

By: McClendon

H.B. No. 3097

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) "Board" means the board of the department.

(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) Subtitle A;

(2) Chapters 642, 643, 645, 646, and 648;

(3) Chapter 2301, Occupations Code; and

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

Sec. 1001.003. COMPOSITION OF DEPARTMENT. The department

1 is composed of an executive director appointed by the board and
2 other employees required to efficiently implement:

- 3 (1) this subtitle;
4 (2) other applicable vehicle laws of this state; and
5 (3) other laws that grant jurisdiction to or are
6 applicable to the department.

7 Sec. 1001.004. DIVISIONS. The board shall organize the
8 department into divisions to accomplish the department's functions
9 and the duties assigned to it, including divisions for:

- 10 (1) administration;
11 (2) automobile burglary and theft prevention;
12 (3) motor carriers;
13 (4) motor vehicle board; and
14 (5) vehicle titles and registration.

15 Sec. 1001.005. SUNSET PROVISION. The department is subject
16 to Chapter 325, Government Code (Texas Sunset Act). Unless
17 continued in existence as provided by that chapter, the department
18 is abolished September 1, 2015.

19 Sec. 1001.006. DEFENSE BY ATTORNEY GENERAL. The attorney
20 general shall defend an action brought against the board or the
21 department or an action brought against an employee of the
22 department as a result of the employee's official act or omission,
23 regardless of whether at the time of the institution of the action
24 that person has terminated service with the department.

25 [Sections 1001.007-1001.020 reserved for expansion]

26 SUBCHAPTER B. BOARD OF DEPARTMENT OF MOTOR VEHICLES

27 Sec. 1001.021. BOARD. (a) The board consists of seven

1 members appointed by the governor with the advice and consent of the
2 senate. Appointments to the board shall be made without regard to
3 the race, color, disability, sex, religion, age, or national origin
4 of the appointees.

5 (b) Two members shall be appointed to represent motor
6 vehicle dealers; one member shall be appointed to represent county
7 tax assessor-collectors; one member shall be appointed to represent
8 the motor carrier industry; one member shall be appointed to
9 represent law enforcement agencies; and two members shall be
10 appointed to represent the general public. The member appointed to
11 represent law enforcement agencies may not be a state employee.

12 (c) A person may not be a public member of the board if the
13 person or the person's spouse:

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

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

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

23 (4) uses or receives a substantial amount of tangible
24 goods, services, or money from the department other than
25 compensation or reimbursement authorized by law for board
26 membership, attendance, or expenses.

27 Sec. 1001.022. TERMS. Members of the board serve staggered

1 six-year terms, with the terms of either one or two members expiring
2 February 1 of each odd-numbered year.

3 Sec. 1001.023. PRESIDING OFFICER OF BOARD. (a) The
4 governor shall designate a member of the board as the presiding
5 officer of the board to serve in that capacity at the pleasure of
6 the governor.

7 (b) The presiding officer shall:

8 (1) preside over board meetings, make rulings on
9 motions and points of order, and determine the order of business;

10 (2) represent the department in dealing with the
11 governor;

12 (3) report to the governor on the state of affairs of
13 the department at least quarterly;

14 (4) report to the board the governor's suggestions for
15 department operations;

16 (5) report to the governor on efforts, including
17 legislative requirements, to maximize the efficiency of department
18 operations through the use of private enterprise;

19 (6) periodically review the department's
20 organizational structure and submit recommendations for structural
21 changes to the governor, the board, and the Legislative Budget
22 Board;

23 (7) designate one or more employees of the department
24 as a civil rights division of the department and receive regular
25 reports from the division on the department's efforts to comply
26 with civil rights legislation and administrative rules;

27 (8) create subcommittees, appoint board members to

1 subcommittees, and receive the reports of subcommittees to the
2 board as a whole;

3 (9) appoint a member of the board to act in the chair's
4 absence; and

5 (10) serve as the departmental liaison with the
6 governor and the Office of State-Federal Relations to maximize
7 federal funding for transportation.

8 Sec. 1001.024. BOARD MEETINGS. The board shall hold
9 regular meetings at least once a month and special meetings at the
10 call of the presiding officer. Board members shall attend the
11 meetings of the board. The presiding officer shall oversee the
12 preparation of an agenda for each meeting and ensure that a copy is
13 provided to each board member at least seven days before the
14 meeting.

15 Sec. 1001.025. RECOMMENDATIONS TO LEGISLATURE. (a) The
16 board shall consider ways in which the department's operations may
17 be improved and may periodically report to the legislature
18 concerning potential statutory changes that would improve the
19 operation of the department.

20 (b) On behalf of the board, the presiding officer shall
21 report to the governor, the lieutenant governor, the speaker of the
22 house of representatives, and the presiding officers of relevant
23 legislative committees on legislative recommendations adopted by
24 the board and relating to the operation of the department.

25 Sec. 1001.026. COMPENSATION. A member of the board is
26 entitled to compensation as provided by the General Appropriations
27 Act. If compensation for board members is not provided by that Act,

1 each member is entitled to reimbursement for actual and necessary
2 expenses incurred in performing functions as a member of the board.

3 Sec. 1001.027. GROUND FOR REMOVAL. (a) It is a ground for
4 removal from the board that a board member:

5 (1) does not have at the time of taking office the
6 qualifications required by Section 1001.021;

7 (2) does not maintain during service on the board the
8 qualifications required by Section 1001.021;

9 (3) is ineligible for membership under Section
10 1001.021(c), 1007.002, or 1007.003;

11 (4) cannot, because of illness or disability,
12 discharge the member's duties for a substantial part of the member's
13 term; or

14 (5) is absent from more than half of the regularly
15 scheduled board meetings that the member is eligible to attend
16 during a calendar year without an excuse approved by a majority
17 vote of the board.

18 (b) The validity of an action of the board is not affected by
19 the fact that it is taken when a ground for removal of a board member
20 exists.

21 (c) If the executive director of the department has
22 knowledge that a potential ground for removal exists, the executive
23 director shall notify the presiding officer of the board of the
24 potential ground. The presiding officer shall then notify the
25 governor and the attorney general that a potential ground for
26 removal exists. If the potential ground for removal involves the
27 presiding officer, the executive director shall notify the next

1 highest ranking officer of the board, who shall then notify the
2 governor and the attorney general that a potential ground for
3 removal exists.

4 Sec. 1001.028. INFORMATION ON QUALIFICATIONS AND CONDUCT.
5 The department shall provide to the members of the board, as often
6 as necessary, information concerning the members' qualifications
7 for office and their responsibilities under applicable laws
8 relating to standards of conduct for state officers.

9 Sec. 1001.029. TRAINING ON DEPARTMENT AND CERTAIN LAWS
10 RELATING TO DEPARTMENT. (a) A person who is appointed to and
11 qualifies for office as a member of the board may not vote,
12 deliberate, or be counted as a member in attendance at a meeting of
13 the board until the person completes a training program that
14 complies with this section.

15 (b) The training program must provide the person with
16 information regarding:

17 (1) the legislation that created the department;

18 (2) the programs, functions, rules, and budget of the
19 department;

20 (3) the results of the most recent formal audit of the
21 department;

22 (4) the requirements of laws relating to open
23 meetings, public information, administrative procedure, and
24 conflicts-of-interest; and

25 (5) any applicable ethics policies adopted by the
26 department or the Texas Ethics Commission.

27 (c) A person appointed to the board is entitled to

1 reimbursement, as provided by the General Appropriations Act, for
2 the travel expenses incurred in attending the training program
3 regardless of whether the attendance at the program occurs before
4 or after the person qualifies for office.

5 Sec. 1001.030. TECHNOLOGICAL SOLUTIONS. The board shall
6 implement a policy requiring the department to use appropriate
7 technological solutions to improve the department's ability to
8 perform its functions. The policy must ensure that the public is
9 able to interact with the department on the Internet.

10 Sec. 1001.031. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
11 RESOLUTION PROCEDURES. (a) The board shall develop and implement a
12 policy to encourage the use of:

13 (1) negotiated rulemaking procedures under Chapter
14 2008, Government Code, for the adoption of department rules; and

15 (2) appropriate alternative dispute resolution
16 procedures under Chapter 2009, Government Code, to assist in the
17 resolution of internal and external disputes under the department's
18 jurisdiction.

19 (b) The department's procedures relating to alternative
20 dispute resolution must conform, to the extent possible, to any
21 model guidelines issued by the State Office of Administrative
22 Hearings for the use of alternative dispute resolution by state
23 agencies.

24 (c) The board shall designate a trained person to:

25 (1) coordinate the implementation of the policy
26 adopted under Subsection (a);

27 (2) serve as a resource for any training needed to

1 implement the procedures for negotiated rulemaking or alternative
2 dispute resolution; and

3 (3) collect data concerning the effectiveness of those
4 procedures, as implemented by the department.

5 [Sections 1001.032-1001.040 reserved for expansion]

6 SUBCHAPTER C. PERSONNEL

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

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

16 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board
17 shall develop and implement policies that clearly separate the
18 policymaking responsibilities of the board and the management
19 responsibilities of the executive director and the staff of the
20 department.

21 Sec. 1001.043. EQUAL EMPLOYMENT OPPORTUNITY POLICY;
22 REPORT. (a) The executive director or the director's designee
23 shall prepare and maintain a written policy statement to ensure
24 implementation of a program of equal employment opportunity under
25 which all personnel transactions are made without regard to race,
26 color, disability, sex, religion, age, or national origin. The
27 policy statement must include:

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

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

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

11 (4) reasonable methods to appropriately address those
12 areas of significant underuse.

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

14 (1) cover an annual period;

15 (2) be updated annually;

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

18 (4) be filed with the governor.

19 (c) The governor shall deliver a biennial report to the
20 legislature based on the information received under Subsection (b).
21 The report may be made separately or as a part of other biennial
22 reports made to the legislature.

23 Sec. 1001.044. QUALIFICATIONS AND STANDARDS OF CONDUCT.

24 The executive director shall provide to department employees, as
25 often as necessary, information regarding their:

26 (1) qualification for office or employment under this
27 subtitle; and

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

3 Sec. 1001.045. CAREER LADDER PROGRAM; PERFORMANCE
4 EVALUATIONS. (a) The executive director or the director's
5 designee shall develop an intra-agency career ladder program. The
6 program must require intra-agency posting of all nonentry level
7 positions concurrently with any public posting.

8 (b) The executive director or the director's designee shall
9 develop a system of annual performance evaluations. All merit pay
10 for department employees must be based on the system established
11 under this subsection.

12 CHAPTER 1002. RULES

13 Sec. 1002.001. GENERAL RULEMAKING AUTHORITY. The board or
14 the department may adopt any rules necessary and appropriate to
15 implement the powers and duties of the department under this code
16 and other laws of this state.

17 Sec. 1002.002. RULES RESTRICTING ADVERTISING OR
18 COMPETITIVE BIDDING. The board or the department may not adopt
19 rules restricting advertising or competitive bidding by a person
20 regulated by the department except to prohibit false, misleading,
21 or deceptive practices by the person.

22 Sec. 1002.003. INTERIM RULES TO COMPLY WITH FEDERAL
23 REQUIREMENTS. (a) The board or the department may adopt rules to
24 implement state responsibility in compliance with a federal law or
25 regulation or action of a federal court relating to a person or
26 activity under the jurisdiction of the department if:

27 (1) federal law or regulation, or an action of a

1 federal court, requires:

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

3 (B) action by a state to ensure protection of the
4 citizens of the state;

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

7 (3) the rules will prevent the loss of federal funds to
8 this state.

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

20 CHAPTER 1003. DEPARTMENT PROCEDURES

21 Sec. 1003.001. APPLICABILITY OF CERTAIN LAWS. Except as
22 specifically provided by law, the department is subject to Chapters
23 2001 and 2002, Government Code.

24 Sec. 1003.002. SUMMARY PROCEDURES FOR ROUTINE MATTERS. (a)
25 The board or the department by rule may:

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

27 and

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

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

6 (1) voluminous;

7 (2) repetitive;

8 (3) believed to be noncontroversial; and

9 (4) of limited interest to anyone other than persons
10 immediately involved in or affected by the proposed department
11 action.

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

17 (d) A rule adopted by the board under this section may
18 provide for the delegation of authority to take action on a routine
19 matter to a salaried employee of the department designated by the
20 board.

21 Sec. 1003.003. REVIEW OF ACTION ON ROUTINE MATTER. (a) A
22 person directly or indirectly affected by an action of the board or
23 the department on a routine matter taken under the summary
24 procedure adopted under Section 1003.002 is entitled to a review of
25 the action under Chapter 2001, Government Code.

26 (b) The person must apply to the board not later than the
27 60th day after the date of the action to be entitled to the review.

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

3 (d) The board and the department may adopt rules relating to
4 an application for review under this section and consideration of
5 the application.

6 Sec. 1003.004. INFORMAL DISPOSITION OF CERTAIN CONTESTED
7 CASES. The board or the department, as applicable, on written
8 agreement or stipulation of each party and any intervenor, may
9 informally dispose of a contested case in accordance with Section
10 2001.056, Government Code, notwithstanding any provision of this
11 code or other law that requires a hearing before the board or the
12 department, as applicable.

13 Sec. 1003.005. NEWSPAPER PUBLICATION. Except as otherwise
14 provided by law, a notice or other matter that this code or other
15 law requires the board or the department to publish must be
16 published for three successive weeks in two newspapers that:

17 (1) are printed in this state; and

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

19 CHAPTER 1004. GENERAL SUBPOENA POWERS; WITNESSES AND PRODUCTION OF
20 RECORDS

21 Sec. 1004.001. DEFINITION. In this chapter, "records"
22 includes books, accounts, documents, papers, correspondence, and
23 other material.

24 Sec. 1004.002. SUBPOENA AUTHORITY. (a) With respect to a
25 matter that the board or the department has authority to consider or
26 investigate, the board or the department may issue a subpoena
27 applicable throughout this state that requires:

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

2 (2) the production of records.

3 (b) In connection with a subpoena, the board or department
4 may require attendance and production of records before the board
5 or the board's designee:

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

7 (2) at another place designated by the board or the
8 department.

9 (c) In connection with a subpoena, the board chair or the
10 board's designee may administer an oath, examine a witness, or
11 receive evidence.

12 Sec. 1004.003. SERVICE OF SUBPOENA. (a) A subpoena issued
13 by the board or the department may be served, at the discretion of
14 the board or department, by the executive director, an authorized
15 agent of the director, a sheriff, or a constable.

16 (b) The sheriff's or constable's fee for serving the
17 subpoena is the same as the fee paid to the sheriff or constable for
18 similar services.

19 Sec. 1004.004. ENFORCEMENT OF SUBPOENA. (a) On
20 application of the board or the department, as applicable, in the
21 case of disobedience of a subpoena issued by the board or the
22 department or the contumacy of a person, a district court may issue
23 an order requiring a person subpoenaed to obey the subpoena, to give
24 evidence, or to produce records if the person has refused to do so.

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

27 (c) If the court orders compliance with the subpoena or

1 finds the person in contempt for failure to obey the order, the
2 board or the department, as applicable, or the attorney general
3 when representing the department, may recover reasonable costs and
4 fees, including attorney's fees and investigative costs incurred in
5 the proceedings.

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

9 Sec. 1004.005. COMPENSATION FOR ATTENDANCE. A person
10 required by subpoena to attend a proceeding before the board, the
11 board's designee, or the department is entitled to:

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

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

19 (A) \$10; or

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

21 Sec. 1004.006. OUT-OF-STATE MATERIALS. (a) A person with
22 materials located outside this state that are requested by the
23 board or the department may make the materials available for
24 examination at the place where the materials are located.

25 (b) The board may designate a representative, including an
26 official of the state in which the materials are located, to examine
27 the materials.

1 (c) The board may respond to a similar request from an
2 official of another state or of the United States.

3 Sec. 1004.007. ACCESS TO INFORMATION. (a) A record or
4 other evidence acquired under a subpoena under this chapter is not a
5 public record for the period the board or the department, as
6 applicable, considers reasonably necessary to:

7 (1) complete the investigation;

8 (2) protect the person being investigated from
9 unwarranted injury; or

10 (3) serve the public interest.

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

13 (1) the record or other evidence is released for
14 public inspection by the board or the department; or

15 (2) after notice and a hearing, a district court
16 determines that obeying the subpoena would not jeopardize the
17 public interest and any investigation by the board or the
18 department.

19 (c) Except for good cause, a district court order under
20 Subsection (b) may not apply to:

21 (1) a record or communication received from a law
22 enforcement agency or another regulatory agency; or

23 (2) the internal notes, memoranda, reports, or
24 communications made in connection with a matter that the board or
25 the department has the authority to consider or investigate.

26 Sec. 1004.008. PRIVILEGED AND CONFIDENTIAL RECORDS AND
27 INFORMATION; PROTECTIVE ORDERS. (a) A record subpoenaed and

1 produced under this chapter that is otherwise privileged or
2 confidential by law remains privileged or confidential until
3 admitted into evidence in an administrative hearing or a court.

4 (b) The board may issue a protective order relating to the
5 confidentiality or privilege of a record described by Subsection
6 (a) to restrict the use or distribution of the record:

7 (1) by a person; or

8 (2) in a proceeding other than a proceeding before the
9 board or the department.

10 Sec. 1004.009. COOPERATION WITH LAW ENFORCEMENT. On
11 request, the board or the department may furnish records or other
12 evidence obtained by subpoena to:

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

15 (2) a prosecuting attorney of a municipality, county,
16 or judicial district of this state, another state, or the United
17 States.

18 Sec. 1004.010. EFFECT ON CONTESTED CASE. Sections
19 1004.002, 1004.006, 1004.007, and 1004.009 do not affect the
20 conduct of a contested case under Chapter 2001, Government Code.

21 CHAPTER 1005. JUDICIAL REVIEW

22 Sec. 1005.001. ACTION SUBJECT TO JUDICIAL REVIEW. An
23 action of the board or the department subject to judicial review
24 under this chapter includes a decision, order, rate, rule, form, or
25 administrative or other ruling of the board.

26 Sec. 1005.002. PETITION FOR JUDICIAL REVIEW. (a) After
27 failing to get relief from the board, any party at interest who is

1 dissatisfied with an action of the board or the department may file
2 a petition for judicial review against the board or department, as
3 applicable, as defendant.

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

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

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

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

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

18 (b) An appeal under this section has precedence in the
19 appellate court over any cause of a different character pending in
20 the court.

21 (c) The board or the department is not required to give an
22 appeal bond in an appeal arising under this chapter.

23 CHAPTER 1006. PUBLIC ACCESS

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

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

3 Sec. 1006.002. PUBLIC COMMENT. The board shall develop and
4 implement policies that provide the public with a reasonable
5 opportunity to appear before the board and to speak on any issue
6 under the jurisdiction of the department.

7 Sec. 1006.003. PUBLIC REPRESENTATION ON ADVISORY BODY. (a)
8 At least one-half of the membership of each advisory body appointed
9 by the board, other than an advisory body whose membership is
10 determined by this code or by other law, must represent the general
11 public.

12 (b) A public representative may not be:

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

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

17 (3) a person related within the second degree by
18 affinity or consanguinity to a person described by Subdivision (1)
19 or (2).

20 Sec. 1006.004. COMPLAINT PROCEDURES. (a) The department
21 shall maintain a system to promptly and efficiently act on
22 complaints filed with the department. The department shall
23 maintain information about parties to the complaint, the subject
24 matter of the complaint, a summary of the results of the review or
25 investigation of the complaint, and its disposition.

26 (b) The department shall make information available
27 describing its procedures for complaint investigation and

1 resolution.

2 (c) The department shall periodically notify the complaint
3 parties of the status of the complaint until final disposition.

4 CHAPTER 1007. STANDARDS OF CONDUCT

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

11 Sec. 1007.002. CONFLICTS OF INTEREST. (a) In this section,
12 "Texas trade association" means a cooperative and voluntarily
13 joined statewide association of business or professional
14 competitors in this state designed to assist its members and its
15 industry or profession in dealing with mutual business or
16 professional problems and in promoting their common interest.

17 (b) A person may not be a member of the board and may not be a
18 department employee employed in a "bona fide executive,
19 administrative, or professional capacity," as that phrase is used
20 for purposes of establishing an exemption to the overtime
21 provisions of the federal Fair Labor Standards Act of 1938 (29
22 U.S.C. Section 201 et seq.) if:

23 (1) the person is an officer, employee, or paid
24 consultant of a Texas trade association in the field of motor
25 dealers or motor carriers; or

26 (2) the person's spouse is an officer, manager, or paid
27 consultant of a Texas trade association in the field of motor

1 dealers or motor carriers.

2 (c) A person may not be a member of the board or act as the
3 general counsel to the board or the department if the person is
4 required to register as a lobbyist under Chapter 305, Government
5 Code, because of the person's activities for compensation on behalf
6 of a profession related to the operation of the department.

7 Sec. 1007.003. LOBBYING ACTIVITIES. A person may not serve
8 as the executive director or act as the general counsel to the
9 department if the person is required to register as a lobbyist under
10 Chapter 305, Government Code, because of the person's activities
11 for compensation on behalf of an occupation related to the
12 operation of the department.

13 ARTICLE 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT
14 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. (a) Section 201.202(c), Transportation
18 Code, is repealed.

19 (b) Section 201.805, Transportation Code, as added by
20 Chapter 1407 (S.B. 766), Acts of the 80th Legislature, Regular
21 Session, 2007, is repealed.

22 PART B. STATE HIGHWAY TOLL PROJECTS

23 SECTION 2B.01. Sections 228.055(b) and (h), Transportation
24 Code, are amended to read as follows:

25 (b) The department may impose and collect the
26 administrative fee, so as to recover the cost of collecting the
27 unpaid toll, not to exceed \$100. The department shall send a

1 written notice of nonpayment to the registered owner of the vehicle
2 at that owner's address as shown in the vehicle registration
3 records of the Texas Department of Motor Vehicles [~~department~~] by
4 first class mail and may require payment not sooner than the 30th
5 day after the date the notice was mailed. The registered owner
6 shall pay a separate toll and administrative fee for each event of
7 nonpayment under Section 228.054.

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

12 SECTION 2B.02. Section 228.056(b), Transportation Code, is
13 amended to read as follows:

14 (b) In the prosecution of an offense under Section
15 228.055(c), (d), or (e):

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

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

23 (3) a copy of the rental, lease, or other contract
24 document covering the vehicle on the date of the underlying event of
25 nonpayment under Section 228.054 is prima facie evidence of its
26 contents and that the defendant was the lessee of the vehicle when
27 the underlying event of nonpayment under Section 228.054 occurred.

1 PART C. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND

2 HIGHWAYS IN CERTAIN COUNTIES

3 SECTION 2C.01. Sections 284.0701(b), (e), and (h),
4 Transportation Code, are amended to read as follows:

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

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

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

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 PART D. CERTIFICATE OF TITLE ACT

16 SECTION 2D.01. Section 501.002(3), Transportation Code, is
17 amended to read as follows:

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

20 PART E. REGISTRATION OF VEHICLES

21 SECTION 2E.01. Section 502.001(3), Transportation Code, is
22 amended to read as follows:

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

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

27 (a) The department [~~Texas Department of Transportation~~]

1 shall reimburse the Texas Department of Criminal Justice for the
2 cost of manufacturing license plates or registration insignia as
3 the license plates or insignia and the invoice for the license
4 plates or insignia are delivered to the department [~~Texas~~
5 ~~Department of Transportation~~].

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

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

18 PART F. DEALER'S AND MANUFACTURER'S VEHICLE LICENSE PLATES

19 SECTION 2F.01. Sections 503.001(2) and (5), Transportation
20 Code, are amended to read as follows:

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

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

25 PART G. MISCELLANEOUS PROVISIONS

26 SECTION 2G.01. Section 520.001, Transportation Code, is
27 amended to read as follows:

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

3 PART H. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

4 SECTION 2H.01. Section 551.302, Transportation Code, is
5 amended to read as follows:

6 Sec. 551.302. REGISTRATION. The Texas Department of Motor
7 Vehicles [~~Transportation~~] may adopt rules relating to the
8 registration and issuance of license plates to neighborhood
9 electric vehicles.

10 PART I. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

11 SECTION 2I.01. Section 601.023, Transportation Code, is
12 amended to read as follows:

13 Sec. 601.023. PAYMENT OF STATUTORY FEES. The department
14 may pay:

15 (1) a statutory fee required by the Texas Department
16 of Motor Vehicles [~~Transportation~~] for a certified abstract or in
17 connection with suspension of a vehicle registration; or

18 (2) a statutory fee payable to the comptroller for
19 issuance of a certificate of deposit required by Section 601.122.

20 SECTION 2I.02. Section 601.451, Transportation Code, as
21 added by Chapter 892 (S.B. 1670), Acts of the 79th Legislature,
22 Regular Session, 2005, is amended to read as follows:

23 Sec. 601.451. DEFINITION. In this subchapter,
24 "implementing agencies" means:

25 (1) the department;

26 (2) the Texas Department of Motor Vehicles
27 [~~Transportation~~];

1 (3) the Texas Department of Insurance; and

2 (4) the Department of Information Resources.

3 SECTION 2I.03. Subchapter N, Chapter 601, Transportation
4 Code, as added by Chapter 1325 (H.B. 3588), Acts of the 78th
5 Legislature, Regular Session, 2003, is repealed.

6 PART J. IDENTIFYING MARKINGS ON CERTAIN COMMERCIAL MOTOR VEHICLES

7 SECTION 2J.01. Section 642.002(d), Transportation Code, is
8 amended to read as follows:

9 (d) The Texas Department of Motor Vehicles [~~Transportation~~]
10 by rule may prescribe additional requirements regarding the form of
11 the markings required by Subsection (a)(2) that are not
12 inconsistent with that subsection.

13 PART K. MOTOR CARRIER REGISTRATION

14 SECTION 2K.01. Section 643.001(1), Transportation Code, is
15 amended to read as follows:

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

18 PART L. SINGLE STATE REGISTRATION

19 SECTION 2L.01. Section 645.001, Transportation Code, is
20 amended to read as follows:

21 Sec. 645.001. FEDERAL MOTOR CARRIER REGISTRATION. The
22 Texas Department of Motor Vehicles [~~Transportation~~] may, to the
23 fullest extent practicable, participate in a federal motor carrier
24 registration program under the unified carrier registration system
25 as defined by Section 643.001 or a [~~the~~] single state registration
26 system established under federal law [~~49 U.S.C. Section 14504~~].

PART M. MOTOR TRANSPORTATION BROKERS

SECTION 2M.01. Section 646.003(a), Transportation Code, is amended to read as follows:

(a) A person may not act as a motor transportation broker unless the person provides a bond to the Texas Department of Motor Vehicles [~~Transportation~~].

PART N. FOREIGN COMMERCIAL MOTOR TRANSPORTATION

SECTION 2N.01. Section 648.002, Transportation Code, is amended to read as follows:

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

PART O. ABANDONED MOTOR VEHICLES

SECTION 2O.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

1 motor vehicle as shown on the motor vehicle registration records of
2 the Texas Department of Motor Vehicles [~~Transportation~~] or the
3 analogous department or agency of another state or country.

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

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

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

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

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

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

26 PART R. SALE OR LEASE OF MOTOR VEHICLES

27 SECTION 2R.01. Section 2301.002(9), Occupations Code, is

1 amended to read as follows:

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

4 SECTION 2R.02. Section 2301.002(33), Occupations Code, is
5 repealed.

6 PART S. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

7 SECTION 2S.01. Section 1(3), Article 4413(37), Revised
8 Statutes, is amended to read as follows:

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

11 SECTION 2S.02. Section 2, Article 4413(37), Revised
12 Statutes, is amended to read as follows:

13 Sec. 2. The Automobile Burglary and Theft Prevention
14 Authority is a division [~~Established~~] in the Texas Department of
15 Motor Vehicles [~~Transportation~~]. [~~The authority is not an advisory~~
16 ~~body to the Texas Department of Transportation.~~]

17 SECTION 2S.03. Sections 6(d) and (i), Article 4413(37),
18 Revised Statutes, are repealed.

19 ARTICLE 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF
20 TRANSPORTATION IN OTHER CODES

21 PART A. BUSINESS & COMMERCE CODE

22 SECTION 3A.01. Section 51.003(b), Business & Commerce Code,
23 as effective April 1, 2009, is amended to read as follows:

24 (b) In this chapter, "business opportunity" does not
25 include:

26 (1) the sale or lease of an established and ongoing
27 business or enterprise that has actively conducted business before

1 the sale or lease, whether composed of one or more than one
2 component business or enterprise, if the sale or lease represents
3 an isolated transaction or series of transactions involving a bona
4 fide change of ownership or control of the business or enterprise or
5 liquidation of the business or enterprise;

6 (2) a sale by a retailer of goods or services under a
7 contract or other agreement to sell the inventory of one or more
8 ongoing leased departments to a purchaser who is granted the right
9 to sell the goods or services within or adjoining a retail business
10 establishment as a department or division of the retail business
11 establishment;

12 (3) a transaction that is:

13 (A) regulated by the Texas Department of
14 Licensing and Regulation, the Texas Department of Insurance, the
15 Texas Real Estate Commission, or the director of the Motor Vehicle
16 Division of the Texas Department of Motor Vehicles
17 [~~Transportation~~]; and

18 (B) engaged in by a person licensed by one of
19 those agencies;

20 (4) a real estate syndication;

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

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

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

27 (6) the offer or sale of a franchise as described by

1 the Petroleum Marketing Practices Act (15 U.S.C. Section 2801 et
2 seq.) and its subsequent amendments;

3 (7) the offer or sale of a business opportunity if the
4 seller:

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

8 (B) is at least 80 percent owned by another
9 person who:

10 (i) in writing unconditionally guarantees
11 performance by the person offering the business opportunity plan;
12 and

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

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

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

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

25 (i) the name of the franchisor;

26 (ii) the name under which the franchisor
27 intends to transact business; and

1 (iii) the franchisor's principal business
2 address.

3 SECTION 3A.02. Section 105.004(b), Business & Commerce
4 Code, as effective April 1, 2009, is amended to read as follows:

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

8 (1) license plates under Section 504.201,
9 Transportation Code; or

10 (2) a disabled parking placard under Section 681.004,
11 Transportation Code.

12 PART B. CODE OF CRIMINAL PROCEDURE

13 SECTION 3B.01. Section 1(1), Article 42.22, Code of
14 Criminal Procedure, is amended to read as follows:

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

17 SECTION 3B.02. Article 59.04(c), Code of Criminal
18 Procedure, is amended to read as follows:

19 (c) If the property is a motor vehicle, and if there is
20 reasonable cause to believe that the vehicle has been registered
21 under the laws of this state, the attorney representing the state
22 shall ask the Texas Department of Motor Vehicles [~~Transportation~~]
23 to identify from its records the record owner of the vehicle and any
24 interest holder. If the addresses of the owner and interest holder
25 are not otherwise known, the attorney representing the state shall
26 request citation be served on such persons at the address listed
27 with the Texas Department of Motor Vehicles [~~Transportation~~]. If

1 the citation issued to such address is returned unserved, the
2 attorney representing the state shall cause a copy of the notice of
3 the seizure and intended forfeiture to be posted at the courthouse
4 door, to remain there for a period of not less than 30 days. If the
5 owner or interest holder does not answer or appear after the notice
6 has been so posted, the court shall enter a judgment by default as
7 to the owner or interest holder, provided that the attorney
8 representing the state files a written motion supported by
9 affidavit setting forth the attempted service. An owner or
10 interest holder whose interest is forfeited in this manner shall
11 not be liable for court costs. If the person in possession of the
12 vehicle at the time of the seizure is not the owner or the interest
13 holder of the vehicle, notification shall be provided to the
14 possessor in the same manner specified for notification to an owner
15 or interest holder.

16 PART C. FAMILY CODE

17 SECTION 3C.01. Section 157.316(b), Family Code, is amended
18 to read as follows:

19 (b) If a lien established under this subchapter attaches to
20 a motor vehicle, the lien must be perfected in the manner provided
21 by Chapter 501, Transportation Code, and the court or Title IV-D
22 agency that rendered the order of child support shall include in the
23 order a requirement that the obligor surrender to the court or Title
24 IV-D agency evidence of the legal ownership of the motor vehicle
25 against which the lien may attach. A lien against a motor vehicle
26 under this subchapter is not perfected until the obligor's title to
27 the vehicle has been surrendered to the court or Title IV-D agency

1 and the Texas Department of Motor Vehicles [~~Transportation~~] has
2 issued a subsequent title that discloses on its face the fact that
3 the vehicle is subject to a child support lien under this
4 subchapter.

5 SECTION 3C.02. Section 232.0022(a), Family Code, is amended
6 to read as follows:

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

10 SECTION 3C.03. Section 232.014(b), Family Code, is amended
11 to read as follows:

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

15 SECTION 3C.04. Section 264.502(b), Family Code, is amended
16 to read as follows:

17 (b) The members of the committee who serve under Subsections
18 (a)(1) through (3) shall select the following additional committee
19 members:

20 (1) a criminal prosecutor involved in prosecuting
21 crimes against children;

22 (2) a sheriff;

23 (3) a justice of the peace;

24 (4) a medical examiner;

25 (5) a police chief;

26 (6) a pediatrician experienced in diagnosing and
27 treating child abuse and neglect;

- 1 (7) a child educator;
- 2 (8) a child mental health provider;
- 3 (9) a public health professional;
- 4 (10) a child protective services specialist;
- 5 (11) a sudden infant death syndrome family service
6 provider;
- 7 (12) a neonatologist;
- 8 (13) a child advocate;
- 9 (14) a chief juvenile probation officer;
- 10 (15) a child abuse prevention specialist;
- 11 (16) a representative of the Department of Public
12 Safety; and
- 13 (17) a representative of the Texas Department of Motor
14 Vehicles [~~Transportation~~].

15 PART D. FINANCE CODE

16 SECTION 3D.01. Section 306.001(9), Finance Code, is amended
17 to read as follows:

18 (9) "Qualified commercial loan":

19 (A) means:

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

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

26 (b) \$250,000 or more if the commercial
27 loan is not secured by real property and, if the aggregate value of

1 the commercial loan is less than \$500,000, the loan documents
2 contain a written certification from the borrower that:

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

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

9 (ii) a renewal or extension of a commercial
10 loan described by Paragraph (A), regardless of the principal amount
11 of the loan at the time of the renewal or extension; and

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

16 SECTION 3D.02. Section 348.001(10-a), Finance Code, is
17 amended to read as follows:

18 (10-a) "Towable recreation vehicle" means a
19 nonmotorized vehicle that:

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

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

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

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

1 and

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

3 SECTION 3D.03. Section 348.518, Finance Code, is amended to
4 read as follows:

5 Sec. 348.518. SHARING OF INFORMATION. To ensure consistent
6 enforcement of law and minimization of regulatory burdens, the
7 commissioner and the Texas Department of Motor Vehicles
8 [~~Transportation~~] may share information, including criminal history
9 information, relating to a person licensed under this chapter.
10 Information otherwise confidential remains confidential after it
11 is shared under this section.

12 PART E. GOVERNMENT CODE

13 SECTION 3E.01. Section 411.122(d), Government Code, is
14 amended to read as follows:

15 (d) The following state agencies are subject to this
16 section:

17 (1) Texas Appraiser Licensing and Certification
18 Board;

19 (2) Texas Board of Architectural Examiners;

20 (3) Texas Board of Chiropractic Examiners;

21 (4) State Board of Dental Examiners;

22 (5) Texas Board of Professional Engineers;

23 (6) Texas Funeral Service Commission;

24 (7) Texas Board of Professional Geoscientists;

25 (8) Department of State Health Services, except as
26 provided by Section 411.110, and agencies attached to the
27 department, including:

- 1 (A) Texas State Board of Examiners of Dietitians;
2 (B) Texas State Board of Examiners of Marriage
3 and Family Therapists;
4 (C) Midwifery Board;
5 (D) Texas State Perfusionist Advisory Committee
6 [~~Board of Examiners of Perfusionists~~];
7 (E) Texas State Board of Examiners of
8 Professional Counselors;
9 (F) Texas State Board of Social Worker Examiners;
10 (G) State Board of Examiners for Speech-Language
11 Pathology and Audiology;
12 (H) Advisory Board of Athletic Trainers;
13 (I) State Committee of Examiners in the Fitting
14 and Dispensing of Hearing Instruments;
15 (J) Texas Board of Licensure for Professional
16 Medical Physicists; and
17 (K) Texas Board of Orthotics and Prosthetics;
18 (9) Texas Board of Professional Land Surveying;
19 (10) Texas Department of Licensing and Regulation,
20 except as provided by Section 411.093;
21 (11) Texas Commission on Environmental Quality;
22 (12) Texas Board of Occupational Therapy Examiners;
23 (13) Texas Optometry Board;
24 (14) Texas State Board of Pharmacy;
25 (15) Texas Board of Physical Therapy Examiners;
26 (16) Texas State Board of Plumbing Examiners;
27 (17) Texas State Board of Podiatric Medical Examiners;

- 1 (18) Polygraph Examiners Board;
- 2 (19) Texas State Board of Examiners of Psychologists;
- 3 (20) Texas Real Estate Commission;
- 4 (21) Board of Tax Professional Examiners;
- 5 (22) Texas Department of Transportation;
- 6 (23) State Board of Veterinary Medical Examiners;
- 7 (24) Texas Department of Housing and Community
- 8 Affairs;
- 9 (25) secretary of state;
- 10 (26) state fire marshal;
- 11 (27) Texas Education Agency; ~~and~~
- 12 (28) Department of Agriculture; and
- 13 (29) Texas Department of Motor Vehicles.

14 PART F. HEALTH AND SAFETY CODE

15 SECTION 3F.01. Section 382.209(e), Health and Safety Code,

16 is amended to read as follows:

17 (e) A vehicle is not eligible to participate in a low-income

18 vehicle repair assistance, retrofit, and accelerated vehicle

19 retirement program established under this section unless:

- 20 (1) the vehicle is capable of being operated;
- 21 (2) the registration of the vehicle:
- 22 (A) is current; and
- 23 (B) reflects that the vehicle has been registered
- 24 in the county implementing the program for the 12 months preceding
- 25 the application for participation in the program;
- 26 (3) the commissioners court of the county
- 27 administering the program determines that the vehicle meets the

1 eligibility criteria adopted by the commission, the Texas
2 Department of Motor Vehicles [~~Transportation~~], and the Public
3 Safety Commission;

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

8 (5) if the vehicle is to be retired under this
9 subsection and Section 382.213, the replacement vehicle is a
10 qualifying motor vehicle.

11 SECTION 3F.02. Section 382.210(f), Health and Safety Code,
12 is amended to read as follows:

13 (f) In this section, "total cost" means the total amount of
14 money paid or to be paid for the purchase of a motor vehicle as set
15 forth 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 SECTION 3F.03. Section 461.017(a), Health and Safety Code,
23 is amended to read as follows:

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

26 (1) five representatives of the public from different
27 geographic regions of the state who have knowledge and expertise in

1 issues relating to reducing drug demand and who are appointed by the
2 commissioner [~~executive director~~] of the Department of State Health
3 Services [~~Texas Commission on Alcohol and Drug Abuse~~]; and

4 (2) one representative of each of the following
5 agencies or offices who is appointed by the executive director or
6 commissioner of the agency or office and who is directly involved in
7 the agency's or office's policies, programs, or funding activities
8 relating to reducing drug demand:

9 (A) the criminal justice division of the
10 governor's office;

11 (B) the Criminal Justice Policy Council;

12 (C) the Department of Family and Protective [~~and~~
13 ~~Regulatory~~] Services;

14 (D) the Department of Public Safety of the State
15 of Texas;

16 (E) the Health and Human Services Commission;

17 (F) the Texas Alcoholic Beverage Commission;

18 (G) the Department of State Health Services
19 [~~Texas Commission on Alcohol and Drug Abuse~~];

20 (H) the Advisory Committee to the Texas Board of
21 Criminal Justice [~~Texas Council~~] on Offenders with Medical or
22 Mental Impairments;

23 (I) the Texas Department of Criminal Justice;

24 (J) the [~~Texas Department of~~] Health and [~~r~~

25 [~~(K) the Texas Department of~~] Human Services
26 Commission;

27 (K) [~~(L)~~] the [~~Texas~~] Department of Aging and

1 Disability Services [~~Mental Health and Mental Retardation~~];
2 (L) [~~(M)~~] the Texas Education Agency;
3 (M) [~~(N)~~] the Texas Juvenile Probation
4 Commission;
5 (N) [~~(O)~~] the Texas Youth Commission;
6 (O) [~~(P)~~] the Department of Assistive and
7 Rehabilitative Services [~~Texas Rehabilitation Commission~~];
8 (P) [~~(Q)~~] the Texas Workforce Commission;
9 (Q) [~~(R)~~] the Texas Department of Motor Vehicles
10 [~~Transportation~~];
11 (R) [~~(S)~~] the comptroller of public accounts;
12 and
13 (S) [~~(T)~~] the adjutant general's department.

14 PART G. HUMAN RESOURCES CODE

15 SECTION 3G.01. Section 22.041, Human Resources Code, is
16 amended to read as follows:

17 Sec. 22.041. THIRD-PARTY INFORMATION. Notwithstanding any
18 other provision of this code, the department may use information
19 obtained from a third party to verify the assets and resources of a
20 person for purposes of determining the person's eligibility and
21 need for medical assistance, financial assistance, or nutritional
22 assistance. Third-party information includes information obtained
23 from:

- 24 (1) a consumer reporting agency, as defined by Section
25 20.01, Business & Commerce Code;
26 (2) an appraisal district; or
27 (3) the Texas Department of Motor Vehicles

1 [~~Transportation's~~] vehicle registration record database.

2 SECTION 3G.02. Section 32.026(g), Human Resources Code, is
3 amended to read as follows:

4 (g) Notwithstanding any other provision of this code, the
5 department may use information obtained from a third party to
6 verify the assets and resources of a person for purposes of
7 determining the person's eligibility and need for medical
8 assistance. Third-party information includes information obtained
9 from:

10 (1) a consumer reporting agency, as defined by Section
11 20.01, Business & Commerce Code;

12 (2) an appraisal district; or

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

15 PART H. LOCAL GOVERNMENT CODE

16 SECTION 3H.01. Section 130.006, Local Government Code, is
17 amended to read as follows:

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

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

26 (2) notification of the sheriff or other law
27 enforcement officers that a check or credit card invoice has not

1 been honored and that the receipt, registration, certificate, or
2 other instrument held by the maker is not valid; and

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

7 SECTION 3H.02. Section 130.007, Local Government Code, is
8 amended to read as follows:

9 Sec. 130.007. REMISSION TO STATE NOT REQUIRED; STATE
10 ASSISTANCE IN COLLECTION. (a) If a fee or tax is required to be
11 remitted to the comptroller or the Texas Department of Motor
12 Vehicles [~~Transportation~~] and if payment was made to the county tax
13 assessor-collector by a check that was not honored by the drawee
14 bank or by a credit card invoice that was not honored by the credit
15 card issuer, the amount of the fee or tax is not required to be
16 remitted, but the assessor-collector shall notify the appropriate
17 department of:

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

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

26 SECTION 3H.03. Section 130.008, Local Government Code, is
27 amended to read as follows:

1 amended to read as follows:

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

5 PART J. PENAL CODE

6 SECTION 3J.01. Section 31.03(c), Penal Code, is amended to
7 read as follows:

8 (c) For purposes of Subsection (b):

9 (1) evidence that the actor has previously
10 participated in recent transactions other than, but similar to,
11 that which the prosecution is based is admissible for the purpose of
12 showing knowledge or intent and the issues of knowledge or intent
13 are raised by the actor's plea of not guilty;

14 (2) the testimony of an accomplice shall be
15 corroborated by proof that tends to connect the actor to the crime,
16 but the actor's knowledge or intent may be established by the
17 uncorroborated testimony of the accomplice;

18 (3) an actor engaged in the business of buying and
19 selling used or secondhand personal property, or lending money on
20 the security of personal property deposited with the actor, is
21 presumed to know upon receipt by the actor of stolen property (other
22 than a motor vehicle subject to Chapter 501, Transportation Code)
23 that the property has been previously stolen from another if the
24 actor pays for or loans against the property \$25 or more (or
25 consideration of equivalent value) and the actor knowingly or
26 recklessly:

27 (A) fails to record the name, address, and

1 physical description or identification number of the seller or
2 pledgor;

3 (B) fails to record a complete description of the
4 property, including the serial number, if reasonably available, or
5 other identifying characteristics; or

6 (C) fails to obtain a signed warranty from the
7 seller or pledgor that the seller or pledgor has the right to
8 possess the property. It is the express intent of this provision
9 that the presumption arises unless the actor complies with each of
10 the numbered requirements;

11 (4) for the purposes of Subdivision (3)(A),
12 "identification number" means driver's license number, military
13 identification number, identification certificate, or other
14 official number capable of identifying an individual;

15 (5) stolen property does not lose its character as
16 stolen when recovered by any law enforcement agency;

17 (6) an actor engaged in the business of obtaining
18 abandoned or wrecked motor vehicles or parts of an abandoned or
19 wrecked motor vehicle for resale, disposal, scrap, repair,
20 rebuilding, demolition, or other form of salvage is presumed to
21 know on receipt by the actor of stolen property that the property
22 has been previously stolen from another if the actor knowingly or
23 recklessly:

24 (A) fails to maintain an accurate and legible
25 inventory of each motor vehicle component part purchased by or
26 delivered to the actor, including the date of purchase or delivery,
27 the name, age, address, sex, and driver's license number of the

1 seller or person making the delivery, the license plate number of
2 the motor vehicle in which the part was delivered, a complete
3 description of the part, and the vehicle identification number of
4 the motor vehicle from which the part was removed, or in lieu of
5 maintaining an inventory, fails to record the name and certificate
6 of inventory number of the person who dismantled the motor vehicle
7 from which the part was obtained;

8 (B) fails on receipt of a motor vehicle to obtain
9 a certificate of authority, sales receipt, or transfer document as
10 required by Chapter 683, Transportation Code, or a certificate of
11 title showing that the motor vehicle is not subject to a lien or
12 that all recorded liens on the motor vehicle have been released; or

13 (C) fails on receipt of a motor vehicle to
14 immediately remove an unexpired license plate from the motor
15 vehicle, to keep the plate in a secure and locked place, or to
16 maintain an inventory, on forms provided by the Texas Department of
17 Motor Vehicles [~~Transportation~~], of license plates kept under this
18 paragraph, including for each plate or set of plates the license
19 plate number and the make, motor number, and vehicle identification
20 number of the motor vehicle from which the plate was removed;

21 (7) an actor who purchases or receives a used or
22 secondhand motor vehicle is presumed to know on receipt by the actor
23 of the motor vehicle that the motor vehicle has been previously
24 stolen from another if the actor knowingly or recklessly:

25 (A) fails to report to the Texas Department of
26 Motor Vehicles [~~Transportation~~] the failure of the person who sold
27 or delivered the motor vehicle to the actor to deliver to the actor

1 a properly executed certificate of title to the motor vehicle at the
2 time the motor vehicle was delivered; or

3 (B) fails to file with the county tax
4 assessor-collector of the county in which the actor received the
5 motor vehicle, not later than the 20th day after the date the actor
6 received the motor vehicle, the registration license receipt and
7 certificate of title or evidence of title delivered to the actor in
8 accordance with Subchapter D, Chapter 520, Transportation Code, at
9 the time the motor vehicle was delivered;

10 (8) an actor who purchases or receives from any source
11 other than a licensed retailer or distributor of pesticides a
12 restricted-use pesticide or a state-limited-use pesticide or a
13 compound, mixture, or preparation containing a restricted-use or
14 state-limited-use pesticide is presumed to know on receipt by the
15 actor of the pesticide or compound, mixture, or preparation that
16 the pesticide or compound, mixture, or preparation has been
17 previously stolen from another if the actor:

18 (A) fails to record the name, address, and
19 physical description of the seller or pledgor;

20 (B) fails to record a complete description of the
21 amount and type of pesticide or compound, mixture, or preparation
22 purchased or received; and

23 (C) fails to obtain a signed warranty from the
24 seller or pledgor that the seller or pledgor has the right to
25 possess the property; and

26 (9) an actor who is subject to Section 409, Packers and
27 Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from

1 a commission merchant by representing that the actor will make
2 prompt payment is presumed to have induced the commission
3 merchant's consent by deception if the actor fails to make full
4 payment in accordance with Section 409, Packers and Stockyards Act
5 (7 U.S.C. Section 228b).

6 SECTION 3J.02. Section 31.11(b), Penal Code, is amended to
7 read as follows:

8 (b) It is an affirmative defense to prosecution under this
9 section that the person was:

10 (1) the owner or acting with the effective consent of
11 the owner of the property involved;

12 (2) a peace officer acting in the actual discharge of
13 official duties; or

14 (3) acting with respect to a number assigned to a
15 vehicle by the Texas Department of Transportation or the Texas
16 Department of Motor Vehicles, as applicable, and the person was:

17 (A) in the actual discharge of official duties as
18 an employee or agent of the department; or

19 (B) in full compliance with the rules of the
20 department as an applicant for an assigned number approved by the
21 department.

22 PART K. TAX CODE

23 SECTION 3K.01. Section 21.02(d), Tax Code, is amended to
24 read as follows:

25 (d) A motor vehicle does not have taxable situs in a taxing
26 unit under Subsection (a)(1) if, on January 1, the vehicle:

27 (1) has been located for less than 60 days at a place

1 of business of a person who holds a wholesale motor vehicle auction
2 general distinguishing number issued by the Texas Department of
3 Motor Vehicles [~~Transportation~~] under Chapter 503, Transportation
4 Code, for that place of business; and

5 (2) is offered for resale.

6 SECTION 3K.02. Section 22.04(d), Tax Code, is amended to
7 read as follows:

8 (d) This section does not apply to a motor vehicle that on
9 January 1 is located at a place of business of a person who holds a
10 wholesale motor vehicle auction general distinguishing number
11 issued by the Texas Department of Motor Vehicles [~~Transportation~~]
12 under Chapter 503, Transportation Code, for that place of business,
13 and that:

14 (1) has not acquired taxable situs under Section
15 21.02(a)(1) in a taxing unit that participates in the appraisal
16 district because the vehicle is described by Section 21.02(d);

17 (2) is offered for sale by a dealer who holds a
18 dealer's general distinguishing number issued by the Texas
19 Department of Motor Vehicles [~~Transportation~~] under Chapter 503,
20 Transportation Code, and whose inventory of motor vehicles is
21 subject to taxation in the manner provided by Sections 23.121 and
22 23.122; or

23 (3) is collateral possessed by a lienholder and
24 offered for sale in foreclosure of a security interest.

25 SECTION 3K.03. Sections 23.121(a)(3), (11), and (14), Tax
26 Code, are amended to read as follows:

27 (3) "Dealer" means a person who holds a dealer's

1 general distinguishing number issued by the Texas Department of
2 Motor Vehicles [~~Transportation~~] under the authority of Chapter 503,
3 Transportation Code, or who is legally recognized as a motor
4 vehicle dealer pursuant to the law of another state and who complies
5 with the terms of Section 152.063(f). The term does not include:

6 (A) a person who holds a manufacturer's license
7 issued under Chapter 2301, Occupations Code [~~by the Motor Vehicle~~
8 ~~Board of the Texas Department of Transportation~~];

9 (B) an entity that is owned or controlled by a
10 person who holds a manufacturer's license issued under Chapter
11 2301, Occupations Code [~~by the Motor Vehicle Board of the Texas~~
12 ~~Department of Transportation~~]; or

13 (C) a dealer whose general distinguishing number
14 issued by the Texas Department of Motor Vehicles [~~Transportation~~]
15 under the authority of Chapter 503, Transportation Code, prohibits
16 the dealer from selling a vehicle to any person except a dealer.

17 (11) "Sales price" means the total amount of money
18 paid or to be paid for the purchase of a motor vehicle as set forth
19 as "sales price" in the form entitled "Application for Texas
20 Certificate of Title" promulgated by the Texas Department of Motor
21 Vehicles [~~Transportation~~]. In a transaction that does not involve
22 the use of that form, the term means an amount of money that is
23 equivalent, or substantially equivalent, to the amount that would
24 appear as "sales price" on the Application for Texas Certificate of
25 Title if that form were involved.

26 (14) "Towable recreational vehicle" means a
27 nonmotorized vehicle that is designed for temporary human

1 habitation for recreational, camping, or seasonal use and:

2 (A) is titled and registered with the Texas
3 Department of Motor Vehicles [~~Transportation~~] through the office of
4 the collector;

5 (B) is permanently built on a single chassis;

6 (C) contains one or more life support systems;

7 and

8 (D) is designed to be towable by a motor vehicle.

9 SECTION 3K.04. Sections 23.121(f), (g), and (h), Tax Code,
10 are amended to read as follows:

11 (f) The comptroller shall promulgate a form entitled
12 Dealer's Motor Vehicle Inventory Declaration. Except as provided
13 by Section 23.122(1) [~~of this code~~], not later than February 1 of
14 each year, or, in the case of a dealer who was not in business on
15 January 1, not later than 30 days after commencement of business,
16 each dealer shall file a declaration with the chief appraiser and
17 file a copy with the collector. For purposes of this subsection, a
18 dealer is presumed to have commenced business on the date of
19 issuance to the dealer of a dealer's general distinguishing number
20 as provided by Chapter 503, Transportation Code. Notwithstanding
21 the presumption created by this subsection, a chief appraiser may,
22 at his or her sole discretion, designate as the date on which a
23 dealer commenced business a date other than the date of issuance to
24 the dealer of a dealer's general distinguishing number. The
25 declaration is sufficient to comply with this subsection if it sets
26 forth the following information:

27 (1) the name and business address of each location at

1 which the dealer owner conducts business;

2 (2) each of the dealer's general distinguishing
3 numbers issued by the Texas Department of Motor Vehicles
4 [~~Transportation~~];

5 (3) a statement that the dealer owner is the owner of a
6 dealer's motor vehicle inventory; and

7 (4) the market value of the dealer's motor vehicle
8 inventory for the current tax year as computed under Section
9 23.121(b) [~~of this code~~].

10 (g) Under the terms provided by this subsection, the chief
11 appraiser may examine the books and records of the holder of a
12 general distinguishing number issued by the Texas Department of
13 Motor Vehicles [~~Transportation~~]. A request made under this
14 subsection must be made in writing, delivered personally to the
15 custodian of the records, at the location for which the general
16 distinguishing number has been issued, must provide a period not
17 less than 15 days for the person to respond to the request, and must
18 state that the person to whom it is addressed has the right to seek
19 judicial relief from compliance with the request. In a request made
20 under this section the chief appraiser may examine:

21 (1) the document issued by the Texas Department of
22 Motor Vehicles [~~Transportation~~] showing the person's general
23 distinguishing number;

24 (2) documentation appropriate to allow the chief
25 appraiser to ascertain the applicability of this section and
26 Section 23.122 [~~of this code~~] to the person;

27 (3) sales records to substantiate information set

1 forth in the dealer's declaration filed by the person.

2 (h) If a dealer fails to file a declaration as required by
3 this section, or if, on the declaration required by this section, a
4 dealer reports the sale of fewer than five motor vehicles in the
5 prior year, the chief appraiser shall report that fact to the Texas
6 Department of Motor Vehicles [~~Transportation~~] and the department
7 shall initiate termination proceedings. The chief appraiser shall
8 include with the report a copy of a declaration, if any, indicating
9 the sale by a dealer of fewer than five motor vehicles in the prior
10 year. A report by a chief appraiser to the Texas Department of
11 Motor Vehicles [~~Transportation~~] as provided by this subsection is
12 prima facie grounds for the cancellation of the dealer's general
13 distinguishing number under Section 503.038(a)(9), Transportation
14 Code, or for refusal by the Texas Department of Motor Vehicles
15 [~~Transportation~~] to renew the dealer's general distinguishing
16 number.

17 SECTION 3K.05. Section 23.123(c), Tax Code, is amended to
18 read as follows:

19 (c) Information made confidential by this section may be
20 disclosed:

21 (1) in a judicial or administrative proceeding
22 pursuant to a lawful subpoena;

23 (2) to the person who filed the declaration or
24 statement or to that person's representative authorized by the
25 person in writing to receive the information;

26 (3) to the comptroller or an employee of the
27 comptroller authorized by the comptroller to receive the

1 information;

2 (4) to a collector or chief appraiser;

3 (5) to a district attorney, criminal district attorney
4 or county attorney involved in the enforcement of a penalty imposed
5 pursuant to Section 23.121 or Section 23.122 [~~of this code~~];

6 (6) for statistical purposes if in a form that does not
7 identify specific property or a specific property owner;

8 (7) if and to the extent that the information is
9 required for inclusion in a public document or record that the
10 appraisal or collection office is required by law to prepare or
11 maintain; or

12 (8) to the Texas Department of Motor Vehicles
13 [~~Transportation~~] for use by that department in auditing compliance
14 of its licensees with appropriate provisions of applicable law.

15 SECTION 3K.06. Section 23.124(a)(11), Tax Code, is amended
16 to read as follows:

17 (11) "Sales price" means the total amount of money
18 paid or to be paid for the purchase of:

19 (A) a vessel, other than a trailer that is
20 treated as a vessel, as set forth as "sales price" in the form
21 entitled "Application for Texas Certificate of Number/Title for
22 Boat/Seller, Donor or Trader's Affidavit" promulgated by the Parks
23 and Wildlife Department;

24 (B) an outboard motor as set forth as "sales
25 price" in the form entitled "Application for Texas Certificate of
26 Title for an Outboard Motor/Seller, Donor or Trader's Affidavit"
27 promulgated by the Parks and Wildlife Department; or

1 (C) a trailer that is treated as a vessel as set
2 forth as "sales price" in the form entitled "Application for Texas
3 Certificate of Title" promulgated by the Texas Department of Motor
4 Vehicles [~~Transportation~~].

5 In a transaction involving a vessel, an outboard motor,
6 or a trailer that is treated as a vessel that does not involve the
7 use of one of these forms, the term means an amount of money that is
8 equivalent, or substantially equivalent, to the amount that would
9 appear as "sales price" on the Application for Texas Certificate of
10 Number/Title for Boat/Seller, Donor or Trader's Affidavit, the
11 Application for Texas Certificate of Title for an Outboard
12 Motor/Seller, Donor or Trader's Affidavit, or the Application for
13 Texas Certificate of Title if one of these forms were involved.

14 SECTION 3K.07. Section 113.011, Tax Code, is amended to
15 read as follows:

16 Sec. 113.011. LIENS FILED WITH TEXAS DEPARTMENT OF MOTOR
17 VEHICLES [~~TRANSPORTATION~~]. The comptroller shall furnish to the
18 Texas Department of Motor Vehicles [~~Transportation~~] each release of
19 a tax lien filed by the comptroller with that department.

20 SECTION 3K.08. Sections 152.0412(a) and (f), Tax Code, are
21 amended to read as follows:

22 (a) In this section, "standard presumptive value" means the
23 private-party transaction value of a motor vehicle, as determined
24 by the Texas Department of Motor Vehicles [~~Transportation~~] based on
25 an appropriate regional guidebook of a nationally recognized motor
26 vehicle value guide service, or based on another motor vehicle
27 guide publication that the department determines is appropriate if

1 a private-party transaction value for the motor vehicle is not
2 available from a regional guidebook described by this subsection.

3 (f) The Texas Department of Motor Vehicles [~~Transportation~~]
4 shall maintain information on the standard presumptive values of
5 motor vehicles as part of the department's registration and title
6 system. The department shall update the information at least
7 quarterly each calendar year and publish, electronically or
8 otherwise, the updated information.

9 SECTION 3K.09. Section 152.042, Tax Code, is amended to
10 read as follows:

11 Sec. 152.042. COLLECTION OF TAX ON METAL DEALER PLATES. A
12 person required to pay the tax imposed by Section 152.027 shall pay
13 the tax to the Texas Department of Motor Vehicles [~~Transportation~~],
14 and the department may not issue the metal dealer's plates until the
15 tax is paid.

16 SECTION 3K.10. Section 152.121(b), Tax Code, is amended to
17 read as follows:

18 (b) Taxes on metal dealer plates collected by the Texas
19 Department of Motor Vehicles [~~Transportation~~] shall be deposited by
20 the department in the state treasury in the same manner as are other
21 taxes collected under this chapter.

22 SECTION 3K.11. Section 162.001(52), Tax Code, is amended to
23 read as follows:

24 (52) "Registered gross weight" means the total weight
25 of the vehicle and carrying capacity shown on the registration
26 certificate issued by the Texas Department of Motor Vehicles
27 [~~Transportation~~].

1 ARTICLE 4. TRANSFERS OF CERTAIN POWERS, DUTIES, OBLIGATIONS, AND
2 RIGHTS OF ACTION

3 SECTION 4.01. (a) All powers, duties, obligations, and
4 rights of action of the Motor Carrier Division, the Motor Vehicle
5 Division, and the Vehicle Titles and Registration Division of the
6 Texas Department of Transportation are transferred to the Texas
7 Department of Motor Vehicles, and all powers, duties, obligations,
8 and rights of action of the Texas Transportation Commission in
9 connection or associated with those divisions of the Texas
10 Department of Transportation are transferred to the board of the
11 Texas Department of Motor Vehicles on November 1, 2009.

12 (b) In connection with the transfers required by Subsection
13 (a) of this section, the personnel, furniture, computers, other
14 property and equipment, files, and related materials used by the
15 Motor Carrier Division, the Motor Vehicle Division, or the Vehicle
16 Titles and Registration Division of the Texas Department of
17 Transportation are transferred to the Texas Department of Motor
18 Vehicles.

19 (c) The Texas Department of Motor Vehicles shall continue
20 any proceeding involving the Motor Carrier Division, the Motor
21 Vehicle Division, or the Vehicle Titles and Registration Division
22 of the Texas Department of Transportation that was brought before
23 the effective date of this Act in accordance with the law in effect
24 on the date the proceeding was brought, and the former law is
25 continued in effect for that purpose.

26 (d) A certificate, license, document, permit, registration,
27 or other authorization issued by the Motor Carrier Division, the

1 Motor Vehicle Division, or the Vehicle Titles and Registration
2 Division of the Texas Department of Transportation that is in
3 effect on the effective date of this Act remains valid for the
4 period for which it was issued unless suspended or revoked by the
5 Texas Department of Motor Vehicles.

6 (e) A rule adopted by the Texas Transportation Commission or
7 the director of the Texas Department of Transportation in
8 connection with or relating to the Motor Carrier Division, the
9 Motor Vehicle Division, or the Vehicle Titles and Registration
10 Division of that department continues in effect until it is amended
11 or repealed by the board of the Texas Department of Motor Vehicles
12 or the Texas Department of Motor 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 Carrier Division, the
16 Motor Vehicle Division, or the Vehicle Titles and Registration
17 Division of that department for the state fiscal biennium ending
18 August 31, 2009, is transferred and reappropriated to the Texas
19 Department of Motor Vehicles for the purpose of implementing the
20 powers, duties, obligations, and rights of action transferred to
21 that department under Subsection (a) of this section.

22 SECTION 4.02. (a) All powers, duties, obligations, and
23 rights of action of the Automobile Burglary and Theft Prevention
24 Authority Office of the Texas Department of Transportation under
25 Article 4413(37), Revised Statutes, are transferred to the
26 Automobile Burglary and Theft Prevention Authority Division of the
27 Texas Department of Motor Vehicles, and all powers, duties,

1 obligations, and rights of action of the Texas Transportation
2 Commission in connection or associated with the Automobile Burglary
3 and Theft Prevention Authority Office of the Texas Department of
4 Transportation are transferred to the board of the Texas Department
5 of Motor Vehicles on November 1, 2009.

6 (b) In connection with the transfers required by Subsection
7 (a) of this section, the personnel, furniture, computers, other
8 property and equipment, files, and related materials used by the
9 Automobile Burglary and Theft Prevention Authority Office of the
10 Texas Department of Transportation are transferred to the
11 Automobile Burglary and Theft Prevention Authority Division of the
12 Texas Department of Motor Vehicles.

13 (c) The Automobile Burglary and Theft Prevention Authority
14 Division of the Texas Department of Vehicles shall continue any
15 proceeding involving the Automobile Burglary and Theft Prevention
16 Authority Office of the Texas Department of Transportation that was
17 brought before the effective date of this Act in accordance with the
18 law in effect on the date the proceeding was brought, and the former
19 law is continued in effect for that purpose.

20 (d) A certificate, license, document, permit, registration,
21 or other authorization issued by the Automobile Burglary and Theft
22 Prevention Authority Office of the Texas Department of
23 Transportation that is in effect on the effective date of this Act
24 remains valid for the period for which it was issued unless
25 suspended or revoked by the Automobile Burglary and Theft
26 Prevention Authority Division of the Texas Department of Motor
27 Vehicles.

1 (e) A rule adopted by the Automobile Burglary and Theft
2 Prevention Authority Office of the Texas Department of
3 Transportation, the Texas Transportation Commission, or the
4 director of the Texas Department of Transportation in connection
5 with or relating to the Automobile Burglary and Theft Prevention
6 Authority Office of that department continues in effect until it is
7 amended or repealed by the board of the Texas Department of Motor
8 Vehicles or the Automobile Burglary and Theft Prevention Authority
9 Division of the Texas Department of Motor Vehicles, as applicable.

10 (f) The unobligated and unexpended balance of any
11 appropriations made to the Texas Department of Transportation in
12 connection with or relating to the Automobile Burglary and Theft
13 Prevention Authority Office of that department for the state fiscal
14 biennium ending August 31, 2009, is transferred and reappropriated
15 to the Texas Department of Motor Vehicles for the purpose of
16 implementing the powers, duties, obligations, and rights of action
17 transferred to that department under Subsection (a) of this
18 section.

19 SECTION 4.03. The Transportation Legislative Oversight
20 Committee shall oversee the coordination and collaboration between
21 the Texas Department of Transportation and the Texas Department of
22 Motor Vehicles during the transitions required by Sections 4.01 and
23 4.02 of this article.

24 ARTICLE 5. APPOINTMENT OF BOARD

25 SECTION 5.01. Not later than October 1, 2009, the governor
26 shall appoint the members of the board of the Texas Department of
27 Motor Vehicles in accordance with Subchapter B, Chapter 1001,

1 Transportation Code, as added by this Act.

2 ARTICLE 6. EFFECTIVE DATE

3 SECTION 6.01. This Act takes effect September 1, 2009.