

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. TEXAS DEPARTMENT OF VEHICLES

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

SUBTITLE M. DEPARTMENT OF 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 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 Vehicles, the department shall administer and enforce:

(1) Subtitle A;

(2) Chapters 623, 642, 643, 645, 646, and 648; and

(3) Chapters 2301 and 2302, Occupations Code.

Sec. 1001.003. COMPOSITION OF DEPARTMENT. The department is composed of an executive director appointed by the board and

1 other employees required to efficiently implement:

2 (1) this subtitle;

3 (2) other applicable vehicle laws of this state; and

4 (3) other laws that grant jurisdiction to or are
5 applicable to the department.

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

9 (1) administration;

10 (2) motor carriers;

11 (3) motor vehicle board; and

12 (4) vehicle titles and registration.

13 Sec. 1001.005. SUNSET PROVISION. The department is subject
14 to Chapter 325, Government Code (Texas Sunset Act). Unless
15 continued in existence as provided by that chapter, the department
16 is abolished September 1, 2021.

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

23 [Sections 1001.007-1001.020 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DEPARTMENT OF VEHICLES

25 Sec. 1001.021. BOARD. (a) The board consists of nine
26 members appointed by the governor with the advice and consent of the
27 senate.

1 (b) Three members must be persons who hold a dealer's
2 license issued under Chapter 2301, Occupations Code, of whom two
3 must be franchised dealers of different classes and one must be an
4 independent dealer; one member must be a representative of a
5 manufacturer or distributor that holds a license issued under
6 Chapter 2301, Occupations Code; one member must be a tax
7 assessor-collector; one member must be a representative of a law
8 enforcement agency of a county or municipality; and one member must
9 be a representative of the motor carrier industry. The remaining
10 members must be public members.

11 (c) Except as necessary to comply with Subsection (b), a
12 person is not eligible for appointment as a member of the board if
13 the person or the person's spouse:

14 (1) is employed by or participates in the management
15 of a business entity or other organization that is regulated by or
16 receives funds from the department;

17 (2) directly or indirectly owns or controls more than
18 10 percent interest in a business entity or other organization that
19 is regulated by or receives funds from the department;

20 (3) uses or receives a substantial amount of tangible
21 goods, services, or funds from the department, other than
22 compensation or reimbursement authorized by law for board
23 membership, attendance, or expenses; or

24 (4) is registered, certified, or licensed by the
25 department.

26 (d) A person required to register as a lobbyist under
27 Chapter 305, Government Code, because of the person's activities

1 for compensation on behalf of a profession related to the operation
2 of the department may not serve as a member of the board.

3 (e) Appointments to the board shall be made without regard
4 to race, color, disability, sex, religion, age, or national origin
5 of the appointees and shall reflect the diversity of the population
6 of the state as a whole.

7 Sec. 1001.022. TERMS. Members of the board serve staggered
8 six-year terms, with the terms of either one or two members expiring
9 February 1 of each odd-numbered year.

10 Sec. 1001.023. CHAIR AND VICE CHAIR; DUTIES. (a) The
11 board shall elect one of its members chair of the board and one of
12 its members vice chair of the board. A chair or vice chair serves at
13 the pleasure of the board.

14 (b) The chair shall:

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

17 (2) represent the department in dealing with the
18 governor;

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

21 (4) report to the board the governor's suggestions for
22 department operations;

23 (5) report to the governor on efforts, including
24 legislative requirements, to maximize the efficiency of department
25 operations through the use of private enterprise;

26 (6) periodically review the department's
27 organizational structure and submit recommendations for structural

1 changes to the governor, the board, and the Legislative Budget
2 Board;

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

7 (8) create subcommittees, appoint board members to
8 subcommittees, and receive the reports of subcommittees to the
9 board as a whole;

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

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

15 Sec. 1001.024. BOARD MEETINGS. The board shall hold
16 regular meetings at least once a month and special meetings at the
17 call of the chair. Board members shall attend the meetings of the
18 board. The chair shall oversee the preparation of an agenda for
19 each meeting and ensure that a copy is provided to each board member
20 at least seven days before the meeting.

21 Sec. 1001.025. RECOMMENDATIONS TO LEGISLATURE. (a) The
22 board shall consider ways in which the department's operations may
23 be improved and may periodically report to the legislature
24 concerning potential statutory changes that would improve the
25 operation of the department.

26 (b) On behalf of the board, the chair shall report to the
27 governor, the lieutenant governor, the speaker of the house of

1 representatives, and the presiding officers of relevant
2 legislative committees on legislative recommendations adopted by
3 the board and relating to the operation of the department.

4 Sec. 1001.026. COMPENSATION. A member of the board is
5 entitled to compensation as provided by the General Appropriations
6 Act. If compensation for board members is not provided by that Act,
7 each member is entitled to reimbursement for actual and necessary
8 expenses incurred in performing functions as a member of the board.

9 Sec. 1001.027. GROUNDS FOR REMOVAL. (a) It is a ground for
10 removal from the board if a board member:

11 (1) does not have at the time of appointment or
12 maintain during service on the board the qualifications required by
13 Section 1001.021;

14 (2) violates a prohibition provided by Section
15 1001.021;

16 (3) cannot discharge the member's duties for a
17 substantial part of the term for which the member is appointed
18 because of illness or disability; or

19 (4) is absent from more than half of the regularly
20 scheduled board meetings that the board member is eligible to
21 attend during a calendar year, unless the absence is excused by
22 majority vote of the board.

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

26 (c) If the executive director of the department knows that a
27 potential ground for removal exists, the director shall notify the

1 chair of the board of the ground, and the chair shall notify the
2 governor and the attorney general that a potential ground for
3 removal exists. If the potential ground for removal relates to the
4 chair, the director shall notify another board member, who shall
5 notify the governor and the attorney general that a potential
6 ground for removal exists.

7 Sec. 1001.028. CONFLICT OF INTEREST. (a) A member of the
8 board shall disclose in writing to the executive director if the
9 member has an interest in a matter before the board or has a
10 substantial financial interest in an entity that has a direct
11 interest in the matter.

12 (b) The member shall recuse himself or herself from the
13 board's deliberations and actions on the matter in Subsection (a)
14 and may not participate in the board's decision on the matter.

15 (c) A person has a substantial financial interest in an
16 entity if the person:

17 (1) is an employee, member, director, or officer of
18 the entity; or

19 (2) owns or controls, directly or indirectly, more
20 than a five percent interest in the entity.

21 Sec. 1001.029. INFORMATION ON QUALIFICATIONS AND CONDUCT.
22 The department shall provide to the members of the board, as often
23 as necessary, information concerning the members' qualifications
24 for office and their responsibilities under applicable laws
25 relating to standards of conduct for state officers.

26 Sec. 1001.030. TRAINING ON DEPARTMENT AND CERTAIN LAWS
27 RELATING TO DEPARTMENT. (a) To be eligible to take office as a

1 member of the board, a person appointed to the board must complete
2 at least one course of a training program that complies with this
3 section.

4 (b) The training program must provide information to the
5 person regarding:

6 (1) this subchapter;

7 (2) the programs operated by the department;

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

9 (4) the rules of the department with an emphasis on the
10 rules that relate to disciplinary and investigatory authority;

11 (5) the current budget for the department;

12 (6) the results of the most recent formal audit of the
13 department;

14 (7) the requirements of the:

15 (A) open meetings law, Chapter 551, Government
16 Code;

17 (B) open records law, Chapter 552, Government
18 Code; and

19 (C) administrative procedure law, Chapter 2001,
20 Government Code;

21 (8) the requirements of the conflict of interest laws
22 and other laws relating to public officials; and

23 (9) any applicable ethics policies adopted by the
24 board or the Texas Ethics Commission.

25 (c) A person appointed to the board is entitled to
26 reimbursement for travel expenses incurred in attending the
27 training program, as provided by the General Appropriations Act and

1 as if the person were a member of the board.

2 Sec. 1001.031. ADVISORY COMMITTEES. (a) The board shall
3 establish an advisory committee for the motor carriers, motor
4 vehicle board, and vehicle titles and registration divisions to
5 make recommendations to the board or the executive director on the
6 operation of the applicable division and may establish other
7 advisory committees as the board determines are necessary for the
8 performance of a regulatory function of the department. A
9 committee has the purposes, powers, and duties, including the
10 manner of reporting its work, prescribed by the board. A committee
11 and each committee member serves at the will of the board.

12 (b) The board shall appoint persons to each advisory
13 committee who:

14 (1) are selected from a list provided by the executive
15 director; and

16 (2) have knowledge about and interests in, and
17 represent a broad range of viewpoints about, the work of the
18 committee or the applicable division.

19 (c) A member of an advisory committee may not be compensated
20 by the board or the department for committee service but is entitled
21 to reimbursement for actual and necessary expenses incurred in the
22 performance of committee service.

23 [Sections 1001.032-1001.040 reserved for expansion]

24 SUBCHAPTER C. PERSONNEL

25 Sec. 1001.041. DEPARTMENT PERSONNEL. (a) Subject to the
26 General Appropriations Act or other law, the executive director
27 shall appoint deputies, assistants, and other personnel as

1 necessary to carry out the powers and duties of the department under
2 this code, other applicable vehicle laws of this state, and other
3 laws granting jurisdiction or applicable to the department.

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

7 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board
8 shall develop and implement policies that clearly define the
9 respective responsibilities of the director and the staff of the
10 department.

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

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

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

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

1 (4) reasonable methods to appropriately address those
2 areas of significant underuse.

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

4 (1) cover an annual period;

5 (2) be updated annually;

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

8 (4) be filed with the governor.

9 (c) The governor shall deliver a biennial report to the
10 legislature based on the information received under Subsection (b).
11 The report may be made separately or as a part of other biennial
12 reports made to the legislature.

13 Sec. 1001.044. QUALIFICATIONS AND STANDARDS OF CONDUCT.

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

16 (1) qualification for office or employment under this
17 subtitle; and

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

20 Sec. 1001.045. CAREER LADDER PROGRAM; PERFORMANCE
21 EVALUATIONS. (a) The executive director or the director's

22 designee shall develop an intra-agency career ladder program. The
23 program must require intra-agency posting of all nonentry level
24 positions concurrently with any public posting.

25 (b) The executive director or the director's designee shall
26 develop a system of annual performance evaluations. All merit pay
27 for department employees must be based on the system established

1 under this subsection.

2 CHAPTER 1002. RULES

3 Sec. 1002.001. GENERAL RULEMAKING AUTHORITY. The board may
4 adopt any rules necessary and appropriate to implement the powers
5 and duties of the department under this code and other laws of this
6 state.

7 Sec. 1002.002. RULES RESTRICTING ADVERTISING OR
8 COMPETITIVE BIDDING. The board may not adopt rules restricting
9 advertising or competitive bidding by a person regulated by the
10 department except to prohibit false, misleading, or deceptive
11 practices by the person.

12 CHAPTER 1003. DEPARTMENT PROCEDURES

13 Sec. 1003.001. APPLICABILITY OF CERTAIN LAWS. Except as
14 specifically provided by law, the department is subject to Chapters
15 2001 and 2002, Government Code.

16 Sec. 1003.002. SUMMARY PROCEDURES FOR ROUTINE MATTERS.

17 (a) The board or the department by rule may:

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

19 and

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

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

25 (1) voluminous;

26 (2) repetitive;

27 (3) believed to be noncontroversial; and

1 (4) of limited interest to anyone other than persons
2 immediately involved in or affected by the proposed department
3 action.

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

9 (d) A rule adopted by the board under this section may
10 provide for the delegation of authority to take action on a routine
11 matter to a salaried employee of the department designated by the
12 board.

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

18 (b) The person must apply to the board not later than the
19 60th day after the date of the action to be entitled to the review.

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

22 (d) The board may adopt rules relating to an application for
23 review under this section and consideration of the application.

24 Sec. 1003.004. INFORMAL DISPOSITION OF CERTAIN CONTESTED
25 CASES. The board or the department, as applicable, may, on written
26 agreement or stipulation of each party and any intervenor,
27 informally dispose of a contested case in accordance with Section

1 2001.056, Government Code, notwithstanding any provision of this
2 code or other law that requires a hearing before the board or the
3 department, as applicable.

4 CHAPTER 1004. PUBLIC ACCESS

5 Sec. 1004.001. ACCESS TO PROGRAMS AND FACILITIES. (a) The
6 department shall prepare and maintain a written plan that describes
7 how a person who does not speak English may be provided reasonable
8 access to the department's programs.

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

11 Sec. 1004.002. PUBLIC COMMENT. The board and the
12 department shall develop and implement policies that provide the
13 public with a reasonable opportunity to appear before the board or
14 the department and to speak on any issue under the jurisdiction of
15 the board or the department.

16 Sec. 1004.003. PUBLIC REPRESENTATION ON ADVISORY BODY.

17 (a) At least one-half of the membership of each advisory body
18 appointed by the board, other than an advisory body whose
19 membership is determined by this code or by other law, must
20 represent the general public.

21 (b) A public representative may not be:

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

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

26 (3) a person related within the second degree by
27 affinity or consanguinity to a person described by Subdivision (1)

1 or (2).

2 CHAPTER 1005. STANDARDS OF CONDUCT

3 Sec. 1005.001. APPLICATION OF LAW RELATING TO ETHICAL
4 CONDUCT. The board, the executive director, and each employee or
5 agent of the department is subject to the code of ethics and the
6 standard of conduct imposed by Chapter 572, Government Code, and
7 any other law regulating the ethical conduct of state officers and
8 employees.

9 ARTICLE 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT
10 OF TRANSPORTATION

11 PART A. GENERAL PROVISIONS AND ADMINISTRATION

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

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

- 17 (1) aviation;
- 18 (2) highways and roads; and
- 19 (3) public transportation[~~, and~~
- 20 [~~(4) motor vehicle titles and registration~~].

21 SECTION 2A.02. Subdivision (2), Section 201.931,
22 Transportation Code, is amended to read as follows:

23 (2) "License" includes:

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

27 (B) a motor carrier registration issued under

1 Chapter 643;

2 (C) a vehicle storage facility license issued
3 under Chapter 2303, Occupations Code; and

4 (D) a license or permit for outdoor advertising
5 issued under Chapter 391 or 394[~~+~~

6 [~~(E) a salvage vehicle dealer or agent license~~
7 ~~issued under Chapter 2302, Occupations Code;~~

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

10 [~~(G) an apportioned registration issued~~
11 ~~according to the International Registration Plan under Section~~
12 ~~502.054)].~~

13 SECTION 2A.03. Subsection (c), Section 201.202,
14 Transportation Code, is repealed.

15 PART B. STATE HIGHWAY TOLL PROJECTS

16 SECTION 2B.01. Subsections (b) and (h), Section 228.055,
17 Transportation Code, are amended to read as follows:

18 (b) The department may impose and collect the
19 administrative fee, so as to recover the cost of collecting the
20 unpaid toll, not to exceed \$100. The department shall send a
21 written notice of nonpayment to the registered owner of the vehicle
22 at that owner's address as shown in the vehicle registration
23 records of the Texas Department of Vehicles [~~department~~] by first
24 class mail and may require payment not sooner than the 30th day
25 after the date the notice was mailed. The registered owner shall
26 pay a separate toll and administrative fee for each event of
27 nonpayment under Section 228.054.

1 (h) In this section, "registered owner" means the owner of a
2 vehicle as shown on the vehicle registration records of the Texas
3 Department of Vehicles [~~department~~] or the analogous department or
4 agency of another state or country.

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

7 (b) In the prosecution of an offense under Section
8 228.055(c), (d), or (e):

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

11 (2) a computer record of the Texas Department of
12 Vehicles [~~department~~] of the registered owner of the vehicle is
13 prima facie evidence of its contents and that the defendant was the
14 registered owner of the vehicle when the underlying event of
15 nonpayment under Section 228.054 occurred; and

16 (3) a copy of the rental, lease, or other contract
17 document covering the vehicle on the date of the underlying event of
18 nonpayment under Section 228.054 is prima facie evidence of its
19 contents and that the defendant was the lessee of the vehicle when
20 the underlying event of nonpayment under Section 228.054 occurred.

21 PART C. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND
22 HIGHWAYS IN CERTAIN COUNTIES

23 SECTION 2C.01. Subsections (b), (e), and (h), Section
24 284.0701, Transportation Code, are amended to read as follows:

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

1 nonpayment to the registered owner of the vehicle at that owner's
2 address as shown in the vehicle registration records of the Texas
3 Department of Vehicles [~~department~~] by first-class mail not later
4 than the 30th day after the date of the alleged failure to pay and
5 may require payment not sooner than the 30th day after the date the
6 notice was mailed. The registered owner shall pay a separate toll
7 and administrative cost for each event of nonpayment under Section
8 284.070.

9 (e) It is an exception to the application of Subsection (a)
10 or (c) if the registered owner of the vehicle transferred ownership
11 of the vehicle to another person before the event of nonpayment
12 under Section 284.070 occurred, submitted written notice of the
13 transfer to the Texas Department of Vehicles [~~department~~] in
14 accordance with Section 520.023, and before the 30th day after the
15 date the notice of nonpayment is mailed, provides to the county the
16 name and address of the person to whom the vehicle was transferred.
17 If the former owner of the vehicle provides the required
18 information within the period prescribed, the county may send a
19 notice of nonpayment to the person to whom ownership of the vehicle
20 was transferred at the address provided by the former owner by
21 first-class mail before the 30th day after the date of receipt of
22 the required information from the former owner. The subsequent
23 owner of the vehicle for which the proper toll was not paid who is
24 mailed a written notice of nonpayment under this subsection and
25 fails to pay the proper toll and administrative cost within the time
26 specified by the notice of nonpayment commits an offense. The
27 subsequent owner shall pay a separate toll and administrative cost

1 for each event of nonpayment under Section 284.070. Each failure to
2 pay a toll or administrative cost under this subsection is a
3 separate offense.

4 (h) In this section, "registered owner" means the owner of a
5 vehicle as shown on the vehicle registration records of the Texas
6 Department of Vehicles [~~department~~] or the analogous department or
7 agency of another state or country.

8 PART D. CERTIFICATE OF TITLE ACT

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

11 (3) "Department" means the Texas Department of
12 Vehicles [~~Transportation~~].

13 PART E. REGISTRATION OF VEHICLES

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

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

18 SECTION 2E.02. Subsections (a) and (b), Section 502.053,
19 Transportation Code, are amended to read as follows:

20 (a) The department [~~Texas Department of Transportation~~]
21 shall reimburse the Texas Department of Criminal Justice for the
22 cost of manufacturing license plates or registration insignia as
23 the license plates or insignia and the invoice for the license
24 plates or insignia are delivered to the department [~~Texas~~
25 ~~Department of Transportation~~].

26 (b) When manufacturing is started, the Texas Department of
27 Criminal Justice, the department [~~Texas Department of~~

1 ~~Transportation~~], and the comptroller, after negotiation, shall set
2 the price to be paid for each license plate or insignia. The price
3 must be determined from:

- 4 (1) the cost of metal, paint, and other materials
- 5 purchased;
- 6 (2) the inmate maintenance cost per day;
- 7 (3) overhead expenses;
- 8 (4) miscellaneous charges; and
- 9 (5) a previously approved amount of profit for the
- 10 work.

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

12 SECTION 2F.01. Subdivisions (2) and (5), Section 503.001,
13 Transportation Code, are amended to read as follows:

14 (2) "Commission" means the board of the Texas
15 Department of Vehicles [~~Texas Transportation Commission~~].

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

18 PART G. MISCELLANEOUS PROVISIONS

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

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

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

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

26 Sec. 551.302. REGISTRATION. The Texas Department of
27 Vehicles [~~Transportation~~] may adopt rules relating to the

1 registration and issuance of license plates to neighborhood
2 electric vehicles.

3 PART I. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

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

6 Sec. 601.023. PAYMENT OF STATUTORY FEES. The department
7 may pay:

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

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

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

16 Sec. 601.451. DEFINITION. In this subchapter,
17 "implementing agencies" means:

18 (1) the department;

19 (2) the Texas Department of Vehicles
20 [~~Transportation~~];

21 (3) the Texas Department of Insurance; and

22 (4) the Department of Information Resources.

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

26 PART J. IDENTIFYING MARKINGS ON CERTAIN COMMERCIAL MOTOR VEHICLES

27 SECTION 2J.01. Subsection (d), Section 642.002,

1 Transportation Code, is amended to read as follows:

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

6 PART K. MOTOR CARRIER REGISTRATION

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

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

11 PART L. SINGLE STATE REGISTRATION

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

14 Sec. 645.001. FEDERAL MOTOR CARRIER REGISTRATION. The
15 Texas Department of Vehicles [~~Transportation~~] may, to the fullest
16 extent practicable, participate in a federal motor carrier
17 registration program under the unified carrier registration system
18 as defined by Section 643.001 or a [the] single state registration
19 system established under federal law [~~49 U.S.C. Section 14504~~].

20 PART M. MOTOR TRANSPORTATION BROKERS

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

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

26 PART N. FOREIGN COMMERCIAL MOTOR TRANSPORTATION

27 SECTION 2N.01. Section 648.002, Transportation Code, is

1 amended to read as follows:

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

6 PART O. ABANDONED MOTOR VEHICLES

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

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

11 PART P. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS

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

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

16 PART Q. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM

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

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

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

25 (b) Not later than the 30th day after the date the violation
26 is alleged to have occurred, the designated department, agency, or
27 office of the local authority or the entity with which the local

1 authority contracts under Section 707.003(a)(1) shall mail the
2 notice of violation to the owner at:

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

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

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

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

17 PART R. SALE OR LEASE OF MOTOR VEHICLES

18 SECTION 2R.01. Subdivision (9), Section 2301.002,
19 Occupations Code, is amended to read as follows:

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

22 SECTION 2R.02. Subdivision (33), Section 2301.002,
23 Occupations Code, is repealed.

24 PART S. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

25 SECTION 2S.01. Subdivision (3), Section 1, Article
26 4413(37), Revised Statutes, is amended to read as follows:

27 (3) "Department" means the Texas Department of

1 Vehicles [~~Transportation~~].

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

4 Sec. 2. The Automobile Burglary and Theft Prevention
5 Authority is established in the Texas Department of Vehicles
6 [~~Transportation~~]. The authority is not an advisory body to the
7 Texas Department of Vehicles [~~Transportation~~].

8 ARTICLE 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF
9 TRANSPORTATION IN OTHER CODES

10 PART A. BUSINESS & COMMERCE CODE

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

14 (b) In this chapter, "business opportunity" does not
15 include:

16 (1) the sale or lease of an established and ongoing
17 business or enterprise that has actively conducted business before
18 the sale or lease, whether composed of one or more than one
19 component business or enterprise, if the sale or lease represents
20 an isolated transaction or series of transactions involving a bona
21 fide change of ownership or control of the business or enterprise or
22 liquidation of the business or enterprise;

23 (2) a sale by a retailer of goods or services under a
24 contract or other agreement to sell the inventory of one or more
25 ongoing leased departments to a purchaser who is granted the right
26 to sell the goods or services within or adjoining a retail business
27 establishment as a department or division of the retail business

1 establishment;

2 (3) a transaction that is:

3 (A) regulated by the Texas Department of
4 Licensing and Regulation, the Texas Department of Insurance, the
5 Texas Real Estate Commission, or the director of the Motor Vehicle
6 Division of the Texas Department of Vehicles [~~Transportation~~]; and

7 (B) engaged in by a person licensed by one of
8 those agencies;

9 (4) a real estate syndication;

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

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

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

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

19 (7) the offer or sale of a business opportunity if the
20 seller:

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

24 (B) is at least 80 percent owned by another
25 person who:

26 (i) in writing unconditionally guarantees
27 performance by the person offering the business opportunity plan;

1 and

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

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

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

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

14 (i) the name of the franchisor;

15 (ii) the name under which the franchisor
16 intends to transact business; and

17 (iii) the franchisor's principal business
18 address.

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

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

25 (1) license plates under Section 504.201,
26 Transportation Code; or

27 (2) a disabled parking placard under Section 681.004,

1 Transportation Code.

2 PART B. CODE OF CRIMINAL PROCEDURE

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

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

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

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

1 not be liable for court costs. If the person in possession of the
2 vehicle at the time of the seizure is not the owner or the interest
3 holder of the vehicle, notification shall be provided to the
4 possessor in the same manner specified for notification to an owner
5 or interest holder.

6 PART C. FAMILY CODE

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

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

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

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

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

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

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

6 (b) The members of the committee who serve under Subsections
7 (a)(1) through (3) shall select the following additional committee
8 members:

9 (1) a criminal prosecutor involved in prosecuting
10 crimes against children;

11 (2) a sheriff;

12 (3) a justice of the peace;

13 (4) a medical examiner;

14 (5) a police chief;

15 (6) a pediatrician experienced in diagnosing and
16 treating child abuse and neglect;

17 (7) a child educator;

18 (8) a child mental health provider;

19 (9) a public health professional;

20 (10) a child protective services specialist;

21 (11) a sudden infant death syndrome family service
22 provider;

23 (12) a neonatologist;

24 (13) a child advocate;

25 (14) a chief juvenile probation officer;

26 (15) a child abuse prevention specialist;

27 (16) a representative of the Department of Public

1 Safety; and

2 (17) a representative of the Texas Department of
3 Vehicles [~~Transportation~~].

4 PART D. FINANCE CODE

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

7 (9) "Qualified commercial loan":

8 (A) means:

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

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

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

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

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

25 (ii) a renewal or extension of a commercial
26 loan described by Paragraph (A), regardless of the principal amount
27 of the loan at the time of the renewal or extension; and

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

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

7 (10-a) "Towable recreation vehicle" means a
8 nonmotorized vehicle that:

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

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

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

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

17 and

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

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

21 Sec. 348.518. SHARING OF INFORMATION. To ensure consistent
22 enforcement of law and minimization of regulatory burdens, the
23 commissioner and the Texas Department of Vehicles [~~Transportation~~]
24 may share information, including criminal history information,
25 relating to a person licensed under this chapter. Information
26 otherwise confidential remains confidential after it is shared
27 under this section.

PART E. GOVERNMENT CODE

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

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

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;

(3) Texas Board of Chiropractic Examiners;

(4) State Board of Dental Examiners;

(5) Texas Board of Professional Engineers;

(6) Texas Funeral Service Commission;

(7) Texas Board of Professional Geoscientists;

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

(A) Texas State Board of Examiners of Dietitians;

(B) Texas State Board of Examiners of Marriage and Family Therapists;

(C) Midwifery Board;

(D) Texas State Perfusionist Advisory Committee [~~Board of Examiners of Perfusionists~~];

(E) Texas State Board of Examiners of Professional Counselors;

(F) Texas State Board of Social Worker Examiners;

(G) State Board of Examiners for Speech-Language Pathology and Audiology;

- 1 (H) Advisory Board of Athletic Trainers;
- 2 (I) State Committee of Examiners in the Fitting
- 3 and Dispensing of Hearing Instruments;
- 4 (J) Texas Board of Licensure for Professional
- 5 Medical Physicists; and
- 6 (K) Texas Board of Orthotics and Prosthetics;
- 7 (9) Texas Board of Professional Land Surveying;
- 8 (10) Texas Department of Licensing and Regulation,
- 9 except as provided by Section 411.093;
- 10 (11) Texas Commission on Environmental Quality;
- 11 (12) Texas Board of Occupational Therapy Examiners;
- 12 (13) Texas Optometry Board;
- 13 (14) Texas State Board of Pharmacy;
- 14 (15) Texas Board of Physical Therapy Examiners;
- 15 (16) Texas State Board of Plumbing Examiners;
- 16 (17) Texas State Board of Podiatric Medical Examiners;
- 17 (18) Polygraph Examiners Board;
- 18 (19) Texas State Board of Examiners of Psychologists;
- 19 (20) Texas Real Estate Commission;
- 20 (21) Board of Tax Professional Examiners;
- 21 (22) Texas Department of Transportation;
- 22 (23) State Board of Veterinary Medical Examiners;
- 23 (24) Texas Department of Housing and Community
- 24 Affairs;
- 25 (25) secretary of state;
- 26 (26) state fire marshal;
- 27 (27) Texas Education Agency; [~~and~~]

- 1 (28) Department of Agriculture; and
- 2 (29) Texas Department of Vehicles.

3 PART F. HEALTH AND SAFETY CODE

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

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

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

10 (2) the registration of the vehicle:

11 (A) is current; and

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

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

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

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

27 SECTION 3F.02. Subsection (f), Section 382.210, Health and

1 Safety Code, is amended to read as follows:

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

11 SECTION 3F.03. Subsection (a), Section 461.017, Health and
12 Safety Code, is amended to read as follows:

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

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

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

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

27 (B) the Criminal Justice Policy Council;

- 1 (C) the Department of Family and Protective [~~and~~
2 Regulatory] Services;
- 3 (D) the Department of Public Safety of the State
4 of Texas;
- 5 (E) the Health and Human Services Commission;
- 6 (F) the Texas Alcoholic Beverage Commission;
- 7 (G) the Department of State Health Services
8 [~~Texas Commission on Alcohol and Drug Abuse~~];
- 9 (H) the Texas Council on Offenders with Mental
10 Impairments;
- 11 (I) the Texas Department of Criminal Justice;
- 12 (J) the [~~Texas Department of~~] Health and [~~+~~
13 [~~(K) the Texas Department of~~] Human Services
14 Commission;
- 15 (K) [~~(L)~~] the [~~Texas~~] Department of Aging and
16 Disability Services [~~Mental Health and Mental Retardation~~];
- 17 (L) [~~(M)~~] the Texas Education Agency;
- 18 (M) [~~(N)~~] the Texas Juvenile Probation
19 Commission;
- 20 (N) [~~(O)~~] the Texas Youth Commission;
- 21 (O) [~~(P)~~] the Department of Assistive and
22 Rehabilitative Services [~~Texas Rehabilitation Commission~~];
- 23 (P) [~~(Q)~~] the Texas Workforce Commission;
- 24 (Q) [~~(R)~~] the Texas Department of Vehicles
25 [~~Transportation~~];
- 26 (R) [~~(S)~~] the comptroller of public accounts;
27 and

1 (S) [~~(T)~~] the adjutant general's department.

2 PART G. HUMAN RESOURCES CODE

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

5 Sec. 22.041. THIRD-PARTY INFORMATION. Notwithstanding any
6 other provision of this code, the department may use information
7 obtained from a third party to verify the assets and resources of a
8 person for purposes of determining the person's eligibility and
9 need for medical assistance, financial assistance, or nutritional
10 assistance. Third-party information includes information obtained
11 from:

12 (1) a consumer reporting agency, as defined by Section
13 20.01, Business & Commerce Code;

14 (2) an appraisal district; or

15 (3) the Texas Department of Vehicles
16 [~~Transportation's~~] vehicle registration record database.

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

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

25 (1) a consumer reporting agency, as defined by Section
26 20.01, Business & Commerce Code;

27 (2) an appraisal district; or

1 (3) the Texas Department of Vehicles
2 [~~Transportation's~~] vehicle registration record database.

3 PART H. LOCAL GOVERNMENT CODE

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

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

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

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

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

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

24 Sec. 130.007. REMISSION TO STATE NOT REQUIRED; STATE
25 ASSISTANCE IN COLLECTION. (a) If a fee or tax is required to be
26 remitted to the comptroller or the Texas Department of Vehicles
27 [~~Transportation~~] and if payment was made to the county tax

1 assessor-collector by a check that was not honored by the drawee
2 bank or by a credit card invoice that was not honored by the credit
3 card issuer, the amount of the fee or tax is not required to be
4 remitted, but the assessor-collector shall notify the appropriate
5 department of:

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

9 (b) The Texas Department of Vehicles [~~Transportation~~] and
10 the comptroller shall assist the county tax assessor-collector in
11 collecting the fee or tax and may cancel or revoke any receipt,
12 registration, certificate, or other instrument issued in the name
13 of the state conditioned on the payment of the fee or tax.

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

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

1 A county tax assessor-collector who accepts a check or credit card
2 invoice for the payment of a fee or tax, after notice that the
3 assessor-collector may not receive a check or credit card invoice
4 for the payment of fees or taxes to be remitted to a department, is
5 liable to the state for the amount of the check or credit card
6 invoice accepted.

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

9 Sec. 130.009. STATE RULES. The comptroller and the Texas
10 Department of Vehicles [~~Transportation~~] may make rules concerning
11 the acceptance of checks or credit card invoices by a county tax
12 assessor-collector and for the collection of dishonored checks or
13 credit card invoices.

14 PART I. OCCUPATIONS CODE

15 SECTION 3I.01. Subsection (c), Section 554.009,
16 Occupations Code, is amended to read as follows:

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

20 SECTION 3I.02. Subdivision (9), Section 2301.002,
21 Occupations Code, is amended to read as follows:

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

24 SECTION 3I.03. Subsections (a) and (b), Section 2301.005,
25 Occupations Code, are amended to read as follows:

26 (a) A reference in law, including a rule, to the Texas Motor
27 Vehicle Commission or to the board means [~~the director, except that~~

1 ~~a reference to~~] the board of the Texas Department of Vehicles [~~means~~
2 ~~the commission if it is related to the adoption of rules~~].

3 (b) A reference in law, including a rule, to the executive
4 director of the Texas Motor Vehicle Commission means the executive
5 director of the Texas Department of Vehicles.

6 SECTION 3I.04. Subdivisions (2) and (3), Section 2302.001,
7 Occupations Code, are amended to read as follows:

8 (2) "Board" [~~"Commission"~~] means the board of the the
9 Texas Department of Motor Vehicles [~~Transportation Commission~~].

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

12 SECTION 3I.05. Subsection (b), Section 2302.0015,
13 Occupations Code, is amended to read as follows:

14 (b) For the purpose of enforcing or administering this
15 chapter or Chapter 501 or 502, Transportation Code, a member of the
16 board [~~commission~~], an employee or agent of the board [~~commission~~]
17 or department, a member of the Public Safety Commission, an officer
18 of the Department of Public Safety, or a peace officer may at a
19 reasonable time:

20 (1) enter the premises of a business regulated under
21 one of those chapters; and

22 (2) inspect or copy any document, record, vehicle,
23 part, or other item regulated under one of those chapters.

24 SECTION 3I.06. The heading to Subchapter B, Chapter 2302,
25 Occupations Code, is amended to read as follows:

26 SUBCHAPTER B. BOARD [~~COMMISSION~~] POWERS AND DUTIES

27 SECTION 3I.07. Sections 2302.051, 2302.052, and 2302.053,

1 Occupations Code, are amended to read as follows:

2 Sec. 2302.051. RULES AND ENFORCEMENT POWERS. The board
3 [~~commission~~] shall adopt rules as necessary to administer this
4 chapter and may take other action as necessary to enforce this
5 chapter.

6 Sec. 2302.052. DUTY TO SET FEES. The board [~~commission~~]
7 shall set application fees, license fees, renewal fees, and other
8 fees as required to implement this chapter. The board [~~commission~~]
9 shall set the fees in amounts reasonable and necessary to implement
10 and enforce this chapter.

11 Sec. 2302.053. RULES RESTRICTING ADVERTISING OR
12 COMPETITIVE BIDDING. (a) The board [~~commission~~] may not adopt a
13 rule under Section 2302.051 restricting advertising or competitive
14 bidding by a person who holds a license issued under this chapter
15 except to prohibit false, misleading, or deceptive practices by the
16 person.

17 (b) The board [~~commission~~] may not include in its rules to
18 prohibit false, misleading, or deceptive practices a rule that:

- 19 (1) restricts the use of any advertising medium;
- 20 (2) restricts the person's personal appearance or use
21 of the person's voice in an advertisement;
- 22 (3) relates to the size or duration of an
23 advertisement by the person; or
- 24 (4) restricts the use of a trade name in advertising by
25 the person.

26 SECTION 3I.08. Subsection (b), Section 2302.108,
27 Occupations Code, is amended to read as follows:

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

6 (2) the testimony of an accomplice shall be
7 corroborated by proof that tends to connect the actor to the crime,
8 but the actor's knowledge or intent may be established by the
9 uncorroborated testimony of the accomplice;

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

19 (A) fails to record the name, address, and
20 physical description or identification number of the seller or
21 pledgor;

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

25 (C) fails to obtain a signed warranty from the
26 seller or pledgor that the seller or pledgor has the right to
27 possess the property. It is the express intent of this provision

1 that the presumption arises unless the actor complies with each of
2 the numbered requirements;

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

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

9 (6) an actor engaged in the business of obtaining
10 abandoned or wrecked motor vehicles or parts of an abandoned or
11 wrecked motor vehicle for resale, disposal, scrap, repair,
12 rebuilding, demolition, or other form of salvage is presumed to
13 know on receipt by the actor of stolen property that the property
14 has been previously stolen from another if the actor knowingly or
15 recklessly:

16 (A) fails to maintain an accurate and legible
17 inventory of each motor vehicle component part purchased by or
18 delivered to the actor, including the date of purchase or delivery,
19 the name, age, address, sex, and driver's license number of the
20 seller or person making the delivery, the license plate number of
21 the motor vehicle in which the part was delivered, a complete
22 description of the part, and the vehicle identification number of
23 the motor vehicle from which the part was removed, or in lieu of
24 maintaining an inventory, fails to record the name and certificate
25 of inventory number of the person who dismantled the motor vehicle
26 from which the part was obtained;

27 (B) fails on receipt of a motor vehicle to obtain

1 a certificate of authority, sales receipt, or transfer document as
2 required by Chapter 683, Transportation Code, or a certificate of
3 title showing that the motor vehicle is not subject to a lien or
4 that all recorded liens on the motor vehicle have been released; or

5 (C) fails on receipt of a motor vehicle to
6 immediately remove an unexpired license plate from the motor
7 vehicle, to keep the plate in a secure and locked place, or to
8 maintain an inventory, on forms provided by the Texas Department of
9 Vehicles [~~Transportation~~], of license plates kept under this
10 paragraph, including for each plate or set of plates the license
11 plate number and the make, motor number, and vehicle identification
12 number of the motor vehicle from which the plate was removed;

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

17 (A) fails to report to the Texas Department of
18 Vehicles [~~Transportation~~] the failure of the person who sold or
19 delivered the motor vehicle to the actor to deliver to the actor a
20 properly executed certificate of title to the motor vehicle at the
21 time the motor vehicle was delivered; or

22 (B) fails to file with the county tax
23 assessor-collector of the county in which the actor received the
24 motor vehicle, not later than the 20th day after the date the actor
25 received the motor vehicle, the registration license receipt and
26 certificate of title or evidence of title delivered to the actor in
27 accordance with Subchapter D, Chapter 520, Transportation Code, at

1 the time the motor vehicle was delivered;

2 (8) an actor who purchases or receives from any source
3 other than a licensed retailer or distributor of pesticides a
4 restricted-use pesticide or a state-limited-use pesticide or a
5 compound, mixture, or preparation containing a restricted-use or
6 state-limited-use pesticide is presumed to know on receipt by the
7 actor of the pesticide or compound, mixture, or preparation that
8 the pesticide or compound, mixture, or preparation has been
9 previously stolen from another if the actor:

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

12 (B) fails to record a complete description of the
13 amount and type of pesticide or compound, mixture, or preparation
14 purchased or received; and

15 (C) fails to obtain a signed warranty from the
16 seller or pledgor that the seller or pledgor has the right to
17 possess the property; and

18 (9) an actor who is subject to Section 409, Packers and
19 Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from
20 a commission merchant by representing that the actor will make
21 prompt payment is presumed to have induced the commission
22 merchant's consent by deception if the actor fails to make full
23 payment in accordance with Section 409, Packers and Stockyards Act
24 (7 U.S.C. Section 228b).

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

27 (b) It is an affirmative defense to prosecution under this

1 section that the person was:

2 (1) the owner or acting with the effective consent of
3 the owner of the property involved;

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

6 (3) acting with respect to a number assigned to a
7 vehicle by the Texas Department of Transportation or the Texas
8 Department of Vehicles, as applicable, and the person was:

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

11 (B) in full compliance with the rules of the
12 department as an applicant for an assigned number approved by the
13 department.

14 PART K. TAX CODE

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

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

19 (1) has been located for less than 60 days at a place
20 of business of a person who holds a wholesale motor vehicle auction
21 general distinguishing number issued by the Texas Department of
22 Vehicles [~~Transportation~~] under Chapter 503, Transportation Code,
23 for that place of business; and

24 (2) is offered for resale.

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

27 (d) This section does not apply to a motor vehicle that on

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

6 (1) has not acquired taxable situs under Section
7 21.02(a)(1) in a taxing unit that participates in the appraisal
8 district because the vehicle is described by Section 21.02(d);

9 (2) is offered for sale by a dealer who holds a
10 dealer's general distinguishing number issued by the Texas
11 Department of Vehicles [~~Transportation~~] under Chapter 503,
12 Transportation Code, and whose inventory of motor vehicles is
13 subject to taxation in the manner provided by Sections 23.121 and
14 23.122; or

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

17 SECTION 3K.03. Subdivisions (3), (11), and (14), Subsection
18 (a), Section 23.121, Tax Code, are amended to read as follows:

19 (3) "Dealer" means a person who holds a dealer's
20 general distinguishing number issued by the Texas Department of
21 Vehicles [~~Transportation~~] under the authority of Chapter 503,
22 Transportation Code, or who is legally recognized as a motor
23 vehicle dealer pursuant to the law of another state and who complies
24 with the terms of Section 152.063(f). The term does not include:

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

1 (B) an entity that is owned or controlled by a
2 person who holds a manufacturer's license issued under Chapter
3 2301, Occupations Code [~~by the Motor Vehicle Board of the Texas~~
4 ~~Department of Transportation~~]; or

5 (C) a dealer whose general distinguishing number
6 issued by the Texas Department of Vehicles [~~Transportation~~] under
7 the authority of Chapter 503, Transportation Code, prohibits the
8 dealer from selling a vehicle to any person except a dealer.

9 (11) "Sales price" means the total amount of money
10 paid or to be paid for the purchase of a motor vehicle as set forth
11 as "sales price" in the form entitled "Application for Texas
12 Certificate of Title" promulgated by the Texas Department of
13 Vehicles [~~Transportation~~]. In a transaction that does not involve
14 the use of that form, the term means an amount of money that is
15 equivalent, or substantially equivalent, to the amount that would
16 appear as "sales price" on the Application for Texas Certificate of
17 Title if that form were involved.

18 (14) "Towable recreational vehicle" means a
19 nonmotorized vehicle that is designed for temporary human
20 habitation for recreational, camping, or seasonal use and:

21 (A) is titled and registered with the Texas
22 Department of Vehicles [~~Transportation~~] through the office of the
23 collector;

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

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

26 and

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

1 SECTION 3K.04. Subsections (f), (g), and (h), Section
2 23.121, Tax Code, are amended to read as follows:

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

19 (1) the name and business address of each location at
20 which the dealer owner conducts business;

21 (2) each of the dealer's general distinguishing
22 numbers issued by the Texas Department of Vehicles
23 [~~Transportation~~];

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

26 (4) the market value of the dealer's motor vehicle
27 inventory for the current tax year as computed under Section

1 23.121(b) [~~of this code~~].

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

13 (1) the document issued by the Texas Department of
14 Vehicles [~~Transportation~~] showing the person's general
15 distinguishing number;

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

19 (3) sales records to substantiate information set
20 forth in the dealer's declaration filed by the person.

21 (h) If a dealer fails to file a declaration as required by
22 this section, or if, on the declaration required by this section, a
23 dealer reports the sale of fewer than five motor vehicles in the
24 prior year, the chief appraiser shall report that fact to the Texas
25 Department of Vehicles [~~Transportation~~] and the department shall
26 initiate termination proceedings. The chief appraiser shall
27 include with the report a copy of a declaration, if any, indicating

1 the sale by a dealer of fewer than five motor vehicles in the prior
2 year. A report by a chief appraiser to the Texas Department of
3 Vehicles [~~Transportation~~] as provided by this subsection is prima
4 facie grounds for the cancellation of the dealer's general
5 distinguishing number under Section 503.038(a)(9), Transportation
6 Code, or for refusal by the Texas Department of Vehicles
7 [~~Transportation~~] to renew the dealer's general distinguishing
8 number.

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

11 (c) Information made confidential by this section may be
12 disclosed:

13 (1) in a judicial or administrative proceeding
14 pursuant to a lawful subpoena;

15 (2) to the person who filed the declaration or
16 statement or to that person's representative authorized by the
17 person in writing to receive the information;

18 (3) to the comptroller or an employee of the
19 comptroller authorized by the comptroller to receive the
20 information;

21 (4) to a collector or chief appraiser;

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

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

27 (7) if and to the extent that the information is

1 required for inclusion in a public document or record that the
2 appraisal or collection office is required by law to prepare or
3 maintain; or

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

7 SECTION 3K.06. Subdivision (11), Subsection (a), Section
8 23.124, Tax Code, is amended to read as follows:

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

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

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

20 (C) a trailer that is treated as a vessel as set
21 forth as "sales price" in the form entitled "Application for Texas
22 Certificate of Title" promulgated by the Texas Department of
23 Vehicles [~~Transportation~~].

24 In a transaction involving a vessel, an outboard motor,
25 or a trailer that is treated as a vessel that does not involve the
26 use of one of these forms, the term means an amount of money that is
27 equivalent, or substantially equivalent, to the amount that would

1 appear as "sales price" on the Application for Texas Certificate of
2 Number/Title for Boat/Seller, Donor or Trader's Affidavit, the
3 Application for Texas Certificate of Title for an Outboard
4 Motor/Seller, Donor or Trader's Affidavit, or the Application for
5 Texas Certificate of Title if one of these forms were involved.

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

8 Sec. 113.011. LIENS FILED WITH TEXAS DEPARTMENT OF VEHICLES
9 [~~TRANSPORTATION~~]. The comptroller shall furnish to the Texas
10 Department of Vehicles [~~Transportation~~] each release of a tax lien
11 filed by the comptroller with that department.

12 SECTION 3K.08. Subsections (a) and (f), Section 152.0412,
13 Tax Code, are amended to read as follows:

14 (a) In this section, "standard presumptive value" means the
15 private-party transaction value of a motor vehicle, as determined
16 by the Texas Department of Vehicles [~~Transportation~~] based on an
17 appropriate regional guidebook of a nationally recognized motor
18 vehicle value guide service, or based on another motor vehicle
19 guide publication that the department determines is appropriate if
20 a private-party transaction value for the motor vehicle is not
21 available from a regional guidebook described by this subsection.

22 (f) The Texas Department of Vehicles [~~Transportation~~] shall
23 maintain information on the standard presumptive values of motor
24 vehicles as part of the department's registration and title system.
25 The department shall update the information at least quarterly each
26 calendar year and publish, electronically or otherwise, the updated
27 information.

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

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

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

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

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

16 (52) "Registered gross weight" means the total weight
17 of the vehicle and carrying capacity shown on the registration
18 certificate issued by the Texas Department of Vehicles
19 [~~Transportation~~].

20 ARTICLE 4. TRANSFERS OF CERTAIN POWERS, DUTIES, OBLIGATIONS, AND
21 RIGHTS OF ACTION

22 SECTION 4.01. (a) All powers, duties, obligations, and
23 rights of action of the Motor Vehicle Division and the Vehicle
24 Titles and Registration Division of the Texas Department of
25 Transportation are transferred to the Texas Department of Vehicles
26 and all powers, duties, obligations, and rights of action of the
27 Texas Transportation Commission in connection or associated with

1 those divisions of the Texas Department of Transportation are
2 transferred to the board of the Texas Department of Vehicles on
3 November 1, 2009.

4 (b) The powers, duties, obligations, and rights of action of
5 the portion of the Motor Carrier Division of the Texas Department of
6 Transportation that is responsible for motor carrier registration
7 and the enforcement of Subtitle F, Title 7, Transportation Code,
8 are transferred to the Texas Department of Vehicles and the
9 associated powers, duties, obligations, and rights of action of the
10 Texas Transportation Commission are transferred to the board of the
11 Texas Department of Vehicles on November 1, 2009.

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

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

1 (e) A certificate, license, document, permit, registration,
2 or other authorization issued by the Motor Vehicle Division or the
3 Vehicle Titles and Registration Division of the Texas Department of
4 Transportation or a registration issued by the Motor Carrier
5 Division of the Texas Department of Transportation that is in
6 effect on the effective date of this Act remains valid for the
7 period for which it was issued unless suspended or revoked by the
8 Texas Department of Vehicles.

9 (f) A rule adopted by the Texas Transportation Commission or
10 the executive director of the Texas Department of Transportation in
11 connection with or relating to the Motor Vehicle Division, the
12 Vehicle Titles and Registration Division, or the portion of the
13 Motor Carrier Division of the Texas Department of Transportation
14 described in Subsection (b) of this section continues in effect
15 until it is amended or repealed by the board of the Texas Department
16 of Vehicles or the Texas Department of Vehicles, as applicable.

17 (g) The unobligated and unexpended balance of any
18 appropriations made to the Texas Department of Transportation in
19 connection with or relating to the Motor Vehicle Division, the
20 Vehicle Titles and Registration Division, or the portion of the
21 Motor Carrier Division of the Texas Department of Transportation
22 described in Subsection (b) of this section for the state fiscal
23 biennium ending August 31, 2009, is transferred and reappropriated
24 to the Texas Department of Vehicles for the purpose of implementing
25 the powers, duties, obligations, and rights of action transferred
26 to that department under Subsections (a) and (b) of this section.

27 SECTION 4.02. (a) In connection with the establishment by

1 this Act of the Automobile Burglary and Theft Prevention Authority
2 in the Texas Department of Vehicles and with the transfer by this
3 Act of the duty to provide personnel and services to the Automobile
4 Burglary and Theft Prevention Authority from the Texas Department
5 of Transportation to the Texas Department of Vehicles, the
6 personnel, furniture, computers, other property and equipment,
7 files, and related materials used by the Automobile Burglary and
8 Theft Prevention Authority are transferred to the Texas Department
9 of Vehicles.

10 (b) 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 for the state fiscal biennium ending August
14 31, 2009, is transferred and reappropriated to the Texas Department
15 of Vehicles for the purpose of allowing the authority to continue to
16 exercise its powers, duties, and obligations under the auspices of
17 that department.

18 SECTION 4.03. (a) In addition to the positions of the
19 Texas Department of Transportation assigned to the Vehicle Titles
20 and Registration Division, Motor Vehicle Division, Motor Carrier
21 Division, and Automobile Burglary and Theft Prevention Authority
22 Division that are transferred to the Texas Department of Vehicles,
23 it is estimated that 75 other full-time equivalent employee
24 positions of the Texas Department of Transportation primarily
25 support the transferred divisions and, subject to this section,
26 those positions are also transferred to the Texas Department of
27 Vehicles. The number of positions transferred under this

1 subsection may be modified by agreement of the two agencies in a
2 memorandum of understanding.

3 (b) If in another Act of the 81st Legislature, Regular
4 Session, 2009, the legislature establishes a maximum number of
5 full-time equivalent employee positions for the Texas Department of
6 Vehicles, the number of positions transferred under Subsection (a)
7 of this section may not result in a number of full-time equivalent
8 employee positions of that department that exceeds the maximum.

9 (c) When filling a position described by Subsection (a) of
10 this section, the Texas Department of Vehicles shall give first
11 consideration to an applicant who, as of September 1, 2009, was a
12 full-time employee of the Texas Department of Transportation and
13 primarily supported one or more of the transferred divisions.

14 ARTICLE 5. APPOINTMENT OF BOARD

15 SECTION 5.01. Not later than October 1, 2009, the governor
16 shall appoint the members of the board of the Texas Department of
17 Vehicles in accordance with Subchapter B, Chapter 1001,
18 Transportation Code, as added by this Act.

19 ARTICLE 6. MEMORANDUM OF UNDERSTANDING

20 SECTION 6.01. (a) The board of the Texas Department of
21 Vehicles and the Texas Transportation Commission by rule shall
22 adopt or revise a joint memorandum of understanding to coordinate
23 the Texas Department of Vehicles' and the Texas Department of
24 Transportation's information systems to allow for the sharing of
25 information so that each department may effectively and efficiently
26 perform the functions and duties assigned to it.

27 (b) The Texas Department of Vehicles and the Texas

1 Department of Transportation shall implement the joint memorandum
2 of understanding using existing personnel and resources.

3 (c) Otherwise confidential information shared under the
4 memorandum of understanding remains subject to the same
5 confidentiality requirements and legal restrictions on access to
6 the information that are imposed by law on the department that
7 originally obtained or collected the information.

8 (d) Information may be shared under the memorandum of
9 understanding without the consent of the person who is the subject
10 of the information.

11 SECTION 6.02. (a) In addition to the memorandum of
12 understanding required by Section 6.01 of this article, the board
13 of the Texas Department of Vehicles and the Texas Transportation
14 Commission by rule may adopt or revise one or more other joint
15 memoranda of understanding as considered necessary or appropriate
16 to effectuate the transfer of the powers and duties of the Texas
17 Department of Transportation to the Texas Department of Vehicles
18 under this Act.

19 (b) Subsections (b), (c), and (d) of Section 6.01 of this
20 article apply to a memorandum of understanding adopted or revised
21 under Subsection (a) of this section.

22 ARTICLE 7. EFFECTIVE DATE

23 SECTION 7.01. This Act takes effect September 1, 2009.