

By: Hinojosa

S.B. No. 294

A BILL TO BE ENTITLED

AN ACT

relating to optional fees on the registration of a vehicle imposed by a county.

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

SECTION 1. Subsection (a), Section 502.172, Transportation Code, is amended to read as follows:

(a) The commissioners court of a county by order may impose an additional fee, not to exceed \$15 [~~\$10~~], for registering a vehicle in the county.

SECTION 2. Section 502.1725, Transportation Code, is amended by amending Subsections (a), (b), (d), (e), (f), and (g), and adding Subsections (e-1), (f-1), (i), (j), (k), (l), and (m) to read as follows:

(a) This section applies only to:

(1) a county:

(A) [~~(1)~~] that borders the United Mexican States;

(B) [~~(2)~~] that has a population of more than 150,000 [~~300,000~~]; and

(C) [~~(3)~~] in which the largest municipality has a population of less than 300,000;

(2) a county that has a population of at least 600,000 and borders the United Mexican States;

(3) a county with a population of more than 325,000

1 that is located adjacent to:

2 (A) an international border; and

3 (B) a county with a population of more than
4 550,000;

5 (4) a county with a population of more than one million
6 and in which more than 80 percent of the population resides in a
7 single municipality;

8 (5) a county for which a regional mobility authority
9 has been created under Chapter 370, and in which the principal
10 municipality:

11 (A) has a population of more than 650,000; and

12 (B) elected all members of its governing body at
13 large as of January 1, 2009; and

14 (6) a county, except for the second most populous
15 county served by the regional mobility authority described by
16 Subdivision (5), contiguous to a county described by Subdivision
17 (5) and served by the same metropolitan planning organization.

18 (b) The commissioners court of a county by order may impose
19 an additional fee, not to exceed \$50 [~~\$10~~], for registering a
20 vehicle in the county.

21 (d) A fee imposed under this section may take effect only on
22 January 1 of a year. The county must adopt the order and notify the
23 department not later than September 1 of the year preceding the year
24 in which the fee takes effect. A fee imposed under this section is
25 not required to be annually reauthorized and remains in effect
26 until removed as provided by Subsection (e).

27 (e) Subject to Subsection (e-1), a [~~A~~] fee imposed under

1 this section may be removed. The removal may take effect only on
2 January 1 of a year. A county may remove the fee only by:

3 (1) rescinding the order imposing the fee; and

4 (2) notifying the department not later than September
5 1 of the year preceding the year in which the removal takes effect.

6 (e-1) If the revenue from a fee imposed under this section
7 has been pledged or assigned to secure the payment of bonds or other
8 obligations as provided by Subsection (f-1), the fee may not be
9 removed until the bonds or other obligations secured by the pledge
10 or assignment have been paid or discharged.

11 (f) The county assessor-collector of a county imposing a fee
12 under this section shall collect the additional fee for a vehicle
13 when other fees imposed under this chapter are collected. The
14 county shall deposit ~~send~~ the fee revenue in a special account in
15 the county general fund. Money in the account may be used only to
16 contract with:

17 (1) ~~to~~ the regional mobility authority of the county
18 to promote and maintain a public purpose of the county that involves
19 funding ~~fund~~ long-term transportation projects in the county;

20 (2) a transportation governmental entity designated
21 under Subsection (j) to promote and maintain a public purpose of the
22 county that involves funding long-term transportation projects in
23 the county; or

24 (3) a public or private entity developing a long-term
25 transportation project in the county under an agreement with the
26 county, the regional mobility authority of the county, or a
27 transportation governmental entity designated under Subsection (j)

1 to promote and maintain a public purpose of the county.

2 (f-1) Revenue from a fee imposed under this section may be
3 pledged or assigned by the county, the regional mobility authority
4 of the county with which the county contracts under Subsection (f),
5 or a transportation governmental entity with which the county
6 contracts under Subsection (f) to secure the payment of bonds or
7 other obligations associated with the development of long-term
8 transportation projects in the county as provided by Subsection
9 (f).

10 (g) The department shall collect the additional fee on a
11 vehicle that is owned by a resident of a county imposing a fee under
12 this section and that, under this chapter, must be registered
13 directly with the department. The department shall send all fees
14 collected for a county under this subsection to the county for
15 deposit and use as provided by Subsection (f) or (f-1) [~~regional~~
16 ~~mobility authority of the county to fund long-term transportation~~
17 ~~projects in the county].~~

18 (i) The total amount of fees imposed by the commissioners
19 court of a county under this section and under Section 502.172 may
20 not exceed \$65.

21 (j) The department shall designate the governmental
22 entities that serve primarily a transportation function and with
23 which counties may contract under Subsection (f).

24 (k) Notwithstanding Subsection (b), the fee imposed by the
25 commissioners court of a county with a population of at least
26 600,000 and that is located on the international border may not
27 exceed \$10.

1 (1) This subsection applies only if S.B. No. 855, Acts of
2 the 81st Legislature, Regular Session, 2009, or other similar
3 legislation providing for or authorizing the imposition of a
4 county, municipal, or other local vehicle registration fee for
5 transportation or mobility projects is enacted by the legislature
6 and becomes law, regardless of the relative dates of enactment. The
7 total amount of fees imposed under this section and under S.B. No.
8 855, Acts of the 81st Legislature, Regular Session, 2009, or other
9 similar legislation may not exceed \$60. If S.B. No. 855, Acts of
10 the 81st Legislature, Regular Session, 2009, or other similar
11 legislation does not become law, this subsection expires January 1,
12 2011.

13 (m) Notwithstanding the authority under Subsection (b) to
14 impose the additional fee by order, the commissioners court of a
15 county to which Subsections (a)(3), (4), (5), or (6) applies must
16 call an election on the issue of imposing the additional fee under
17 this section. The election must be held on a uniform election date
18 under Section 41.001, Election Code. If a majority of the votes
19 cast at the election approve the imposition of the fee, the fee is
20 imposed. Notwithstanding Subsection (d), a fee imposed under this
21 subsection may take effect on January 1 or June 1 of a year and the
22 county must notify the department not later than four months before
23 the date on which the fee takes effect. Notwithstanding Subsection
24 (e), the county may order the fee removed and shall notify the
25 department not later than September 1 of the year preceding the year
26 in which the removal takes effect.

27 SECTION 3. Subdivisions (5) and (6), Subsection (a),

1 Section 502.1725, Transportation Code, as added by this Act, do not
2 take effect if S.B. No. 855, Acts of the 81st Legislature, Regular
3 Session, 2009, takes effect according to its terms.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.