

1-1 By: Hinojosa S.B. No. 294  
1-2 (In the Senate - Filed November 13, 2008; February 11, 2009,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; April 8, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 6,  
1-6 Nays 2; April 8, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 294 By: Watson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to optional fees on the registration of a vehicle imposed  
1-11 by a county.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 502.172, Transportation  
1-14 Code, is amended to read as follows:

1-15 (a) The commissioners court of a county by order may impose  
1-16 an additional fee, not to exceed \$15 [~~\$10~~], for registering a  
1-17 vehicle in the county.

1-18 SECTION 2. Section 502.1725, Transportation Code, is  
1-19 amended to read as follows:

1-20 Sec. 502.1725. OPTIONAL COUNTY FEE FOR TRANSPORTATION  
1-21 PROJECTS. (a) [~~This section applies only to a county:~~

1-22 [~~(1) that borders the United Mexican States;~~

1-23 [~~(2) that has a population of more than 300,000; and~~

1-24 [~~(3) in which the largest municipality has a~~  
1-25 ~~population of less than 300,000.~~

1-26 [~~(b)~~] The commissioners court of a county by order may  
1-27 impose an additional fee, not to exceed \$50 [~~\$10~~], for registering a  
1-28 vehicle in the county.

1-29 (b) [~~(c)~~] A vehicle that may be registered under this  
1-30 chapter without payment of a registration fee may be registered in a  
1-31 county imposing a fee under this section without payment of the  
1-32 additional fee.

1-33 (c) [~~(d)~~] A fee imposed under this section may take effect  
1-34 only on January 1 of a year. The county must adopt the order and  
1-35 notify the department not later than September 1 of the year  
1-36 preceding the year in which the fee takes effect. A fee imposed  
1-37 under this section is not required to be annually reauthorized and  
1-38 remains in effect until removed as provided by Subsection (d).

1-39 (d) Subject to Subsection (d-1), a [~~(e)~~] A fee imposed  
1-40 under this section may be removed. The removal may take effect only  
1-41 on January 1 of a year. A county may remove the fee only by:

1-42 (1) rescinding the order imposing the fee; and

1-43 (2) notifying the department not later than September  
1-44 1 of the year preceding the year in which the removal takes effect.

1-45 (d-1) If the revenue from a fee imposed under this section  
1-46 has been pledged or assigned to secure the payment of bonds or other  
1-47 obligations as provided by Subsection (e-1), the fee may not be  
1-48 removed until the bonds or other obligations secured by the pledge  
1-49 or assignment have been paid or discharged.

1-50 (e) [~~(f)~~] The county assessor-collector of a county  
1-51 imposing a fee under this section shall collect the additional fee  
1-52 for a vehicle when other fees imposed under this chapter are  
1-53 collected. The county shall deposit [~~send~~] the fee revenue in a  
1-54 special account in the county general fund. Except as provided by  
1-55 Subsection (j), money in the account may be used only to contract  
1-56 with:

1-57 (1) [~~(1)~~] the regional mobility authority of the county  
1-58 to promote and maintain a public purpose of the county that involves  
1-59 funding [~~fund~~] long-term transportation projects in the county;

1-60 (2) a transportation governmental entity designated  
1-61 under Subsection (i) to promote and maintain a public purpose of the  
1-62 county that involves funding long-term transportation projects in  
1-63 the county;

(3) a rural or urban transit district established under Chapter 458 to promote and maintain a public purpose of the county; or

(4) a public or private entity developing a long-term transportation project in the county under an agreement with the county, the regional mobility authority of the county, or a transportation governmental entity designated under Subsection (i) to promote and maintain a public purpose of the county.

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

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

(g) [~~(h)~~] The department shall adopt rules and develop forms necessary to administer registration by mail for a vehicle being registered in a county imposing a fee under this section.

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

(i) The department shall designate the governmental entities that serve primarily a transportation function and with which counties may contract under Subsection (e).

(j) A county imposing a fee under this section may send a portion of the fee revenue to the municipalities in the county in proportion to the population of each municipality to support public transportation in the municipality provided by a rural or urban transit district established under Chapter 458.

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

SECTION 3. (a) Except as otherwise provided by this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

(b) A vehicle registration fee authorized by Section 502.1725, Transportation Code, as amended by this Act, may be used as provided by Subdivision (3), Subsection (e), Section 502.1725, and Subsection (j), Section 502.1725, Transportation Code, as added by this Act, only if the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, allowing the expenditure of vehicle registration fees to construct, maintain, and operate passenger rail, transit, and freight rail is approved by the voters. If that amendment is not approved by the voters, a vehicle registration fee authorized by Section 502.1725, Transportation Code, as amended by this Act, may not be used as provided by Subdivision (3), Subsection (e), Section 502.1725, and Subsection (j), Section 502.1725, Transportation Code.

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