoned or
15 wrecked motor vehicle for resale, disposal, scrap, repair,
16 rebuilding, demolition, or other form of salvage is presumed to
17 know on receipt by the actor of stolen property that the property
18 has been previously stolen from another if the actor knowingly or
19 recklessly:

20 (A) fails to maintain an accurate and legible
21 inventory of each motor vehicle component part purchased by or
22 delivered to the actor, including the date of purchase or delivery,
23 the name, age, address, sex, and driver's license number of the
24 seller or person making the delivery, the license plate number of
25 the motor vehicle in which the part was delivered, a complete
26 description of the part, and the vehicle identification number of
27 the motor vehicle from which the part was removed, or in lieu of

1 maintaining an inventory, fails to record the name and certificate
2 of inventory number of the person who dismantled the motor vehicle
3 from which the part was obtained;

4 (B) fails on receipt of a motor vehicle to obtain
5 a certificate of authority, sales receipt, or transfer document as
6 required by Chapter 683, Transportation Code, or a certificate of
7 title showing that the motor vehicle is not subject to a lien or
8 that all recorded liens on the motor vehicle have been released; or

9 (C) fails on receipt of a motor vehicle to
10 immediately remove an unexpired license plate from the motor
11 vehicle, to keep the plate in a secure and locked place, or to
12 maintain an inventory, on forms provided by the Texas Department of
13 Motor Vehicles [~~Transportation~~], of license plates kept under this
14 paragraph, including for each plate or set of plates the license
15 plate number and the make, motor number, and vehicle identification
16 number of the motor vehicle from which the plate was removed;

17 (7) an actor who purchases or receives a used or
18 secondhand motor vehicle is presumed to know on receipt by the actor
19 of the motor vehicle that the motor vehicle has been previously
20 stolen from another if the actor knowingly or recklessly:

21 (A) fails to report to the Texas Department of
22 Motor Vehicles [~~Transportation~~] the failure of the person who sold
23 or delivered the motor vehicle to the actor to deliver to the actor
24 a properly executed certificate of title to the motor vehicle at the
25 time the motor vehicle was delivered; or

26 (B) fails to file with the county tax
27 assessor-collector of the county in which the actor received the

1 motor vehicle, not later than the 20th day after the date the actor
2 received the motor vehicle, the registration license receipt and
3 certificate of title or evidence of title delivered to the actor in
4 accordance with Subchapter D, Chapter 520, Transportation Code, at
5 the time the motor vehicle was delivered;

6 (8) an actor who purchases or receives from any source
7 other than a licensed retailer or distributor of pesticides a
8 restricted-use pesticide or a state-limited-use pesticide or a
9 compound, mixture, or preparation containing a restricted-use or
10 state-limited-use pesticide is presumed to know on receipt by the
11 actor of the pesticide or compound, mixture, or preparation that
12 the pesticide or compound, mixture, or preparation has been
13 previously stolen from another if the actor:

14 (A) fails to record the name, address, and
15 physical description of the seller or pledgor;

16 (B) fails to record a complete description of the
17 amount and type of pesticide or compound, mixture, or preparation
18 purchased or received; and

19 (C) fails to obtain a signed warranty from the
20 seller or pledgor that the seller or pledgor has the right to
21 possess the property; and

22 (9) an actor who is subject to Section 409, Packers and
23 Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from
24 a commission merchant by representing that the actor will make
25 prompt payment is presumed to have induced the commission
26 merchant's consent by deception if the actor fails to make full
27 payment in accordance with Section 409, Packers and Stockyards Act

1 (7 U.S.C. Section 228b).

2 SECTION 4J.02. Section 31.11(b), Penal Code, is amended to
3 read as follows:

4 (b) It is an affirmative defense to prosecution under this
5 section that the person was:

6 (1) the owner or acting with the effective consent of
7 the owner of the property involved;

8 (2) a peace officer acting in the actual discharge of
9 official duties; or

10 (3) acting with respect to a number assigned to a
11 vehicle by the Texas Department of Transportation or the Texas
12 Department of Motor Vehicles, as applicable, and the person was:

13 (A) in the actual discharge of official duties as
14 an employee or agent of the department; or

15 (B) in full compliance with the rules of the
16 department as an applicant for an assigned number approved by the
17 department.

18 PART K. TAX CODE

19 SECTION 4K.01. Section 21.02(d), Tax Code, is amended to
20 read as follows:

21 (d) A motor vehicle does not have taxable situs in a taxing
22 unit under Subsection (a)(1) if, on January 1, the vehicle:

23 (1) has been located for less than 60 days at a place
24 of business of a person who holds a wholesale motor vehicle auction
25 general distinguishing number issued by the Texas Department of
26 Motor Vehicles [~~Transportation~~] under Chapter 503, Transportation
27 Code, for that place of business; and

1 (2) is offered for resale.

2 SECTION 4K.02. Section 22.04(d), Tax Code, is amended to
3 read as follows:

4 (d) This section does not apply to a motor vehicle that on
5 January 1 is located at a place of business of a person who holds a
6 wholesale motor vehicle auction general distinguishing number
7 issued by the Texas Department of Motor Vehicles [~~Transportation~~]
8 under Chapter 503, Transportation Code, for that place of business,
9 and that:

10 (1) has not acquired taxable situs under Section
11 21.02(a)(1) in a taxing unit that participates in the appraisal
12 district because the vehicle is described by Section 21.02(d);

13 (2) is offered for sale by a dealer who holds a
14 dealer's general distinguishing number issued by the Texas
15 Department of Motor Vehicles [~~Transportation~~] under Chapter 503,
16 Transportation Code, and whose inventory of motor vehicles is
17 subject to taxation in the manner provided by Sections 23.121 and
18 23.122; or

19 (3) is collateral possessed by a lienholder and
20 offered for sale in foreclosure of a security interest.

21 SECTION 4K.03. Sections 23.121(a)(3), (11), and (14), Tax
22 Code, are amended to read as follows:

23 (3) "Dealer" means a person who holds a dealer's
24 general distinguishing number issued by the Texas Department of
25 Motor Vehicles [~~Transportation~~] under the authority of Chapter 503,
26 Transportation Code, or who is legally recognized as a motor
27 vehicle dealer pursuant to the law of another state and who complies

1 with the terms of Section 152.063(f). The term does not include:

2 (A) a person who holds a manufacturer's license
3 issued by the [~~Motor Vehicle Board of the~~] Texas Department of Motor
4 Vehicles [~~Transportation~~];

5 (B) an entity that is owned or controlled by a
6 person who holds a manufacturer's license issued by the [~~Motor~~
7 ~~Vehicle Board of the~~] Texas Department of Motor Vehicles
8 [~~Transportation~~]; or

9 (C) a dealer whose general distinguishing number
10 issued by the Texas Department of Motor Vehicles [~~Transportation~~]
11 under the authority of Chapter 503, Transportation Code, prohibits
12 the dealer from selling a vehicle to any person except a dealer.

13 (11) "Sales price" means the total amount of money
14 paid or to be paid for the purchase of a motor vehicle as set forth
15 as "sales price" in the form entitled "Application for Texas
16 Certificate of Title" promulgated by the Texas Department of Motor
17 Vehicles [~~Transportation~~]. In a transaction that does not involve
18 the use of that form, the term means an amount of money that is
19 equivalent, or substantially equivalent, to the amount that would
20 appear as "sales price" on the Application for Texas Certificate of
21 Title if that form were involved.

22 (14) "Towable recreational vehicle" means a
23 nonmotorized vehicle that is designed for temporary human
24 habitation for recreational, camping, or seasonal use and:

25 (A) is titled and registered with the Texas
26 Department of Motor Vehicles [~~Transportation~~] through the office of
27 the collector;

- 1 (B) is permanently built on a single chassis;
2 (C) contains one or more life support systems;
3 and
4 (D) is designed to be towable by a motor vehicle.

5 SECTION 4K.04. Sections 23.121(f), (g), and (h), Tax Code,
6 are amended to read as follows:

7 (f) The comptroller shall promulgate a form entitled
8 Dealer's Motor Vehicle Inventory Declaration. Except as provided
9 by Section 23.122(1) of this code, not later than February 1 of each
10 year, or, in the case of a dealer who was not in business on January
11 1, not later than 30 days after commencement of business, each
12 dealer shall file a declaration with the chief appraiser and file a
13 copy with the collector. For purposes of this subsection, a dealer
14 is presumed to have commenced business on the date of issuance to
15 the dealer of a dealer's general distinguishing number as provided
16 by Chapter 503, Transportation Code. Notwithstanding the
17 presumption created by this subsection, a chief appraiser may, at
18 his or her sole discretion, designate as the date on which a dealer
19 commenced business a date other than the date of issuance to the
20 dealer of a dealer's general distinguishing number. The
21 declaration is sufficient to comply with this subsection if it sets
22 forth the following information:

23 (1) the name and business address of each location at
24 which the dealer owner conducts business;

25 (2) each of the dealer's general distinguishing
26 numbers issued by the Texas Department of Motor Vehicles
27 [~~Transportation~~];

1 (3) a statement that the dealer owner is the owner of a
2 dealer's motor vehicle inventory; and

3 (4) the market value of the dealer's motor vehicle
4 inventory for the current tax year as computed under Section
5 23.121(b) of this code.

6 (g) Under the terms provided by this subsection, the chief
7 appraiser may examine the books and records of the holder of a
8 general distinguishing number issued by the Texas Department of
9 Motor Vehicles [~~Transportation~~]. A request made under this
10 subsection must be made in writing, delivered personally to the
11 custodian of the records, at the location for which the general
12 distinguishing number has been issued, must provide a period not
13 less than 15 days for the person to respond to the request, and must
14 state that the person to whom it is addressed has the right to seek
15 judicial relief from compliance with the request. In a request made
16 under this section the chief appraiser may examine:

17 (1) the document issued by the Texas Department of
18 Motor Vehicles [~~Transportation~~] showing the person's general
19 distinguishing number;

20 (2) documentation appropriate to allow the chief
21 appraiser to ascertain the applicability of this section and
22 Section 23.122 of this code to the person;

23 (3) sales records to substantiate information set
24 forth in the dealer's declaration filed by the person.

25 (h) If a dealer fails to file a declaration as required by
26 this section, or if, on the declaration required by this section, a
27 dealer reports the sale of fewer than five motor vehicles in the

1 prior year, the chief appraiser shall report that fact to the Texas
2 Department of Motor Vehicles [~~Transportation~~] and the department
3 shall initiate termination proceedings. The chief appraiser shall
4 include with the report a copy of a declaration, if any, indicating
5 the sale by a dealer of fewer than five motor vehicles in the prior
6 year. A report by a chief appraiser to the Texas Department of
7 Motor Vehicles [~~Transportation~~] as provided by this subsection is
8 prima facie grounds for the cancellation of the dealer's general
9 distinguishing number under Section 503.038(a)(9), Transportation
10 Code, or for refusal by the Texas Department of Motor Vehicles
11 [~~Transportation~~] to renew the dealer's general distinguishing
12 number.

13 SECTION 4K.05. Section 23.123(c), Tax Code, is amended to
14 read as follows:

15 (c) Information made confidential by this section may be
16 disclosed:

17 (1) in a judicial or administrative proceeding
18 pursuant to a lawful subpoena;

19 (2) to the person who filed the declaration or
20 statement or to that person's representative authorized by the
21 person in writing to receive the information;

22 (3) to the comptroller or an employee of the
23 comptroller authorized by the comptroller to receive the
24 information;

25 (4) to a collector or chief appraiser;

26 (5) to a district attorney, criminal district attorney
27 or county attorney involved in the enforcement of a penalty imposed

1 pursuant to Section 23.121 or Section 23.122 of this code;

2 (6) for statistical purposes if in a form that does not
3 identify specific property or a specific property owner;

4 (7) if and to the extent that the information is
5 required for inclusion in a public document or record that the
6 appraisal or collection office is required by law to prepare or
7 maintain; or

8 (8) to the Texas Department of Motor Vehicles
9 [~~Transportation~~] for use by that department in auditing compliance
10 of its licensees with appropriate provisions of applicable law.

11 SECTION 4K.06. Section 23.124(a)(11), Tax Code, is amended
12 to read as follows:

13 (11) "Sales price" means the total amount of money
14 paid or to be paid for the purchase of:

15 (A) a vessel, other than a trailer that is
16 treated as a vessel, as set forth as "sales price" in the form
17 entitled "Application for Texas Certificate of Number/Title for
18 Boat/Seller, Donor or Trader's Affidavit" promulgated by the Parks
19 and Wildlife Department;

20 (B) an outboard motor as set forth as "sales
21 price" in the form entitled "Application for Texas Certificate of
22 Title for an Outboard Motor/Seller, Donor or Trader's Affidavit"
23 promulgated by the Parks and Wildlife Department; or

24 (C) a trailer that is treated as a vessel as set
25 forth as "sales price" in the form entitled "Application for Texas
26 Certificate of Title" promulgated by the Texas Department of Motor
27 Vehicles [~~Transportation~~].

1 In a transaction involving a vessel, an outboard motor,
2 or a trailer that is treated as a vessel that does not involve the
3 use of one of these forms, the term means an amount of money that is
4 equivalent, or substantially equivalent, to the amount that would
5 appear as "sales price" on the Application for Texas Certificate of
6 Number/Title for Boat/Seller, Donor or Trader's Affidavit, the
7 Application for Texas Certificate of Title for an Outboard
8 Motor/Seller, Donor or Trader's Affidavit, or the Application for
9 Texas Certificate of Title if one of these forms were involved.

10 SECTION 4K.07. Section 113.011, Tax Code, is amended to
11 read as follows:

12 Sec. 113.011. LIENS FILED WITH TEXAS DEPARTMENT OF MOTOR
13 VEHICLES [~~TRANSPORTATION~~]. The comptroller shall furnish to the
14 Texas Department of Motor Vehicles [~~Transportation~~] each release of
15 a tax lien filed by the comptroller with that department.

16 SECTION 4K.08. Sections 152.0412(a) and (f), Tax Code, are
17 amended to read as follows:

18 (a) In this section, "standard presumptive value" means the
19 private-party transaction value of a motor vehicle, as determined
20 by the Texas Department of Motor Vehicles [~~Transportation~~] based on
21 an appropriate regional guidebook of a nationally recognized motor
22 vehicle value guide service, or based on another motor vehicle
23 guide publication that the department determines is appropriate if
24 a private-party transaction value for the motor vehicle is not
25 available from a regional guidebook described by this subsection.

26 (f) The Texas Department of Motor Vehicles [~~Transportation~~]
27 shall maintain information on the standard presumptive values of

1 motor vehicles as part of the department's registration and title
2 system. The department shall update the information at least
3 quarterly each calendar year and publish, electronically or
4 otherwise, the updated information.

5 SECTION 4K.09. Section 152.042, Tax Code, is amended to
6 read as follows:

7 Sec. 152.042. COLLECTION OF TAX ON METAL DEALER PLATES. A
8 person required to pay the tax imposed by Section 152.027 shall pay
9 the tax to the Texas Department of Motor Vehicles [~~Transportation~~],
10 and the department may not issue the metal dealer's plates until the
11 tax is paid.

12 SECTION 4K.10. Section 152.121(b), Tax Code, is amended to
13 read as follows:

14 (b) Taxes on metal dealer plates collected by the Texas
15 Department of Motor Vehicles [~~Transportation~~] shall be deposited by
16 the department in the state treasury in the same manner as are other
17 taxes collected under this chapter.

18 SECTION 4K.11. Section 162.001(52), Tax Code, is amended to
19 read as follows:

20 (52) "Registered gross weight" means the total weight
21 of the vehicle and carrying capacity shown on the registration
22 certificate issued by the Texas Department of Motor Vehicles
23 [~~Transportation~~].

24 ARTICLE 5. CONFORMING AMENDMENTS PERTAINING TO DEPARTMENT OF
25 PUBLIC SAFETY IN OTHER CODES AND STATUTES

26 PART A. ALCOHOLIC BEVERAGE CODE

27 SECTION 5A.01. Section 106.03(b), Alcoholic Beverage Code,

1 is amended to read as follows:

2 (b) A person who sells a minor an alcoholic beverage does
3 not commit an offense if the minor falsely represents himself to be
4 21 years old or older by displaying an apparently valid Texas
5 driver's license or an identification certificate [~~card~~] issued by
6 the Texas Department of Public Safety or the Texas Department of
7 Motor Vehicles, as applicable, containing a physical description
8 consistent with his appearance for the purpose of inducing the
9 person to sell him an alcoholic beverage.

10 SECTION 5A.02. Section 106.071(d), Alcoholic Beverage
11 Code, is amended to read as follows:

12 (d) In addition to any fine and any order issued under
13 Section 106.115:

14 (1) the court shall order a minor placed on deferred
15 disposition for or convicted of an offense to which this section
16 applies to perform community service for:

17 (A) not less than eight or more than 12 hours, if
18 the minor has not been previously convicted of an offense to which
19 this section applies; or

20 (B) not less than 20 or more than 40 hours, if the
21 minor has been previously convicted once of an offense to which this
22 section applies; and

23 (2) the court shall order the Texas Department of
24 Motor Vehicles [~~Public Safety~~] to suspend the driver's license or
25 permit of a minor convicted of an offense to which this section
26 applies or, if the minor does not have a driver's license or permit,
27 to deny the issuance of a driver's license or permit for:

1 (A) 30 days, if the minor has not been previously
2 convicted of an offense to which this section applies;

3 (B) 60 days, if the minor has been previously
4 convicted once of an offense to which this section applies; or

5 (C) 180 days, if the minor has been previously
6 convicted twice or more of an offense to which this section applies.

7 SECTION 5A.03. Sections 106.115(d) and (e), Alcoholic
8 Beverage Code, are amended to read as follows:

9 (d) If the defendant does not present the required evidence
10 within the prescribed period, the court:

11 (1) shall order the Texas Department of Motor Vehicles
12 [~~Public Safety~~] to:

13 (A) suspend the defendant's driver's license or
14 permit for a period not to exceed six months or, if the defendant
15 does not have a license or permit, to deny the issuance of a license
16 or permit to the defendant for that period; or

17 (B) if the defendant has been previously
18 convicted of an offense under one or more of the sections listed in
19 Subsection (a), suspend the defendant's driver's license or permit
20 for a period not to exceed one year or, if the defendant does not
21 have a license or permit, to deny the issuance of a license or
22 permit to the defendant for that period; and

23 (2) may order the defendant or the parent, managing
24 conservator, or guardian of the defendant to do any act or refrain
25 from doing any act if the court determines that doing the act or
26 refraining from doing the act will increase the likelihood that the
27 defendant will present evidence to the court that the defendant has

1 satisfactorily completed an alcohol awareness program or performed
2 the required hours of community service.

3 (e) The Texas Department of Motor Vehicles [~~Public Safety~~]
4 shall send notice of the suspension or prohibition order issued
5 under Subsection (d) by first class mail to the defendant. The
6 notice must include the date of the suspension or prohibition
7 order, the reason for the suspension or prohibition, and the period
8 covered by the suspension or prohibition.

9 SECTION 5A.04. Section 106.15(e), Alcoholic Beverage Code,
10 is amended to read as follows:

11 (e) A person does not commit an offense under Subsection (a)
12 if the person younger than 18 years of age falsely represents the
13 person's age to be at least 18 years of age by displaying an
14 apparently valid Texas driver's license or an identification
15 certificate [~~card~~] issued by the Department of Public Safety or the
16 Texas Department of Motor Vehicles, as applicable, containing a
17 physical description consistent with the person's appearance.

18 PART B. CODE OF CRIMINAL PROCEDURE

19 SECTION 5B.01. Article 42.016, Code of Criminal Procedure,
20 is amended to read as follows:

21 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION
22 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted
23 of, receives a grant of deferred adjudication for, or is
24 adjudicated as having engaged in delinquent conduct based on a
25 violation of an offense for which a conviction or adjudication
26 requires registration as a sex offender under Chapter 62, the court
27 shall:

1 (1) issue an order requiring the Texas Department of
2 Motor Vehicles [~~Public Safety~~] to include in any driver's license
3 record or personal identification certificate record maintained by
4 the department for the person an indication that the person is
5 subject to the registration requirements of Chapter 62;

6 (2) require the person to apply to the Texas
7 Department of Motor Vehicles [~~Public Safety~~] in person for an
8 original or renewal driver's license or personal identification
9 certificate not later than the 30th day after the date the person is
10 released or the date the department sends written notice to the
11 person of the requirements of Article 62.060, as applicable, and to
12 annually renew the license or certificate;

13 (3) notify the person of the consequence of the
14 conviction or order of deferred adjudication as it relates to the
15 order issued under this article; and

16 (4) send to the Texas Department of Motor Vehicles
17 [~~Public Safety~~] a copy of the record of conviction, a copy of the
18 order granting deferred adjudication, or a copy of the juvenile
19 adjudication, as applicable, and a copy of the order issued under
20 this article.

21 SECTION 5B.02. Sections 13(h), (j), (l), and (m), Article
22 42.12, Code of Criminal Procedure, are amended to read as follows:

23 (h) If a person convicted of an offense under Sections
24 49.04-49.08, Penal Code, is placed on community supervision, the
25 judge shall require, as a condition of the community supervision,
26 that the defendant attend and successfully complete before the
27 181st day after the day community supervision is granted an

1 educational program jointly approved by the Texas Commission on
2 Alcohol and Drug Abuse, the Department of Public Safety, the
3 Traffic Safety Section of the Texas Department of Transportation,
4 and the community justice assistance division of the Texas
5 Department of Criminal Justice designed to rehabilitate persons who
6 have driven while intoxicated. The Texas Commission on Alcohol and
7 Drug Abuse shall publish the jointly approved rules and shall
8 monitor, coordinate, and provide training to persons providing the
9 educational programs. The Texas Commission on Alcohol and Drug
10 Abuse is responsible for the administration of the certification of
11 approved educational programs and may charge a nonrefundable
12 application fee for the initial certification of approval and for
13 renewal of a certificate. The judge may waive the educational
14 program requirement or may grant an extension of time to
15 successfully complete the program that expires not later than one
16 year after the beginning date of the person's community
17 supervision, however, if the defendant by a motion in writing shows
18 good cause. In determining good cause, the judge may consider but
19 is not limited to: the defendant's school and work schedule, the
20 defendant's health, the distance that the defendant must travel to
21 attend an educational program, and the fact that the defendant
22 resides out of state, has no valid driver's license, or does not
23 have access to transportation. The judge shall set out the finding
24 of good cause for waiver in the judgment. If a defendant is
25 required, as a condition of community supervision, to attend an
26 educational program or if the court waives the educational program
27 requirement, the court clerk shall immediately report that fact to

1 the Texas Department of Motor Vehicles [~~Public Safety~~], on a form
2 prescribed by the department, for inclusion in the person's driving
3 record. If the court grants an extension of time in which the
4 person may complete the program, the court clerk shall immediately
5 report that fact to the Texas Department of Motor Vehicles [~~Public
6 Safety~~] on a form prescribed by the department. The report must
7 include the beginning date of the person's community supervision.
8 Upon the person's successful completion of the educational program,
9 the person's instructor shall give notice to the Texas Department
10 of Motor Vehicles [~~Public Safety~~] for inclusion in the person's
11 driving record and to the community supervision and corrections
12 department. The community supervision and corrections department
13 shall then forward the notice to the court clerk for filing. If the
14 Texas Department of Motor Vehicles [~~Public Safety~~] does not receive
15 notice that a defendant required to complete an educational program
16 has successfully completed the program within the period required
17 by this section, as shown on department records, the department
18 shall revoke the defendant's driver's license, permit, or privilege
19 or prohibit the person from obtaining a license or permit, as
20 provided by Sections 521.344(e) and (f), Transportation Code. The
21 Texas Department of Motor Vehicles [~~Public Safety~~] may not
22 reinstate a license suspended under this subsection unless the
23 person whose license was suspended makes application to the
24 department for reinstatement of the person's license and pays to
25 the department a reinstatement fee of \$50. The Texas Department of
26 Motor Vehicles [~~Public Safety~~] shall remit all fees collected under
27 this subsection to the comptroller for deposit in the general

1 revenue fund. This subsection does not apply to a defendant if a
2 jury recommends community supervision for the defendant and also
3 recommends that the defendant's driver's license not be suspended.

4 (j) The judge shall require a defendant who is punished
5 under Section 49.09, Penal Code, as a condition of community
6 supervision, to attend and successfully complete an educational
7 program for repeat offenders approved by the Texas Commission on
8 Alcohol and Drug Abuse. The Texas Commission on Alcohol and Drug
9 Abuse shall adopt rules and shall monitor, coordinate, and provide
10 training to persons providing the educational programs. The Texas
11 Commission on Alcohol and Drug Abuse is responsible for the
12 administration of the certification of approved educational
13 programs and may charge a nonrefundable application fee for initial
14 certification of approval or for renewal of the certification. The
15 judge may waive the educational program requirement only if the
16 defendant by a motion in writing shows good cause. In determining
17 good cause, the judge may consider the defendant's school and work
18 schedule, the defendant's health, the distance that the defendant
19 must travel to attend an educational program, and whether the
20 defendant resides out of state or does not have access to
21 transportation. The judge shall set out the finding of good cause
22 in the judgment. If a defendant is required, as a condition of
23 community supervision, to attend an educational program, the court
24 clerk shall immediately report that fact to the Texas Department of
25 Motor Vehicles [~~Public Safety~~], on a form prescribed by the
26 department, for inclusion in the defendant's driving record. The
27 report must include the beginning date of the defendant's community

1 supervision. On the defendant's successful completion of the
2 educational program for repeat offenders, the defendant's
3 instructor shall give notice to the Texas Department of Motor
4 Vehicles [~~Public Safety~~] for inclusion in the defendant's driving
5 record and to the community supervision and corrections department.
6 The community supervision and corrections department shall then
7 forward the notice to the court clerk for filing. If the Texas
8 Department of Motor Vehicles [~~Public Safety~~] does not receive
9 notice that a defendant required to complete an educational program
10 has successfully completed the program for repeat offenders within
11 the period required by the judge, as shown on department records,
12 the department shall revoke the defendant's driver's license,
13 permit, or privilege or prohibit the defendant from obtaining a
14 license or permit, as provided by Sections 521.344(e) and (f),
15 Transportation Code.

16 (l) If the Texas Department of Motor Vehicles [~~Public~~
17 ~~Safety~~] receives notice that a defendant has been required or
18 permitted to attend a subsequent educational program under
19 Subsection (h), (j), or (k) of this section, although the
20 previously required attendance had been waived, but the judge has
21 not ordered a period of suspension, the department shall suspend
22 the defendant's driver's license, permit, or operating privilege,
23 or shall issue an order prohibiting the defendant from obtaining a
24 license or permit for a period of 365 days.

25 (m) If a judge revokes the community supervision of a
26 defendant for an offense under Section 49.04, Penal Code, or an
27 offense involving the operation of a motor vehicle under Section

1 49.07, Penal Code, and the driver's license or privilege to operate
2 a motor vehicle has not previously been ordered by the judge to be
3 suspended, or if the suspension was previously probated, the judge
4 shall suspend the license or privilege for a period provided under
5 Subchapter O, Chapter 521, Transportation Code. The suspension
6 shall be reported to the Texas Department of Motor Vehicles [~~Public~~
7 ~~Safety~~] as provided under Section 521.347, Transportation Code.

8 SECTION 5B.03. Articles 45.050(c) and (f), Code of Criminal
9 Procedure, are amended to read as follows:

10 (c) If a child fails to obey an order of a justice or
11 municipal court under circumstances that would constitute contempt
12 of court, the justice or municipal court, after providing notice
13 and an opportunity to be heard, may:

14 (1) refer the child to the appropriate juvenile court
15 for delinquent conduct for contempt of the justice or municipal
16 court order; or

17 (2) retain jurisdiction of the case, hold the child in
18 contempt of the justice or municipal court, and order either or both
19 of the following:

20 (A) that the contemnor pay a fine not to exceed
21 \$500; or

22 (B) that the Texas Department of Motor Vehicles
23 [~~Public Safety~~] suspend the contemnor's driver's license or permit
24 or, if the contemnor does not have a license or permit, to deny the
25 issuance of a license or permit to the contemnor until the contemnor
26 fully complies with the orders of the court.

27 (f) A court that orders suspension or denial of a driver's

1 license or permit under Subsection (c)(2)(B) shall notify the Texas
2 Department of Motor Vehicles [~~Public Safety~~] on receiving proof of
3 compliance with the orders of the court.

4 SECTION 5B.04. Articles 45.051(b-1) and (b-3), Code of
5 Criminal Procedure, are amended to read as follows:

6 (b-1) If the defendant is younger than 25 years of age and
7 the offense committed by the defendant is a traffic offense
8 classified as a moving violation:

9 (1) Subsection (b)(8) does not apply;

10 (2) during the deferral period, the judge shall
11 require the defendant to complete a driving safety course approved
12 under Chapter 1001, Education Code; and

13 (3) if the defendant holds a provisional license,
14 during the deferral period the judge shall require that the
15 defendant be examined by the Texas Department of Motor Vehicles
16 [~~Public Safety~~] as required by Section 521.161(b)(2),
17 Transportation Code; a defendant is not exempt from the examination
18 regardless of whether the defendant was examined previously.

19 (b-3) The fee collected under Subsection (b-2) must be
20 deposited to the credit of a special account in the general revenue
21 fund and may be used only by the Texas Department of Motor Vehicles
22 [~~Public Safety~~] for the administration of Chapter 521,
23 Transportation Code.

24 SECTION 5B.05. Articles 45.0511(c), (c-1), and (1), Code of
25 Criminal Procedure, are amended to read as follows:

26 (c) The court shall enter judgment on the defendant's plea
27 of no contest or guilty at the time the plea is made, defer

1 imposition of the judgment, and allow the defendant 90 days to
2 successfully complete the approved driving safety course or
3 motorcycle operator training course and present to the court:

4 (1) a uniform certificate of completion of the driving
5 safety course or a verification of completion of the motorcycle
6 operator training course;

7 (2) unless the judge proceeds under Subsection (c-1),
8 the defendant's driving record as maintained by the Texas
9 Department of Motor Vehicles [~~Public Safety~~], if any, showing that
10 the defendant had not completed an approved driving safety course
11 or motorcycle operator training course, as applicable, within the
12 12 months preceding the date of the offense;

13 (3) an affidavit stating that the defendant was not
14 taking a driving safety course or motorcycle operator training
15 course, as applicable, under this article on the date the request to
16 take the course was made and had not completed such a course that is
17 not shown on the defendant's driving record within the 12 months
18 preceding the date of the offense; and

19 (4) if the defendant does not have a valid Texas
20 driver's license or permit and is a member, or the spouse or
21 dependent child of a member, of the United States military forces
22 serving on active duty, an affidavit stating that the defendant was
23 not taking a driving safety course or motorcycle operator training
24 course, as appropriate, in another state on the date the request to
25 take the course was made and had not completed such a course within
26 the 12 months preceding the date of the offense.

27 (c-1) In this subsection, "TexasOnline" has the meaning

1 assigned by Section 2054.003, Government Code. As an alternative
2 to receiving the defendant's driving record under Subsection
3 (c)(2), the judge, at the time the defendant requests a driving
4 safety course or motorcycle operator training course dismissal
5 under this article, may require the defendant to pay a fee in an
6 amount equal to the sum of the amount of the fee established by
7 Section 521.048, Transportation Code, and the TexasOnline fee and,
8 using TexasOnline, may request the Texas Department of Motor
9 Vehicles [~~Public Safety~~] to provide the judge with a copy of the
10 defendant's driving record that shows the information described by
11 Section 521.047(b), Transportation Code. As soon as practicable
12 and using TexasOnline, the Texas Department of Motor Vehicles
13 [~~Public Safety~~] shall provide the judge with the requested copy of
14 the defendant's driving record. The fee authorized by this
15 subsection is in addition to any other fee required under this
16 article. If the copy of the defendant's driving record provided to
17 the judge under this subsection shows that the defendant has not
18 completed an approved driving safety course or motorcycle operator
19 training course, as appropriate, within the 12 months preceding the
20 date of the offense, the judge shall allow the defendant to complete
21 the appropriate course as provided by this article. The custodian
22 of a municipal or county treasury who receives fees collected under
23 this subsection shall keep a record of the fees and, without
24 deduction or proration, forward the fees to the comptroller, with
25 and in the manner required for other fees and costs received in
26 connection with criminal cases. The comptroller shall credit fees
27 received under this subsection to the Texas Department of Motor

1 Vehicles [~~Public Safety~~].

2 (1) When a defendant complies with Subsection (c), the court
3 shall:

4 (1) remove the judgment and dismiss the charge;

5 (2) report the fact that the defendant successfully
6 completed a driving safety course or a motorcycle operator training
7 course and the date of completion to the Texas Department of Motor
8 Vehicles [~~Public Safety~~] for inclusion in the person's driving
9 record; and

10 (3) state in that report whether the course was taken
11 under this article to provide information necessary to determine
12 eligibility to take a subsequent course under Subsection (b).

13 SECTION 5B.06. Article 45.052(d), Code of Criminal
14 Procedure, is amended to read as follows:

15 (d) A charge dismissed under this article may not be part of
16 the defendant's criminal record or driving record or used for any
17 purpose. However, if the charge was for a traffic offense, the
18 court shall report to the Texas Department of Motor Vehicles
19 [~~Public Safety~~] that the defendant successfully completed the teen
20 court program and the date of completion for inclusion in the
21 defendant's driving record.

22 SECTION 5B.07. Article 45.054(f), Code of Criminal
23 Procedure, is amended to read as follows:

24 (f) In addition to any other order authorized by this
25 article, the court may order the Texas Department of Motor Vehicles
26 [~~Public Safety~~] to suspend the driver's license or permit of the
27 individual who is the subject of the hearing or, if the individual

1 does not have a license or permit, to deny the issuance of a license
2 or permit to the individual for a period specified by the court not
3 to exceed 365 days.

4 PART C. EDUCATION CODE

5 SECTION 5C.01. Section 22.051(a), Education Code, is
6 amended to read as follows:

7 (a) In this subchapter, "professional employee of a school
8 district" includes:

9 (1) a superintendent, principal, teacher, including a
10 substitute teacher, supervisor, social worker, counselor, nurse,
11 and teacher's aide employed by a school district;

12 (2) a teacher employed by a company that contracts
13 with a school district to provide the teacher's services to the
14 district;

15 (3) a student in an education preparation program
16 participating in a field experience or internship;

17 (4) a school bus driver certified in accordance with
18 standards and qualifications adopted by the Texas Department of
19 Motor Vehicles [~~Public Safety of the State of Texas~~];

20 (5) a member of the board of trustees of an independent
21 school district; and

22 (6) any other person employed by a school district
23 whose employment requires certification and the exercise of
24 discretion.

25 SECTION 5C.02. Section 51.207(c), Education Code, is
26 amended to read as follows:

27 (c) The commissioner of motor vehicles [~~Public Safety~~

1 ~~Commission~~] shall adopt rules providing for the inspection under
2 Subchapter F, Chapter 548, Transportation Code, of motor vehicles
3 not registered in this state for purposes of Subsection (b).

4 SECTION 5C.03. Section 1001.001(5), Education Code, is
5 amended to read as follows:

6 (5) "Department" means the Texas Department of Motor
7 Vehicles [~~Public Safety~~].

8 PART D. ELECTION CODE

9 SECTION 5D.01. Section 13.002(c), Election Code, is amended
10 to read as follows:

11 (c) A registration application must include:

12 (1) the applicant's first name, middle name, if any,
13 last name, and former name, if any;

14 (2) the month, day, and year of the applicant's birth;

15 (3) a statement that the applicant is a United States
16 citizen;

17 (4) a statement that the applicant is a resident of the
18 county;

19 (5) a statement that the applicant has not been
20 determined by a final judgment of a court exercising probate
21 jurisdiction to be:

22 (A) totally mentally incapacitated; or

23 (B) partially mentally incapacitated without the
24 right to vote;

25 (6) a statement that the applicant has not been
26 finally convicted of a felony or that the applicant is a felon
27 eligible for registration under Section 13.001;

1 (7) the applicant's residence address or, if the
2 residence has no address, the address at which the applicant
3 receives mail and a concise description of the location of the
4 applicant's residence;

5 (8) the following information:

6 (A) the applicant's Texas driver's license number
7 or the number of a personal identification certificate [~~card~~]
8 issued by the Department of Public Safety or the Texas Department of
9 Motor Vehicles, as applicable, or a statement by the applicant that
10 the applicant has not been issued a driver's license or personal
11 identification certificate [~~card~~]; or

12 (B) if the applicant has not been issued a number
13 described by Paragraph (A), the last four digits of the applicant's
14 social security number or a statement by the applicant that the
15 applicant has not been issued a social security number;

16 (9) if the application is made by an agent, a statement
17 of the agent's relationship to the applicant; and

18 (10) the city and county in which the applicant
19 formerly resided.

20 SECTION 5D.02. Section 13.004(c), Election Code, is amended
21 to read as follows:

22 (c) The following information furnished on a registration
23 application is confidential and does not constitute public
24 information for purposes of Chapter 552, Government Code:

25 (1) a social security number;

26 (2) a Texas driver's license number;

27 (3) a number of a personal identification certificate

1 ~~card~~ issued by the Department of Public Safety or the Texas
2 Department of Motor Vehicles, as applicable;

3 (4) an indication that an applicant is interested in
4 working as an election judge; or

5 (5) the residence address of the applicant, if the
6 applicant is a federal judge or state judge, as defined by Section
7 13.0021, and included an affidavit with the registration
8 application under Section 13.0021 or the registrar has received an
9 affidavit submitted under Section 15.0215.

10 SECTION 5D.03. Section 13.072(a), Election Code, is amended
11 to read as follows:

12 (a) Unless the registrar challenges the applicant, the
13 registrar shall approve the application if:

14 (1) the registrar determines that an application
15 complies with Section 13.002 and indicates that the applicant is
16 eligible for registration; and

17 (2) for an applicant who has not included a statement
18 described by Section 13.002(c)(8) [~~13.002(c)(8)(C)~~], the registrar
19 verifies with the secretary of state:

20 (A) the applicant's Texas driver's license number
21 or number of a personal identification certificate ~~card~~ issued by
22 the Department of Public Safety or the Texas Department of Motor
23 Vehicles, as applicable; or

24 (B) the last four digits of the applicant's
25 social security number.

26 SECTION 5D.04. Section 13.122(a), Election Code, is amended
27 to read as follows:

1 (a) In addition to the other statements and spaces for
2 entering information that appear on an officially prescribed
3 registration application form, each official form must include:

4 (1) the statement: "I understand that giving false
5 information to procure a voter registration is perjury and a crime
6 under state and federal law.";

7 (2) a space for the applicant's registration number;

8 (3) a space for the applicant's Texas driver's license
9 number or number of a personal identification certificate [~~card~~]
10 issued by the Department of Public Safety or the Texas Department of
11 Motor Vehicles, as applicable;

12 (4) a space for the applicant's telephone number;

13 (5) a space for the applicant's social security
14 number;

15 (6) a space for the applicant's sex;

16 (7) a statement indicating that the furnishing of the
17 applicant's telephone number and sex is optional;

18 (8) a space or box for indicating whether the
19 applicant or voter is submitting new registration information or a
20 change in current registration information;

21 (9) a statement instructing a voter who is using the
22 form to make a change in current registration information to enter
23 the voter's name and the changed information in the appropriate
24 spaces on the form;

25 (10) a statement that if the applicant declines to
26 register to vote, that fact will remain confidential and will be
27 used only for voter registration purposes;

1 (11) a statement that if the applicant does register
2 to vote, information regarding the agency or office to which the
3 application is submitted will remain confidential and will be used
4 only for voter registration purposes;

5 (12) a space or box for indicating whether the
6 applicant is interested in working as an election judge;

7 (13) a statement warning that a conviction for making
8 a false statement may result in imprisonment for up to the maximum
9 amount of time provided by law, a fine of up to the maximum amount
10 provided by law, or both the imprisonment and the fine; and

11 (14) any other voter registration information
12 required by federal law or considered appropriate and required by
13 the secretary of state.

14 SECTION 5D.05. Section 16.031(a), Election Code, is amended
15 to read as follows:

16 (a) The registrar shall cancel a voter's registration
17 immediately on receipt of:

18 (1) notice under Section 13.072(b) or 15.021 or a
19 response under Section 15.053 that the voter's residence is outside
20 the county;

21 (2) an abstract of the voter's death certificate under
22 Section 16.001(a) or an abstract of an application indicating that
23 the voter is deceased under Section 16.001(b);

24 (3) an abstract of a final judgment of the voter's
25 total mental incapacity, partial mental incapacity without the
26 right to vote, conviction of a felony, or disqualification under
27 Section 16.002, 16.003, or 16.004;

1 (4) notice under Section 112.012 that the voter has
2 applied for a limited ballot in another county;

3 (5) notice from a voter registration official in
4 another state that the voter has registered to vote outside this
5 state; or

6 (6) notice from the secretary of state that the voter
7 has registered to vote in another county, as determined by the
8 voter's driver's license number or personal identification
9 certificate [~~card~~] number issued by the Department of Public Safety
10 or the Texas Department of Motor Vehicles, as applicable, or social
11 security number.

12 SECTION 5D.06. The heading to Subchapter C, Chapter 20,
13 Election Code, is amended to read as follows:

14 SUBCHAPTER C. TEXAS DEPARTMENT OF MOTOR VEHICLES [~~PUBLIC SAFETY~~]

15 SECTION 5D.07. Section 20.061, Election Code, is amended to
16 read as follows:

17 Sec. 20.061. APPLICABILITY OF OTHER PROVISIONS. The other
18 provisions of this chapter apply to the Texas Department of Motor
19 Vehicles [~~Public Safety~~] except provisions that conflict with this
20 subchapter.

21 SECTION 5D.08. Section 20.062(a), Election Code, is amended
22 to read as follows:

23 (a) The Texas Department of Motor Vehicles [~~Public Safety~~]
24 shall prescribe and use a form and procedure that combines the
25 department's application form for a license or certificate [~~card~~]
26 with an officially prescribed voter registration application form.

27 SECTION 5D.09. Section 20.063(a), Election Code, is amended

1 to read as follows:

2 (a) The Texas Department of Motor Vehicles [~~Public Safety~~]
3 shall provide to each person who applies in person at the
4 department's offices for an original or renewal of a driver's
5 license, a personal identification certificate [~~card~~], or a
6 duplicate or corrected license or certificate [~~card~~] an opportunity
7 to complete a voter registration application form.

8 SECTION 5D.10. Section 20.064, Election Code, is amended to
9 read as follows:

10 Sec. 20.064. DECLINATION FORM NOT REQUIRED. The Texas
11 Department of Motor Vehicles [~~Public Safety~~] is not required to
12 comply with the procedures prescribed by this chapter relating to
13 the form for a declination of voter registration.

14 SECTION 5D.11. Section 20.065(a), Election Code, is amended
15 to read as follows:

16 (a) At the end of each day a Texas Department of Motor
17 Vehicles [~~Public Safety~~] office is regularly open for business, the
18 manager of the office shall deliver by mail or in person to the
19 voter registrar of the county in which the office is located each
20 completed voter registration application and applicable change of
21 address submitted to a department employee.

22 SECTION 5D.12. Section 20.066(a), Election Code, is amended
23 to read as follows:

24 (a) If a person completes a voter registration application
25 as provided by Section 20.063, the Texas Department of Motor
26 Vehicles [~~Public Safety~~] shall:

27 (1) input the information provided on the application

1 into the department's electronic data system; and

2 (2) inform the applicant that the applicant's
3 electronic signature provided to the department will be used for
4 submitting the applicant's voter registration application.

5 SECTION 5D.13. Section 63.0101, Election Code, is amended
6 to read as follows:

7 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

8 The following documentation is acceptable as proof of
9 identification under this chapter:

10 (1) a driver's license or personal identification
11 certificate [~~card~~] issued to the person by the Department of Public
12 Safety or the Texas Department of Motor Vehicles, as applicable, or
13 a similar document issued to the person by an agency of another
14 state, regardless of whether the license or certificate [~~card~~] has
15 expired;

16 (2) a form of identification containing the person's
17 photograph that establishes the person's identity;

18 (3) a birth certificate or other document confirming
19 birth that is admissible in a court of law and establishes the
20 person's identity;

21 (4) United States citizenship papers issued to the
22 person;

23 (5) a United States passport issued to the person;

24 (6) official mail addressed to the person by name from
25 a governmental entity;

26 (7) a copy of a current utility bill, bank statement,
27 government check, paycheck, or other government document that shows

1 the name and address of the voter; or

2 (8) any other form of identification prescribed by the
3 secretary of state.

4 SECTION 5D.14. Section 65.060, Election Code, is amended to
5 read as follows:

6 Sec. 65.060. DISCLOSURE OF SOCIAL SECURITY, DRIVER'S
7 LICENSE, OR PERSONAL IDENTIFICATION NUMBER ON PROVISIONAL BALLOT
8 AFFIDAVIT. A social security number, Texas driver's license
9 number, or number of a personal identification certificate [~~card~~]
10 issued by the Department of Public Safety or the Texas Department of
11 Motor Vehicles, as applicable, furnished on a provisional ballot
12 affidavit is confidential and does not constitute public
13 information for purposes of Chapter 552, Government Code. The
14 general custodian of election records shall ensure that a social
15 security number, Texas driver's license number, or number of a
16 personal identification certificate [~~card~~] issued by the
17 Department of Public Safety or the Texas Department of Motor
18 Vehicles, as applicable, is excluded from disclosure.

19 PART E. FAMILY CODE

20 SECTION 5E.01. Sections 54.042(a), (b), (f), and (g),
21 Family Code, are amended to read as follows:

22 (a) A juvenile court, in a disposition hearing under Section
23 54.04, shall:

24 (1) order the Texas Department of Motor Vehicles
25 [~~Public Safety~~] to suspend a child's driver's license or permit, or
26 if the child does not have a license or permit, to deny the issuance
27 of a license or permit to the child if the court finds that the child

1 has engaged in conduct that violates a law of this state enumerated
2 in Section 521.342(a), Transportation Code; or

3 (2) notify the Texas Department of Motor Vehicles
4 [~~Public Safety~~] of the adjudication, if the court finds that the
5 child has engaged in conduct that violates a law of this state
6 enumerated in Section 521.372(a), Transportation Code.

7 (b) A juvenile court, in a disposition hearing under Section
8 54.04, may order the Texas Department of Motor Vehicles [~~Public~~
9 ~~Safety~~] to suspend a child's driver's license or permit or, if the
10 child does not have a license or permit, to deny the issuance of a
11 license or permit to the child, if the court finds that the child
12 has engaged in conduct that violates Section 28.08, Penal Code.

13 (f) A juvenile court, in a disposition hearing under Section
14 54.04, may order the Texas Department of Motor Vehicles [~~Public~~
15 ~~Safety~~] to suspend a child's driver's license or permit or, if the
16 child does not have a license or permit, to deny the issuance of a
17 license or permit to the child for a period not to exceed 12 months
18 if the court finds that the child has engaged in conduct in need of
19 supervision or delinquent conduct other than the conduct described
20 by Subsection (a).

21 (g) A juvenile court that places a child on probation under
22 Section 54.04 may require as a reasonable condition of the
23 probation that if the child violates the probation, the court may
24 order the Texas Department of Motor Vehicles [~~Public Safety~~] to
25 suspend the child's driver's license or permit or, if the child does
26 not have a license or permit, to deny the issuance of a license or
27 permit to the child for a period not to exceed 12 months. The court

1 may make this order if a child that is on probation under this
2 condition violates the probation. A suspension under this
3 subsection is cumulative of any other suspension under this
4 section.

5 SECTION 5E.02. Section 54.0481(c), Family Code, as added by
6 Chapter 908 (H.B. 2884), Acts of the 80th Legislature, Regular
7 Session, 2007, is amended to read as follows:

8 (c) On or before the fifth anniversary of the date the
9 juvenile probation department receives a payment for a victim that
10 is not claimed by the victim, the department shall make and document
11 a good faith effort to locate and notify the victim that an
12 unclaimed payment exists, including:

13 (1) confirming, if possible, the victim's most recent
14 address with the Texas Department of Motor Vehicles [~~Public~~
15 ~~Safety~~]; and

16 (2) making at least one additional certified mailing
17 to the victim.

18 SECTION 5E.03. Sections 203.007(b) and (g), Family Code,
19 are amended to read as follows:

20 (b) A domestic relations office is entitled to obtain from
21 the Department of Public Safety or the Texas Department of Motor
22 Vehicles, as applicable, records that relate to:

- 23 (1) a person's date of birth;
24 (2) a person's most recent address;
25 (3) a person's current driver's license status;
26 (4) motor vehicle accidents involving a person;
27 (5) reported traffic-law violations of which a person

1 has been convicted; and

2 (6) a person's criminal history record information.

3 (g) The Department of Public Safety, the Texas Department of
4 Motor Vehicles, the Texas Workforce Commission, or the office of
5 the secretary of state may charge a domestic relations office a fee
6 not to exceed the charge paid by the Title IV-D agency for
7 furnishing records under this section.

8 SECTION 5E.04. Section 232.014(b), Family Code, is amended
9 to read as follows:

10 (b) A fee collected by the Texas Department of
11 Transportation, ~~[or]~~ the Department of Public Safety, or the Texas
12 Department of Motor Vehicles shall be deposited to the credit of the
13 state highway fund.

14 PART F. FINANCE CODE

15 SECTION 5F.01. Section 277.002(a), Finance Code, is amended
16 to read as follows:

17 (a) A financial institution shall require, as a condition of
18 opening or maintaining a business checking account, that the
19 applicant or account holder provide:

- 20 (1) if the business is a sole proprietorship:
- 21 (A) the name of the business owner;
 - 22 (B) the physical address of the business;
 - 23 (C) the home address of the business owner; and
 - 24 (D) the driver's license number of the business
- 25 owner or the personal identification certificate ~~[card]~~ number
26 issued to the business owner by the Department of Public Safety or
27 the Texas Department of Motor Vehicles, as applicable; or

1 (2) if the business is a corporation or other legal
2 entity, a copy of the business's certificate of incorporation or a
3 comparable document and an assumed name certificate, if any.

4 PART G. HEALTH AND SAFETY CODE

5 SECTION 5G.01. Section 12.013(b), Health and Safety Code,
6 is amended to read as follows:

7 (b) Based on the studies and investigations, the department
8 periodically shall recommend to the Texas Department of Motor
9 Vehicles [~~Public Safety~~] appropriate policies, standards, and
10 procedures relating to those medical aspects.

11 SECTION 5G.02. Section 12.092(b), Health and Safety Code,
12 is amended to read as follows:

13 (b) The medical advisory board shall assist the Texas
14 Department of Motor Vehicles [~~Public Safety of the State of Texas~~]
15 in determining whether:

16 (1) an applicant for a driver's license or a license
17 holder is capable of safely operating a motor vehicle; or

18 (2) an applicant for or holder of a license to carry a
19 concealed handgun under the authority of Subchapter H, Chapter 411,
20 Government Code, is capable of exercising sound judgment with
21 respect to the proper use and storage of a handgun.

22 SECTION 5G.03. Sections 12.095(a) and (c), Health and
23 Safety Code, are amended to read as follows:

24 (a) If the Texas Department of Motor Vehicles [~~Public Safety~~
25 ~~of the State of Texas~~] requests an opinion or recommendation from
26 the medical advisory board as to the ability of an applicant or
27 license holder to operate a motor vehicle safely or to exercise

1 sound judgment with respect to the proper use and storage of a
2 handgun, the commissioner or a person designated by the
3 commissioner shall convene a panel to consider the case or question
4 submitted by that department.

5 (c) Each panel member shall prepare an individual
6 independent written report for the Texas Department of Motor
7 Vehicles [~~Public Safety of the State of Texas~~] that states the
8 member's opinion as to the ability of the applicant or license
9 holder to operate a motor vehicle safely or to exercise sound
10 judgment with respect to the proper use and storage of a handgun, as
11 appropriate. In the report the panel member may also make
12 recommendations relating to that department's subsequent action.

13 SECTION 5G.04. Section 12.096(a), Health and Safety Code,
14 is amended to read as follows:

15 (a) A physician licensed to practice medicine in this state
16 may inform the Texas Department of Motor Vehicles [~~Public Safety of~~
17 ~~the State of Texas~~] or the medical advisory board, orally or in
18 writing, of the name, date of birth, and address of a patient older
19 than 15 years of age whom the physician has diagnosed as having a
20 disorder or disability specified in a rule of the Texas Department
21 of Motor Vehicles [~~Public Safety of the State of Texas~~].

22 SECTION 5G.05. Section 12.097, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 12.097. CONFIDENTIALITY REQUIREMENTS. (a) All
25 records, reports, and testimony relating to the medical condition
26 of an applicant or license holder:

27 (1) are for the confidential use of the medical

1 advisory board, a panel, or the Texas Department of Motor Vehicles
2 [~~Public Safety of the State of Texas~~];

3 (2) are privileged information; and

4 (3) may not be disclosed to any person or used as
5 evidence in a trial except as provided by Subsection (b).

6 (b) In a subsequent proceeding under Subchapter N, Chapter
7 521, Transportation Code, the medical standards division may
8 provide a copy of the report of the medical advisory board or panel
9 and a medical record or report relating to an applicant or license
10 holder to:

11 (1) the Texas Department of Motor Vehicles [~~Public~~
12 ~~Safety of the State of Texas~~];

13 (2) the applicant or license holder; and

14 (3) the officer who presides at the hearing.

15 SECTION 5G.06. Sections 49.002(a), (c), (d), (e), (f), (g),
16 (h), and (m), Health and Safety Code, are amended to read as
17 follows:

18 (a) In consultation with the Texas Department of Motor
19 Vehicles [~~Public Safety~~] and organ procurement organizations, the
20 department shall establish the Donor Education, Awareness, and
21 Registry Program of Texas.

22 (c) The Texas Department of Motor Vehicles [~~Public Safety~~]
23 at least monthly shall electronically transfer to the organization
24 selected by the commissioner as provided by Subsection (b) the
25 name, date of birth, driver's license number, most recent address,
26 and any other relevant information in the possession of the Texas
27 Department of Motor Vehicles [~~Public Safety~~] for any person who

1 indicates on the person's driver's license application under
2 Section 521.401, Transportation Code, that the person would like to
3 make an anatomical gift and consents in writing to the release of
4 the information by the Texas Department of Motor Vehicles [~~Public~~
5 ~~Safety~~] to the organization for inclusion in the statewide
6 Internet-based registry of organ, tissue, and eye donors.

7 (d) The contract between the department and the
8 organization selected by the commissioner as provided by Subsection
9 (b) must require the organization to:

10 (1) make information obtained from the Texas
11 Department of Motor Vehicles [~~Public Safety~~] under Subsection (c)
12 available to qualified organ, tissue, and eye bank organizations;

13 (2) allow potential donors to submit information in
14 writing directly to the organization for inclusion in the statewide
15 Internet-based registry of organ, tissue, and eye donors;

16 (3) maintain the statewide Internet-based registry of
17 organ, tissue, and eye donors in a manner that allows qualified
18 organ, tissue, and eye bank organizations to immediately access
19 organ, tissue, and eye donation information 24 hours a day, seven
20 days a week, through electronic and telephonic methods; and

21 (4) protect the confidentiality and privacy of the
22 individuals providing information to the statewide Internet-based
23 registry, regardless of the manner in which the information is
24 provided.

25 (e) Except as otherwise provided by Subsection (d)(3) or
26 this subsection, the Texas Department of Motor Vehicles [~~Public~~
27 ~~Safety~~], the organization selected by the commissioner under

1 Subsection (b), or a qualified organ, tissue, and eye bank
2 organization may not sell, rent, or otherwise share any information
3 provided to the registry. A qualified organ, tissue, and eye bank
4 organization may share any information provided to the registry
5 with an organ procurement organization or a health care provider or
6 facility providing medical care to a potential donor as necessary
7 to properly identify an individual at the time of donation.

8 (f) The Texas Department of Motor Vehicles [~~Public Safety~~],
9 the organization selected by the commissioner under Subsection (b),
10 or the qualified organ, tissue, and eye bank organizations may not
11 use any demographic or specific data provided to the registry for
12 any fund-raising activities. Data may only be transmitted from the
13 selected organization to qualified organ, tissue, and eye bank
14 organizations through electronic and telephonic methods using
15 secure, encrypted technology to preserve the integrity of the data
16 and the privacy of the individuals providing information.

17 (g) In each office authorized to issue driver's licenses or
18 personal identification certificates, the Texas Department of
19 Motor Vehicles [~~Public Safety~~] shall make available educational
20 materials developed by the Texas Organ, Tissue, and Eye Donor
21 Council established under Chapter 113.

22 (h) The Texas Department of Motor Vehicles [~~Public Safety~~]
23 shall remit to the comptroller the money collected under Sections
24 521.421(g) and 521.422(c), Transportation Code, as provided by
25 those subsections. A county assessor-collector shall remit to the
26 comptroller any money collected under Section 502.1745,
27 Transportation Code, as provided by that section. Money remitted

1 to the comptroller in accordance with this subsection that is
2 appropriated to the department must be spent in accordance with the
3 priorities established by the department in consultation with the
4 Texas Organ, Tissue, and Eye Donor Council to pay the costs of:

5 (1) maintaining, operating, and updating the
6 statewide Internet-based donor registry and establishing
7 procedures for an individual to be added to the registry; and

8 (2) designing and distributing education materials
9 for prospective donors as required under this section.

10 (m) In consultation with the Texas Organ, Tissue, and Eye
11 Donor Council, the department may implement a training program for
12 all appropriate Texas Department of Motor Vehicles [~~Public Safety~~]
13 and Texas Department of Transportation employees on the benefits of
14 organ, tissue, and eye donation and the procedures for individuals
15 to be added to the statewide Internet-based registry of organ,
16 tissue, and eye donors. The department shall implement the
17 training program before the date that the statewide Internet-based
18 registry is operational and shall conduct the training on an
19 ongoing basis for new employees.

20 SECTION 5G.07. Section 81.011, Health and Safety Code, is
21 amended to read as follows:

22 Sec. 81.011. REQUEST FOR INFORMATION. In times of
23 emergency or epidemic declared by the commissioner, the department
24 is authorized to request information pertaining to names, dates of
25 birth, and most recent addresses of individuals from the driver's
26 license records of the Texas Department of Motor Vehicles [~~Public~~
27 ~~Safety~~] for the purpose of notification to individuals of the need

1 to receive certain immunizations or diagnostic, evaluation, or
2 treatment services for suspected communicable diseases.

3 SECTION 5G.08. Section 113.051(a), Health and Safety Code,
4 as added by Chapter 1186 (H.B. 120), Acts of the 79th Legislature,
5 Regular Session, 2005, is amended to read as follows:

6 (a) The council is composed of:

7 (1) a representative of the department appointed by
8 the commissioner;

9 (2) a representative of the Texas Department of Motor
10 Vehicles [~~Public Safety~~] appointed by the commissioner of motor
11 vehicles [~~public safety director~~];

12 (3) a representative of the Texas Department of
13 Transportation appointed by the executive director of that agency;

14 (4) five professional members appointed by the
15 commissioner as follows:

16 (A) one representative from each of the state's
17 three federally qualified organ procurement organizations
18 nominated by each organization;

19 (B) one representative who is a transplant
20 physician or nurse licensed in this state; and

21 (C) one representative of an acute care hospital
22 in this state; and

23 (5) two public members appointed by the commissioner.

24 SECTION 5G.09. Section 113.101, Health and Safety Code, as
25 added by Chapter 1186 (H.B. 120), Acts of the 79th Legislature,
26 Regular Session, 2005, is amended to read as follows:

27 Sec. 113.101. GENERAL DUTIES. The council as required by

1 the department shall:

2 (1) advise the department concerning the Donor
3 Education, Awareness, and Registry Program of Texas established
4 under Chapter 49;

5 (2) advise the department on priorities for the
6 initiatives to be implemented under the Donor Education, Awareness,
7 and Registry Program of Texas established under Chapter 49;

8 (3) advise the department regarding donor education,
9 awareness, and registry outreach specifically targeted at African
10 American and Hispanic populations;

11 (4) advise the commissioner, commissioner of motor
12 vehicles [~~public safety director~~], and director of the Texas
13 Department of Transportation on the allocation of money received by
14 the comptroller for the activities authorized under Chapter 49; and

15 (5) advise the department, the Texas Department of
16 Motor Vehicles [~~Public Safety~~], and the Texas Department of
17 Transportation regarding necessary performance standards and
18 quality control measures concerning the operation of the statewide
19 Internet-based donor registry, as well as related donor educational
20 programs.

21 SECTION 5G.10. Sections 382.0622(a) and (c), Health and
22 Safety Code, are amended to read as follows:

23 (a) Clean Air Act fees consist of:

24 (1) fees collected by the commission under Sections
25 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided
26 by law; and

27 (2) \$2 of each advance payment collected by the Texas

1 Department of Motor Vehicles [~~Public Safety~~] for inspection
2 certificates for vehicles other than mopeds under Section 548.501,
3 Transportation Code.

4 (c) The commission shall request the appropriation of
5 sufficient money to safeguard the air resources of the state,
6 including payments to the commissioner of motor vehicles [~~Public
7 Safety Commission~~] for incidental costs of administering the
8 vehicle emissions inspection and maintenance program, except that
9 after the date of delegation of the state's permitting program
10 under Title V of the federal Clean Air Act (42 U.S.C. Sections 7661
11 et seq.), fees collected under Section 382.0621(a) may be
12 appropriated only to cover costs of developing and administering
13 the federal permit program under Titles IV and V of the federal
14 Clean Air Act (42 U.S.C. Sections 7651 et seq. and 7661 et seq.).

15 SECTION 5G.11. Sections 382.202(a) and (d), Health and
16 Safety Code, are amended to read as follows:

17 (a) The commission by resolution may request the
18 commissioner of motor vehicles [~~Public Safety Commission~~] to
19 establish a vehicle emissions inspection and maintenance program
20 under Subchapter F, Chapter 548, Transportation Code, in accordance
21 with this section and rules adopted under this section. The
22 commission by rule may establish, implement, and administer a
23 program requiring emissions-related inspections of motor vehicles
24 to be performed at inspection facilities consistent with the
25 requirements of the federal Clean Air Act (42 U.S.C. Section 7401 et
26 seq.) and its subsequent amendments.

27 (d) On adoption of a resolution by the commission and after

1 proper notice, the Texas Department of Motor Vehicles [~~Public~~
2 ~~Safety of the State of Texas~~] shall implement a system that
3 requires, as a condition of obtaining a safety inspection
4 certificate issued under Subchapter C, Chapter 548, Transportation
5 Code, in a county that is included in a vehicle emissions inspection
6 and maintenance program under Subchapter F of that chapter, that
7 the vehicle, unless the vehicle is not covered by the system, be
8 annually or biennially inspected under the vehicle emissions
9 inspection and maintenance program as required by the state's air
10 quality state implementation plan. The Texas Department of Motor
11 Vehicles [~~Public Safety~~] shall implement such a system when it is
12 required by any provision of federal or state law, including any
13 provision of the state's air quality state implementation plan.

14 SECTION 5G.12. Section 382.203(c), Health and Safety Code,
15 is amended to read as follows:

16 (c) The Texas Department of Motor Vehicles [~~Public Safety of~~
17 ~~the State of Texas~~] by rule may waive program requirements, in
18 accordance with standards adopted by the commission, for certain
19 vehicles and vehicle owners, including:

20 (1) the registered owner of a vehicle who cannot
21 afford to comply with the program, based on reasonable income
22 standards;

23 (2) a vehicle that cannot be brought into compliance
24 with emissions standards by performing repairs;

25 (3) a vehicle:

26 (A) on which at least \$100 has been spent to bring
27 the vehicle into compliance; and

- 1 (B) that the department:
- 2 (i) can verify was driven fewer than 5,000
- 3 miles since the last safety inspection; and
- 4 (ii) reasonably determines will be driven
- 5 fewer than 5,000 miles during the period before the next safety
- 6 inspection is required; and
- 7 (4) a vehicle for which parts are not readily
- 8 available.

9 SECTION 5G.13. Section 382.204(a), Health and Safety Code,
10 is amended to read as follows:

11 (a) The commission and the Texas Department of Motor
12 Vehicles [~~Public Safety of the State of Texas~~] jointly shall
13 develop a program component for enforcing vehicle emissions testing
14 and standards by use of remote or automatic emissions detection and
15 analysis equipment.

16 SECTION 5G.14. Sections 382.205(c), (d), (e), and (g),
17 Health and Safety Code, are amended to read as follows:

18 (c) In consultation with the Texas Department of Motor
19 Vehicles [~~Public Safety of the State of Texas~~], the commission may
20 contract with one or more private entities to provide testing
21 equipment, training, and related services to inspection stations in
22 exchange for part of the testing fee. A contract under this
23 subsection may apply to one specified area of the state or to the
24 entire state. The commission at least once during each year shall
25 review each contract entered into under this subsection to
26 determine whether the contracting entity is performing
27 satisfactorily under the terms of the contract. Immediately after

1 completing the review, the commission shall prepare a report
2 summarizing the review and send a copy of the report to the speaker
3 of the house of representatives, the lieutenant governor, and the
4 governor.

5 (d) The Texas Department of Motor Vehicles [~~Public Safety of~~
6 ~~the State of Texas~~] by rule shall adopt:

7 (1) testing procedures in accordance with motor
8 vehicle emissions testing equipment specifications; and

9 (2) procedures for issuing or denying an emissions
10 inspection certificate.

11 (e) The commission and the Texas Department of Motor
12 Vehicles [~~Public Safety of the State of Texas~~] by joint rule may
13 adopt procedures to encourage a stable private market for providing
14 emissions testing to the public in all areas of an affected county,
15 including:

16 (1) allowing facilities to perform one or more types
17 of emissions tests; and

18 (2) any other measure the commission and the Texas
19 Department of Motor Vehicles [~~Public Safety~~] consider appropriate.

20 (g) Subject to Subsection (h), the commission and the Texas
21 Department of Motor Vehicles [~~Public Safety of the State of Texas~~]
22 by rule may allow alternative vehicle emissions testing if:

23 (1) the technology provides accurate and reliable
24 results;

25 (2) the technology is widely and readily available to
26 persons interested in performing alternative vehicle emissions
27 testing; and

1 (3) the use of alternative testing is not likely to
2 substantially affect federal approval of the state's air quality
3 state implementation plan.

4 SECTION 5G.15. Section 382.206(a), Health and Safety Code,
5 is amended to read as follows:

6 (a) The commission and the Texas Department of Motor
7 Vehicles [~~Public Safety of the State of Texas~~] may collect
8 inspection and maintenance information derived from the emissions
9 inspection and maintenance program, including:

- 10 (1) inspection results;
11 (2) inspection station information;
12 (3) information regarding vehicles operated on
13 federal facilities;
14 (4) vehicle registration information; and
15 (5) other data the United States Environmental
16 Protection Agency requires.

17 SECTION 5G.16. Sections 382.207(a), (b), (d), and (e),
18 Health and Safety Code, are amended to read as follows:

19 (a) The Texas Department of Motor Vehicles [~~Public Safety of~~
20 ~~the State of Texas~~] by rule shall adopt standards and procedures for
21 establishing vehicle emissions inspection stations authorized and
22 licensed by the state.

23 (b) A vehicle emissions inspection may be performed at a
24 decentralized independent inspection station or at a centralized
25 inspection facility operated or licensed by the state. In
26 developing the program for vehicle emissions inspections, the Texas
27 Department of Motor Vehicles [~~Public Safety~~] shall make all

1 reasonable efforts to preserve the present decentralized system.

2 (d) The Texas Department of Motor Vehicles [~~Public Safety~~]
3 may authorize enforcement personnel or other individuals to remove,
4 disconnect, adjust, or make inoperable vehicle emissions control
5 equipment, devices, or systems and to operate a vehicle in the
6 tampered condition in order to perform a quality control audit of an
7 inspection station or other quality control activities as necessary
8 to assess and ensure the effectiveness of the vehicle emissions
9 inspection and maintenance program.

10 (e) The Texas Department of Motor Vehicles [~~Public Safety~~]
11 shall develop a challenge station program to provide for the
12 reinspection of a motor vehicle at the option of the owner of the
13 vehicle to ensure quality control of a vehicle emissions inspection
14 and maintenance system.

15 SECTION 5G.17. Sections 382.209(a), (d), (e), and (i),
16 Health and Safety Code, are amended to read as follows:

17 (a) The commission and the commissioner of motor vehicles
18 [~~Public Safety Commission~~] by joint rule shall establish and
19 authorize the commissioners court of a participating county to
20 implement a low-income vehicle repair assistance, retrofit, and
21 accelerated vehicle retirement program subject to agency oversight
22 that may include reasonable periodic commission audits.

23 (d) Subject to the availability of funds, a low-income
24 vehicle repair assistance, retrofit, and accelerated vehicle
25 retirement program established under this section shall provide
26 monetary or other compensatory assistance for:

27 (1) repairs directly related to bringing certain

1 vehicles that have failed a required emissions test into compliance
2 with emissions requirements;

3 (2) a replacement vehicle or replacement assistance
4 for a vehicle that has failed a required emissions test and for
5 which the cost of repairs needed to bring the vehicle into
6 compliance is uneconomical; and

7 (3) installing retrofit equipment on vehicles that
8 have failed a required emissions test, if practically and
9 economically feasible, in lieu of or in combination with repairs
10 performed under Subdivision (1). The commission and the Texas
11 Department of Motor Vehicles [~~Public Safety of the State of Texas~~]
12 shall establish standards and specifications for retrofit
13 equipment that may be used under this section.

14 (e) A vehicle is not eligible to participate in a low-income
15 vehicle repair assistance, retrofit, and accelerated vehicle
16 retirement program established under this section unless:

17 (1) the vehicle is capable of being operated;

18 (2) the registration of the vehicle:

19 (A) is current; and

20 (B) reflects that the vehicle has been registered
21 in the county implementing the program for the 12 months preceding
22 the application for participation in the program;

23 (3) the commissioners court of the county
24 administering the program determines that the vehicle meets the
25 eligibility criteria adopted by the commission, the Texas
26 Department of Transportation, and the commissioner of motor
27 vehicles [~~Public Safety Commission~~];

1 (4) if the vehicle is to be repaired, the repair is
2 done by a repair facility recognized by the Texas Department of
3 Motor Vehicles [~~Public Safety~~], which may be an independent or
4 private entity licensed by the state; and

5 (5) if the vehicle is to be retired under this
6 subsection and Section 382.213, the replacement vehicle is a
7 qualifying motor vehicle.

8 (i) Notwithstanding the vehicle replacement requirements
9 provided by Subsection (d)(2), the commission by rule may provide
10 monetary or other compensatory assistance under the low-income
11 vehicle repair assistance, retrofit, and accelerated vehicle
12 retirement program, subject to the availability of funds, for the
13 replacement of a vehicle that meets the following criteria:

14 (1) the vehicle is gasoline-powered and is at least 10
15 years old;

16 (2) the vehicle owner meets applicable financial
17 eligibility criteria;

18 (3) the vehicle meets the requirements provided by
19 Subsections (e)(1) and (2); and

20 (4) the vehicle has passed a Texas Department of Motor
21 Vehicles [~~Public Safety~~] motor vehicle safety inspection or safety
22 and emissions inspection within the 15-month period before the
23 application is submitted.

24 SECTION 5G.18. Section 382.216, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 382.216. INCENTIVES FOR VOLUNTARY PARTICIPATION IN
27 VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM. The

1 commission, the Texas Department of Transportation, and the
2 commissioner of motor vehicles [~~Public Safety Commission~~] may,
3 subject to federal limitations:

4 (1) encourage counties likely to exceed federal clean
5 air standards to implement voluntary:

6 (A) motor vehicle emissions inspection and
7 maintenance programs; and

8 (B) low-income vehicle repair assistance,
9 retrofit, and accelerated vehicle retirement programs;

10 (2) establish incentives for counties to voluntarily
11 implement motor vehicle emissions inspection and maintenance
12 programs and low-income vehicle repair assistance, retrofit, and
13 accelerated vehicle retirement programs; and

14 (3) designate a county that voluntarily implements a
15 motor vehicle emissions inspection and maintenance program or a
16 low-income vehicle repair assistance, retrofit, and accelerated
17 vehicle retirement program as a "Clean Air County" and give
18 preference to a county designated as a Clean Air County in any
19 federal or state clean air grant program.

20 SECTION 5G.19. Section 485.032(c), Health and Safety Code,
21 is amended to read as follows:

22 (c) It is an affirmative defense to prosecution under this
23 section that:

24 (1) the person making the delivery is an adult having
25 supervisory responsibility over the person younger than 18 years of
26 age and:

27 (A) the adult permits the use of the abusable

1 volatile chemical only under the adult's direct supervision and in
2 the adult's presence and only for its intended purpose; and

3 (B) the adult removes the chemical from the
4 person younger than 18 years of age on completion of that use; or

5 (2) the person to whom the abusable volatile chemical
6 was delivered presented to the defendant an apparently valid Texas
7 driver's license or an identification certificate, issued by the
8 Department of Public Safety of the State of Texas or the Texas
9 Department of Motor Vehicles, as applicable, and containing a
10 physical description consistent with the person's appearance, that
11 purported to establish that the person was 18 years of age or older.

12 SECTION 5G.20. Section 758.001(2), Health and Safety Code,
13 is amended to read as follows:

14 (2) "Department" means the Texas Department of Motor
15 Vehicles [~~Public Safety~~].

16 SECTION 5G.21. Sections 780.002(a) and (b), Health and
17 Safety Code, are amended to read as follows:

18 (a) On the first Monday of each month, the Texas Department
19 of Motor Vehicles [~~Public Safety~~] shall remit the surcharges
20 collected during the previous month under the driver responsibility
21 program operated by that department under Chapter 708,
22 Transportation Code, to the comptroller.

23 (b) The comptroller shall deposit 49.5 percent of the money
24 received under Subsection (a) to the credit of the account
25 established under this chapter and 49.5 percent of the money to the
26 general revenue fund. The remaining one percent of the amount of
27 the surcharges shall be deposited to the general revenue fund and

1 may be appropriated only to the Texas Department of Motor Vehicles
2 [~~Public Safety~~] for administration of the driver responsibility
3 program operated by that department under Chapter 708,
4 Transportation Code.

5 SECTION 5G.22. Section 113.001(4), Health and Safety Code,
6 as added by Chapter 1186 (H.B. 120), Acts of the 79th Legislature,
7 Regular Session, 2005, is repealed.

8 PART H. HUMAN RESOURCES CODE

9 SECTION 5H.01. Section 23.002, Human Resources Code, is
10 amended to read as follows:

11 Sec. 23.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER. In
12 this chapter, "licensing authority" means:

- 13 (1) the Parks and Wildlife Department; and
14 (2) the Texas Department of Motor Vehicles [~~Public~~
15 ~~Safety of the State of Texas~~].

16 PART I. NATURAL RESOURCES CODE

17 SECTION 5I.01. Section 113.134, Natural Resources Code, is
18 amended to read as follows:

19 Sec. 113.134. TEXAS DEPARTMENT OF MOTOR VEHICLES [~~PUBLIC~~
20 ~~SAFETY~~]. The Texas Department of Motor Vehicles [~~Public Safety~~]
21 shall cooperate with the commission in the administration and
22 enforcement of this chapter and the rules promulgated under this
23 chapter to the extent that they are applicable to motor vehicles.

24 SECTION 5I.02. Section 116.074, Natural Resources Code, is
25 amended to read as follows:

26 Sec. 116.074. COOPERATION OF THE TEXAS DEPARTMENT OF MOTOR
27 VEHICLES [~~PUBLIC SAFETY~~]. The Texas Department of Motor Vehicles

1 [~~Public Safety~~] shall cooperate with the commission in
2 administering and enforcing this chapter and rules of the
3 commission relating to regulation of motor vehicles required to be
4 registered under this subchapter.

5 PART J. OCCUPATIONS CODE

6 SECTION 5J.01. Section 1805.052(b), Occupations Code, is
7 amended to read as follows:

8 (b) Except as provided by Section 1805.053, a report
9 required by this chapter must contain:

10 (1) the name and address of the seller of the business
11 machine;

12 (2) a complete and accurate description of the
13 business machine for which the report is made, including the serial
14 number or other identifying marks or symbols;

15 (3) the seller's certification that the information is
16 true and complete; and

17 (4) the seller's driver's license number or Department
18 of Public Safety or Texas Department of Motor Vehicles, as
19 applicable, identification certificate [~~card~~] number, as recorded
20 by the dealer on physical presentation of the license or
21 identification certificate [~~card~~] by the seller.

22 PART K. TAX CODE

23 SECTION 5K.01. Sections 11.43(f) and (m), Tax Code, are
24 amended to read as follows:

25 (f) The comptroller, in prescribing the contents of the
26 application form for each kind of exemption, shall ensure that the
27 form requires an applicant to furnish the information necessary to

1 determine the validity of the exemption claim. The form must
2 require an applicant to provide the applicant's name and driver's
3 license number, personal identification certificate number, or
4 social security account number. The comptroller shall include on
5 the forms a notice of the penalties prescribed by Section 37.10,
6 Penal Code, for making or filing an application containing a false
7 statement. The comptroller shall include, on application forms for
8 exemptions that do not have to be claimed annually, a statement
9 explaining that the application need not be made annually and that
10 if the exemption is allowed, the applicant has a duty to notify the
11 chief appraiser when the applicant's entitlement to the exemption
12 ends. In this subsection:

13 (1) "Driver's license" has the meaning assigned that
14 term by Section 521.001, Transportation Code.

15 (2) "Personal identification certificate" means a
16 certificate issued by the Department of Public Safety or the Texas
17 Department of Motor Vehicles, as applicable, under Subchapter E,
18 Chapter 521, Transportation Code.

19 (m) Notwithstanding Subsections (a) and (k), a person who
20 receives an exemption under Section 11.13, other than an exemption
21 under Section 11.13(c) or (d) for an individual 65 years of age or
22 older, in a tax year is entitled to receive an exemption under
23 Section 11.13(c) or (d) for an individual 65 years of age or older
24 in the next tax year on the same property without applying for the
25 exemption if the person becomes 65 years of age in that next year as
26 shown by:

27 (1) information in the records of the appraisal

1 district that was provided to the appraisal district by the
2 individual in an application for an exemption under Section 11.13
3 on the property or in correspondence relating to the property; or

4 (2) the information provided by the Texas Department
5 of Public Safety or the Texas Department of Motor Vehicles, as
6 applicable, to the appraisal district under Section 521.049,
7 Transportation Code.

8 PART L. VERNON'S TEXAS CIVIL STATUTES

9 SECTION 5L.01. Section 4, Chapter 232 (S.B. 839), Acts of
10 the 67th Legislature, Regular Session, 1981 (Article 6419a,
11 Vernon's Texas Civil Statutes), is amended to read as follows:

12 Sec. 4. RECORDS RELATING TO ACCIDENTS OR VIOLATIONS. If a
13 person operating a railroad locomotive or train is involved in an
14 accident with another train or a motor vehicle or is arrested for
15 violation of a law relating to the person's operation of a
16 locomotive or train, the number or other identifying information
17 about the person's [~~operator's, commercial operator's, or~~
18 ~~chauffeur's~~] driver's license or commercial driver's license may
19 not be included in any report of the accident or violation, and the
20 person's involvement in the accident or violation may not be
21 recorded in the person's individual driving record maintained by
22 the Texas Department of Motor Vehicles [~~Public Safety~~].

23 SECTION 5L.02. Section 1, Chapter 466 (H.B. 1910), Acts of
24 the 71st Legislature, Regular Session, 1989 (Article 6701j-2,
25 Vernon's Texas Civil Statutes), is amended to read as follows:

26 Sec. 1. (a) All driving safety courses approved by the
27 Texas Department of Motor Vehicles [~~Public Safety~~] or by a court as

1 authorized by law must include instruction on railroad and highway
2 grade crossing safety.

3 (b) The Texas Department of Motor Vehicles [~~Public Safety~~]
4 shall by rule provide minimum standards of course content relating
5 to operation of vehicles at railroad and highway grade crossings.

6 ARTICLE 6. TRANSFERS OF CERTAIN POWERS, DUTIES,
7 OBLIGATIONS, AND RIGHTS OF ACTION

8 SECTION 6.01. (a) All powers, duties, obligations, and
9 rights of action of the Motor Vehicle Division of the Texas
10 Department of Transportation are transferred to the Texas
11 Department of Motor Vehicles, and all powers, duties, obligations,
12 and rights of action of the Texas Transportation Commission in
13 connection or associated with the Motor Vehicle Division of the
14 Texas Department of Transportation are transferred to the
15 commissioner of motor vehicles on November 1, 2009.

16 (b) In connection with the transfers required by Subsection
17 (a) of this section, the personnel, furniture, computers, other
18 property and equipment, files, and related materials used by the
19 Motor Vehicle Division of the Texas Department of Transportation
20 are transferred to the Texas Department of Motor Vehicles.

21 (c) The Texas Department of Motor Vehicles shall continue
22 any proceeding involving the Motor Vehicle Division of the Texas
23 Department of Transportation that was brought before the effective
24 date of this Act in accordance with the law in effect on the date the
25 proceeding was brought, and the former law is continued in effect
26 for that purpose.

27 (d) A certificate, license, document, permit, registration,

1 or other authorization issued by the Motor Vehicle Division of the
2 Texas Department of Transportation that is in effect on the
3 effective date of this Act remains valid for the period for which it
4 was issued unless suspended or revoked by the Texas Department of
5 Motor Vehicles or the commissioner of motor vehicles, as
6 applicable.

7 (e) A rule adopted by the Texas Transportation Commission or
8 the director of the Texas Department of Transportation in
9 connection with or relating to the Motor Vehicle Division of that
10 department continues in effect until it is amended or repealed by
11 the commissioner of motor vehicles or the Texas Department of Motor
12 Vehicles, as applicable.

13 (f) The unobligated and unexpended balance of any
14 appropriations made to the Texas Department of Transportation in
15 connection with or relating to the Motor Vehicle Division of that
16 department for the state fiscal biennium ending August 31, 2009, is
17 transferred and reappropriated to the Texas Department of Motor
18 Vehicles for the purpose of implementing the powers, duties,
19 obligations, and rights of action transferred to that department
20 under Subsection (a) of this section.

21 SECTION 6.02. (a) All powers, duties, obligations, and
22 rights of action of the Vehicle Titles and Registration Division of
23 the Texas Department of Transportation are transferred to the Texas
24 Department of Motor Vehicles, and all powers, duties, obligations,
25 and rights of action of the Texas Transportation Commission in
26 connection or associated with the Vehicle Titles and Registration
27 Division of the Texas Department of Transportation are transferred

1 to the commissioner of motor vehicles on November 1, 2009.

2 (b) In connection with the transfers required by Subsection
3 (a) of this section, the personnel, furniture, computers, other
4 property and equipment, files, and related materials used by the
5 Vehicle Titles and Registration Division of the Texas Department of
6 Transportation are transferred to the Texas Department of Motor
7 Vehicles.

8 (c) The Texas Department of Motor Vehicles shall continue
9 any proceeding involving the Vehicle Titles and Registration
10 Division of the Texas Department of Transportation that was brought
11 before the effective date of this Act in accordance with the law in
12 effect on the date the proceeding was brought, and the former law is
13 continued in effect for that purpose.

14 (d) A certificate, license, document, permit, registration,
15 or other authorization issued by the Vehicle Titles and
16 Registration Division of the Texas Department of Transportation
17 that is in effect on the effective date of this Act remains valid
18 for the period for which it was issued unless suspended or revoked
19 by the Texas Department of Motor Vehicles or the commissioner of
20 motor vehicles, as applicable.

21 (e) A rule adopted by the Texas Transportation Commission or
22 the director of the Texas Department of Transportation in
23 connection with or relating to the Vehicle Titles and Registration
24 Division of that department continues in effect until it is amended
25 or repealed by the commissioner of motor vehicles or the Texas
26 Department of Motor Vehicles, as applicable.

27 (f) The unobligated and unexpended balance of any

1 appropriations made to the Texas Department of Transportation in
2 connection with or relating to the Vehicle Titles and Registration
3 Division of that department for the state fiscal biennium ending
4 August 31, 2009, is transferred and reappropriated to the Texas
5 Department of Motor Vehicles for the purpose of implementing the
6 powers, duties, obligations, and rights of action transferred to
7 that department under Subsection (a) of this section.

8 SECTION 6.03. (a) All powers, duties, obligations, and
9 rights of action of the Automobile Burglary and Theft Prevention
10 Authority Office of the Texas Department of Transportation under
11 Article 4413(37), Revised Statutes, are transferred to the Texas
12 Department of Motor Vehicles, and all powers, duties, obligations,
13 and rights of action of the Texas Transportation Commission in
14 connection or associated with the Automobile Burglary and Theft
15 Prevention Authority Office of the Texas Department of
16 Transportation are transferred to the commissioner of motor
17 vehicles on November 1, 2009.

18 (b) In connection with the transfers required by Subsection
19 (a) of this section, the personnel, furniture, computers, other
20 property and equipment, files, and related materials used by the
21 Automobile Burglary and Theft Prevention Authority Office of the
22 Texas Department of Transportation are transferred to the Texas
23 Department of Motor Vehicles.

24 (c) The Texas Department of Motor Vehicles shall continue
25 any proceeding involving the Automobile Burglary and Theft
26 Prevention Authority Office of the Texas Department of
27 Transportation that was brought before the effective date of this

1 Act in accordance with the law in effect on the date the proceeding
2 was brought, and the former law is continued in effect for that
3 purpose.

4 (d) A certificate, license, document, permit, registration,
5 or other authorization issued by the Automobile Burglary and Theft
6 Prevention Authority Office of the Texas Department of
7 Transportation that is in effect on the effective date of this Act
8 remains valid for the period for which it was issued unless
9 suspended or revoked by the Texas Department of Motor Vehicles or
10 the commissioner of motor vehicles, as applicable.

11 (e) A rule adopted by the Texas Transportation Commission or
12 the director of the Texas Department of Transportation in
13 connection with or relating to the Automobile Burglary and Theft
14 Prevention Authority Office of that department continues in effect
15 until it is amended or repealed by the commissioner of motor
16 vehicles or the Texas Department of Motor Vehicles, as applicable.

17 (f) The unobligated and unexpended balance of any
18 appropriations made to the Texas Department of Transportation in
19 connection with or relating to the Automobile Burglary and Theft
20 Prevention Authority Office of that department for the state fiscal
21 biennium ending August 31, 2009, is transferred and reappropriated
22 to the Texas Department of Motor Vehicles for the purpose of
23 implementing the powers, duties, obligations, and rights of action
24 transferred to that department under Subsection (a) of this
25 section.

26 SECTION 6.04. (a) All powers, duties, obligations, and
27 rights of action of the Traffic Operations Division of the Texas

1 Department of Transportation related to the collection and analysis
2 of traffic crash data are transferred to the Texas Department of
3 Motor Vehicles on November 1, 2009.

4 (b) In connection with the transfers required by Subsection
5 (a) of this section, the personnel, furniture, computers, other
6 property and equipment, files, and related materials used by the
7 Traffic Operations Division of the Texas Department of
8 Transportation related to the collection and analysis of traffic
9 crash data are transferred to the Texas Department of Motor
10 Vehicles.

11 (c) The Texas Department of Motor Vehicles shall continue
12 any proceeding involving the Traffic Operations Division of the
13 Texas Department of Transportation related to the collection and
14 analysis of traffic crash data that was brought before the
15 effective date of this Act in accordance with the law in effect on
16 the date the proceeding was brought, and the former law is continued
17 in effect for that purpose.

18 (d) A certificate, license, document, permit, registration,
19 or other authorization issued by the Traffic Operations Division of
20 the Texas Department of Transportation related to the collection
21 and analysis of traffic crash data that is in effect on the
22 effective date of this Act remains valid for the period for which it
23 was issued unless suspended or revoked by the Texas Department of
24 Motor Vehicles or the commissioner of motor vehicles, as
25 applicable.

26 (e) A rule adopted by the Texas Transportation Commission or
27 the director of the Texas Department of Transportation in

1 connection with or relating to the Traffic Operations Division of
2 that department related to the collection and analysis of traffic
3 crash data continues in effect until it is amended or repealed by
4 the commissioner of motor vehicles or the Texas Department of Motor
5 Vehicles, as applicable.

6 (f) The unobligated and unexpended balance of any
7 appropriations made to the Traffic Operations Division of the Texas
8 Department of Transportation related to the collection and analysis
9 of traffic crash data for the state fiscal biennium ending August
10 31, 2009, is transferred and reappropriated to the Texas Department
11 of Motor Vehicles for the purpose of implementing the powers,
12 duties, obligations, and rights of action transferred to that
13 department under Subsection (a) of this section.

14 SECTION 6.05. (a) All powers, duties, obligations, and
15 rights of action of the Driver License Division of the Texas
16 Department of Public Safety are transferred to the Texas Department
17 of Motor Vehicles on the effective date of this Act, and all powers,
18 duties, obligations, and rights of action of the Public Safety
19 Commission in connection or associated with the Driver License
20 Division of the Texas Department of Public Safety are transferred
21 to the commissioner of motor vehicles on November 1, 2009.

22 (b) In connection with the transfers required by Subsection
23 (a) of this section, the noncommissioned personnel, furniture,
24 computers, other property and equipment, files, and related
25 materials used by the Driver License Division of the Texas
26 Department of Public Safety are transferred to the Texas Department
27 of Motor Vehicles.

1 (c) The Texas Department of Motor Vehicles shall continue
2 any proceeding involving the Driver License Division of the Texas
3 Department of Public Safety that was brought before the effective
4 date of this Act in accordance with the law in effect on the date the
5 proceeding was brought, and the former law is continued in effect
6 for that purpose.

7 (d) A certificate, license, document, permit, registration,
8 or other authorization issued by the Driver License Division of the
9 Texas Department of Public Safety that is in effect on the effective
10 date of this Act remains valid for the period for which it was
11 issued unless suspended or revoked by the Texas Department of Motor
12 Vehicles or the commissioner of motor vehicles, as applicable.

13 (e) A rule adopted by the Public Safety Commission, the
14 Texas Department of Public Safety, or the public safety director in
15 connection with or relating to the Driver License Division of that
16 department continues in effect until it is amended or repealed by
17 the commissioner of motor vehicles or the Texas Department of Motor
18 Vehicles, as applicable.

19 (f) The unobligated and unexpended balance of any
20 appropriations made to the Driver License Division of the Texas
21 Department of Public Safety for the state fiscal biennium ending
22 August 31, 2009, is transferred and reappropriated to the Texas
23 Department of Motor Vehicles for the purpose of implementing the
24 powers, duties, obligations, and rights of action transferred to
25 that department under Subsection (a) of this section.

26 SECTION 6.06. (a) All powers, duties, obligations, and
27 rights of action of the Vehicle Inspection Service of the Texas

1 Department of Public Safety are transferred to the Texas Department
2 of Motor Vehicles on the effective date of this Act, and all powers,
3 duties, obligations, and rights of action of the Public Safety
4 Commission in connection or associated with the Vehicle Inspection
5 Service of the Texas Department of Public Safety are transferred to
6 the commissioner of motor vehicles on November 1, 2009.

7 (b) In connection with the transfers required by Subsection
8 (a) of this section, the noncommissioned personnel, furniture,
9 computers, other property and equipment, files, and related
10 materials used by the Vehicle Inspection Service of the Texas
11 Department of Public Safety are transferred to the Texas Department
12 of Motor Vehicles.

13 (c) The Texas Department of Motor Vehicles shall continue
14 any proceeding involving the Vehicle Inspection Service of the
15 Texas Department of Public Safety that was brought before the
16 effective date of this Act in accordance with the law in effect on
17 the date the proceeding was brought, and the former law is continued
18 in effect for that purpose.

19 (d) A certificate, license, document, permit, registration,
20 or other authorization issued by the Vehicle Inspection Service of
21 the Texas Department of Public Safety that is in effect on the
22 effective date of this Act remains valid for the period for which it
23 was issued unless suspended or revoked by the Texas Department of
24 Motor Vehicles or the commissioner of motor vehicles, as
25 applicable.

26 (e) A rule adopted by the Public Safety Commission, the
27 Texas Department of Public Safety, or the public safety director in

1 connection with or relating to the Vehicle Inspection Service of
2 that department continues in effect until it is amended or repealed
3 by the commissioner of motor vehicles or the Texas Department of
4 Motor Vehicles, as applicable.

5 (f) The unobligated and unexpended balance of any
6 appropriations made to the Vehicle Inspection Service of the Texas
7 Department of Public Safety for the state fiscal biennium ending
8 August 31, 2009, is transferred and reappropriated to the Texas
9 Department of Motor Vehicles for the purpose of implementing the
10 powers, duties, obligations, and rights of action transferred to
11 that department under Subsection (a) of this section.

12 SECTION 6.07. Not later than October 31, 2009, the
13 commissioner of motor vehicles shall enter into a memorandum of
14 understanding with the Texas Department of Transportation to
15 implement Sections 6.01-6.04 of this article.

16 SECTION 6.08. Not later than October 31, 2009, the
17 commissioner of motor vehicles shall enter into a memorandum of
18 understanding with the Department of Public Safety of the State of
19 Texas to implement Sections 6.05 and 6.06 of this article.

20 ARTICLE 7. APPOINTMENT OF COMMISSIONER OF MOTOR VEHICLES

21 SECTION 7.01. Not later than October 1, 2009, the governor
22 shall appoint the commissioner of motor vehicles in accordance with
23 Subchapter B, Chapter 1001, Transportation Code, as added by this
24 Act.

25 ARTICLE 8. EFFECTIVE DATE

26 SECTION 8.01. This Act takes effect September 1, 2009.