

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 642, 643, 645, 646, and 648;

(3) Chapter 2301, Occupations Code; and

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

Sec. 1001.003. COMPOSITION OF DEPARTMENT. The department

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

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

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

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

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

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

25 [Sections 1001.007-1001.020 reserved for expansion]

26 SUBCHAPTER B. BOARD OF DEPARTMENT OF VEHICLES

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

1 members appointed by the governor with the advice and consent of the
2 senate.

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

11 (c) A person is not eligible for appointment as a member of
12 the board if the person or the person's spouse:

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

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

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

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

25 (d) A person required to register as a lobbyist under
26 Chapter 305, Government Code, because of the person's activities
27 for compensation on behalf of a profession related to the operation

1 of the department may not serve as a member of the board.

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

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

9 Sec. 1001.023. CHAIR OF BOARD. (a) The governor
10 periodically shall designate one board member as the chair of the
11 board, who shall serve as presiding officer of the board.

12 (b) The chair shall:

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

15 (2) represent the department in dealing with the
16 governor;

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

19 (4) report to the board the governor's suggestions for
20 department operations;

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

24 (6) periodically review the department's
25 organizational structure and submit recommendations for structural
26 changes to the governor, the board, and the Legislative Budget
27 Board;

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

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

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

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

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

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

24 (b) On behalf of the board, the chair shall report to the
25 governor, the lieutenant governor, the speaker of the house of
26 representatives, and the presiding officers of relevant
27 legislative committees on legislative recommendations adopted by

1 the board and relating to the operation of the department.

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

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

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

12 (2) violates a prohibition provided by Section
13 1001.021;

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

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

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

24 (c) If the executive director of the department knows that a
25 potential ground for removal exists, the director shall notify the
26 chair of the board of the ground, and the chair shall notify the
27 governor and the attorney general that a potential ground for

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

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

10 Sec. 1001.029. TRAINING ON DEPARTMENT AND CERTAIN LAWS
11 RELATING TO DEPARTMENT. (a) To be eligible to take office as a
12 member of the board, a person appointed to the board must complete
13 at least one course of a training program that complies with this
14 section.

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

17 (1) this subchapter;
18 (2) the programs operated by the department;
19 (3) the role and functions of the department;
20 (4) the rules of the department with an emphasis on the
21 rules that relate to disciplinary and investigatory authority;

22 (5) the current budget for the department;
23 (6) the results of the most recent formal audit of the
24 department;

25 (7) the requirements of the:

26 (A) open meetings law, Chapter 551, Government
27 Code;

1 (B) open records law, Chapter 552, Government
2 Code; and

3 (C) administrative procedure law, Chapter 2001,
4 Government Code;

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

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

9 (c) A person appointed to the board is entitled to
10 reimbursement for travel expenses incurred in attending the
11 training program, as provided by the General Appropriations Act and
12 as if the person were a member of the board.

13 Sec. 1001.030. ADVISORY COMMITTEES. (a) The board shall
14 establish an advisory committee for each department division to
15 make recommendations to the board or the executive director on the
16 operation of the applicable division. A committee has the
17 purposes, powers, and duties, including the manner of reporting its
18 work, prescribed by the board. A committee and each committee
19 member serves at the will of the board.

20 (b) The board shall appoint persons to each advisory
21 committee who:

22 (1) are selected from a list provided by the executive
23 director; and

24 (2) have knowledge about and interests in, and
25 represent a broad range of viewpoints about, the work of the
26 committee or the applicable division.

27 (c) A member of an advisory committee may not be compensated

1 by the board or the department for committee service but is entitled
2 to reimbursement for actual and necessary expenses incurred in the
3 performance of committee service.

4 [Sections 1001.031-1001.040 reserved for expansion]

5 SUBCHAPTER C. PERSONNEL

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

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

15 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The executive
16 director shall develop and implement policies that clearly define
17 the respective responsibilities of the director and the staff of
18 the department.

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

26 (1) personnel policies, including policies relating
27 to recruitment, evaluation, selection, appointment, training, and

1 promotion of personnel that are in compliance with Chapter 21,
2 Labor Code;

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

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

9 (4) reasonable methods to appropriately address those
10 areas of significant underuse.

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

12 (1) cover an annual period;

13 (2) be updated annually;

14 (3) be reviewed by the Commission on Human Rights for
15 compliance with Subsection (a); and

16 (4) be filed with the governor.

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

21 Sec. 1001.044. QUALIFICATIONS AND STANDARDS OF CONDUCT.

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

24 (1) qualification for office or employment under this
25 subtitle; and

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

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

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

10 CHAPTER 1002. RULES

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

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

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

25 (1) federal law or regulation, or an action of a
26 federal court, requires:

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

1 (B) action by a state to ensure protection of the
2 citizens of the state;

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

5 (3) the rules will prevent the loss of federal funds to
6 this state.

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

18 CHAPTER 1003. DEPARTMENT PROCEDURES

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

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

24 (1) create a summary procedure for routine matters;
25 and

26 (2) designate department activities that otherwise
27 would be subject to Chapter 2001, Government Code, as routine

1 matters to be handled under the summary procedure.

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

4 (1) voluminous;

5 (2) repetitive;

6 (3) believed to be noncontroversial; and

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

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

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

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

24 (b) The person must apply to the board not later than the
25 60th day after the date of the action to be entitled to the review.

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

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

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

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

15 (1) are printed in this state; and

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

17 CHAPTER 1004. GENERAL SUBPOENA POWERS; WITNESSES AND PRODUCTION OF
18 RECORDS

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

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

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

27 (2) the production of records.

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

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

5 (2) at another place designated by the board or the
6 department.

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

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

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

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

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

25 (c) If the court orders compliance with the subpoena or
26 finds the person in contempt for failure to obey the order, the
27 board or the department, as applicable, or the attorney general

1 when representing the department, may recover reasonable costs and
2 fees, including attorney's fees and investigative costs incurred in
3 the proceedings.

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

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

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

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

17 (A) \$10; or

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

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

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

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

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

5 (1) complete the investigation;

6 (2) protect the person being investigated from
7 unwarranted injury; or

8 (3) serve the public interest.

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

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

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

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

19 (1) a record or communication received from a law
20 enforcement agency or another regulatory agency; or

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

24 Sec. 1004.008. PRIVILEGED AND CONFIDENTIAL RECORDS AND
25 INFORMATION; PROTECTIVE ORDERS. (a) A record subpoenaed and
26 produced under this chapter that is otherwise privileged or
27 confidential by law remains privileged or confidential until

1 admitted into evidence in an administrative hearing or a court.

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

5 (1) by a person; or

6 (2) in a proceeding other than a proceeding before the
7 board or the department.

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

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

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

16 Sec. 1004.010. EFFECT ON CONTESTED CASE. Sections
17 1004.002, 1004.006, 1004.007, and 1004.009 do not affect the
18 conduct of a contested case under Chapter 2001, Government Code.

19 CHAPTER 1005. JUDICIAL REVIEW

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

24 Sec. 1005.002. PETITION FOR JUDICIAL REVIEW. (a) After
25 failing to get relief from the board, any party at interest who is
26 dissatisfied with an action of the board or the department may file
27 a petition for judicial review against the board or department, as

1 applicable, as defendant.

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

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

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

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

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

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

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

21 CHAPTER 1006. PUBLIC ACCESS

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

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

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

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

11 (b) A public representative may not be:

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

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

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

19 CHAPTER 1007. STANDARDS OF CONDUCT

20 Sec. 1007.001. APPLICATION OF LAW RELATING TO ETHICAL
21 CONDUCT. The board, the executive director, and each employee or
22 agent of the department is subject to the code of ethics and the
23 standard of conduct imposed by Chapter 572, Government Code, and
24 any other law regulating the ethical conduct of state officers and
25 employees.

26 Sec. 1007.002. CERTAIN BUSINESS INTERESTS; SERVICE AS
27 COMMISSIONER. A person is not eligible for appointment as

1 executive director if the person, the person's spouse, or any other
2 person who resides in the same household as the person:

3 (1) is registered, certified, or licensed by the
4 department;

5 (2) is employed by or participates in the management
6 of a business entity or other organization regulated by or
7 receiving funds from the department;

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

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

15 Sec. 1007.003. CERTAIN BUSINESS INTERESTS; EMPLOYEES. (a)
16 A person who is a director, officer, attorney, agent, or employee of
17 an occupation or business entity regulated by the department may
18 not be employed by the department.

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

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

27 (1) the executive director; or

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

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

9 (1) the executive director; or

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

15 (c) In this section, "trade association" means a nonprofit,
16 cooperative, and voluntarily joined association of business or
17 professional competitors designed to assist its members and its
18 industry or profession in dealing with mutual business or
19 professional problems and in promoting their common interest.

20 Sec. 1007.005. LOBBYING ACTIVITIES. A person may not serve
21 as the executive director or act as the general counsel to the
22 department if the person is required to register as a lobbyist under
23 Chapter 305, Government Code, because of the person's activities
24 for compensation on behalf of an occupation related to the
25 operation of the department.

26 Sec. 1007.006. PROHIBITED REPRESENTATION. (a) A person
27 who served as the executive director, the general counsel to the

1 department, or an employee of the State Office of Administrative
2 Hearings who was involved in hearing cases under this code or
3 another vehicle law of this state commits an offense if the person
4 represents another person in a matter before the board or the
5 department or receives compensation for services performed on
6 behalf of another person regarding a matter pending before the
7 board or the department during the one-year period after the date
8 the person ceased to be the director, the general counsel to the
9 department, or an employee of the State Office of Administrative
10 Hearings.

11 (b) A person who served as a member of the Texas
12 Transportation Commission or as an employee of the Texas Department
13 of Transportation, or who served as the executive director, the
14 general counsel to the department, or an employee of the department
15 or the State Office of Administrative Hearings, commits an offense
16 if, after the person ceased to serve, the person represents another
17 person or receives compensation for services performed on behalf of
18 another person regarding a matter with which the person was
19 directly concerned during the person's service. For purposes of
20 this subsection, a person was directly concerned with a matter if
21 the person had personal involvement with the matter or if the matter
22 was within the scope of the person's official responsibility.

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

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

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

3 PART A. GENERAL PROVISIONS AND ADMINISTRATION

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

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

- 9 (1) aviation;
10 (2) highways and roads; and
11 (3) public transportation[~~;~~ ~~and~~
12 [~~(4) motor vehicle titles and registration~~].

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

15 (2) "License" includes:

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

19 (B) a motor carrier registration issued under
20 Chapter 643;

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

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

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

27 [~~(F) specially designated or specialized license~~

1 ~~plates issued under Subchapters E and F, Chapter 502; and~~
2 ~~[(C) an apportioned registration issued~~
3 ~~according to the International Registration Plan under Section~~
4 ~~502.054].~~

5 SECTION 2A.03. The following sections of the Transportation
6 Code are repealed:

- 7 (1) Section 201.202(c); and
8 (2) Section 201.805, as added by Chapter 1407 (S.B.
9 766), Acts of the 80th Legislature, Regular Session, 2007.

10 PART B. STATE HIGHWAY TOLL PROJECTS

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

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

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

27 SECTION 2B.02. Section 228.056(b), Transportation Code, is

1 amended to read as follows:

2 (b) In the prosecution of an offense under Section
3 228.055(c), (d), or (e):

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

6 (2) a computer record of the Texas Department of
7 Vehicles [~~department~~] of the registered owner of the vehicle is
8 prima facie evidence of its contents and that the defendant was the
9 registered owner of the vehicle when the underlying event of
10 nonpayment under Section 228.054 occurred; and

11 (3) a copy of the rental, lease, or other contract
12 document covering the vehicle on the date of the underlying event of
13 nonpayment under Section 228.054 is prima facie evidence of its
14 contents and that the defendant was the lessee of the vehicle when
15 the underlying event of nonpayment under Section 228.054 occurred.

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

17 HIGHWAYS IN CERTAIN COUNTIES

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

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

1 notice was mailed. The registered owner shall pay a separate toll
2 and administrative cost for each event of nonpayment under Section
3 284.070.

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

26 (h) In this section, "registered owner" means the owner of a
27 vehicle as shown on the vehicle registration records of the Texas

1 Department of Vehicles [~~department~~] or the analogous department or
2 agency of another state or country.

3 PART D. CERTIFICATE OF TITLE ACT

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

6 (3) "Department" means the Texas Department of
7 Vehicles [~~Transportation~~].

8 PART E. REGISTRATION OF VEHICLES

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

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

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

15 (a) The department [~~Texas Department of Transportation~~]
16 shall reimburse the Texas Department of Criminal Justice for the
17 cost of manufacturing license plates or registration insignia as
18 the license plates or insignia and the invoice for the license
19 plates or insignia are delivered to the department [~~Texas
20 Department of Transportation~~].

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

26 (1) the cost of metal, paint, and other materials
27 purchased;

- 1 (2) the inmate maintenance cost per day;
- 2 (3) overhead expenses;
- 3 (4) miscellaneous charges; and
- 4 (5) a previously approved amount of profit for the
- 5 work.

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

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

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

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

13 PART G. MISCELLANEOUS PROVISIONS

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

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

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

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

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

25 PART I. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

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

1 Sec. 601.023. PAYMENT OF STATUTORY FEES. The department
2 may pay:

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

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

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

11 Sec. 601.451. DEFINITION. In this subchapter,
12 "implementing agencies" means:

- 13 (1) the department;
14 (2) the Texas Department of Vehicles
15 [~~Transportation~~];
16 (3) the Texas Department of Insurance; and
17 (4) the Department of Information Resources.

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

21 PART J. IDENTIFYING MARKINGS ON CERTAIN COMMERCIAL MOTOR VEHICLES

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

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

PART K. MOTOR CARRIER REGISTRATION

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

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

PART L. SINGLE STATE REGISTRATION

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

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

PART M. MOTOR TRANSPORTATION BROKERS

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

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

PART N. FOREIGN COMMERCIAL MOTOR TRANSPORTATION

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

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

PART O. ABANDONED MOTOR VEHICLES

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

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

PART P. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS

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

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

PART Q. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM

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

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

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

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

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

(2) if the vehicle is registered in another state or

1 country, the owner's address as shown on the motor vehicle
2 registration records of the department or agency of the other state
3 or country analogous to the Texas Department of Vehicles
4 [~~Transportation~~].

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

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

12 PART R. SALE OR LEASE OF MOTOR VEHICLES

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

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

17 SECTION 2R.02. Section 2301.002(33), Occupations Code, is
18 repealed.

19 PART S. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

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

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

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

26 Sec. 2. The Automobile Burglary and Theft Prevention
27 Authority is a division [~~established~~] in the Texas Department of

1 Vehicles [~~Transportation~~]. [~~The authority is not an advisory body~~
2 ~~to the Texas Department of Transportation.~~]

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

5 ARTICLE 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF
6 TRANSPORTATION IN OTHER CODES

7 PART A. BUSINESS & COMMERCE CODE

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

10 (b) In this chapter, "business opportunity" does not
11 include:

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

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

25 (3) a transaction that is:

26 (A) regulated by the Texas Department of
27 Licensing and Regulation, the Texas Department of Insurance, the

1 Texas Real Estate Commission, or the director of the Motor Vehicle
2 Division of the Texas Department of Vehicles [~~Transportation~~]; and

3 (B) engaged in by a person licensed by one of
4 those agencies;

5 (4) a real estate syndication;

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

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

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

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

15 (7) the offer or sale of a business opportunity if the
16 seller:

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

20 (B) is at least 80 percent owned by another
21 person who:

22 (i) in writing unconditionally guarantees
23 performance by the person offering the business opportunity plan;
24 and

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

1 transaction; or

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

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

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

10 (i) the name of the franchisor;

11 (ii) the name under which the franchisor
12 intends to transact business; and

13 (iii) the franchisor's principal business
14 address.

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

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

20 (1) license plates under Section 504.201,
21 Transportation Code; or

22 (2) a disabled parking placard under Section 681.004,
23 Transportation Code.

24 PART B. CODE OF CRIMINAL PROCEDURE

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

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

1 Vehicles [~~Transportation~~].

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

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

PART C. FAMILY CODE

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

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

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

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

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

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

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

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

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

26 PART D. FINANCE CODE

27 SECTION 3D.01. Section 306.001(9), Finance Code, is amended

1 to read as follows:

2 (9) "Qualified commercial loan":

3 (A) means:

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

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

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

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

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

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

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

27 SECTION 3D.02. Section 348.001(10-a), Finance Code, is

1 amended to read as follows:

2 (10-a) "Towable recreation vehicle" means a
3 nonmotorized vehicle that:

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

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

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

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

12 and

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

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

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

23 PART E. GOVERNMENT CODE

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

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

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

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

25 PART F. HEALTH AND SAFETY CODE

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

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

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

5 (2) the registration of the vehicle:

6 (A) is current; and

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

10 (3) the commissioners court of the county
11 administering the program determines that the vehicle meets the
12 eligibility criteria adopted by the commission, the Texas
13 Department of Vehicles [~~Transportation~~], and the Public Safety
14 Commission;

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

19 (5) if the vehicle is to be retired under this
20 subsection and Section 382.213, the replacement vehicle is a
21 qualifying motor vehicle.

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

24 (f) In this section, "total cost" means the total amount of
25 money paid or to be paid for the purchase of a motor vehicle as set
26 forth as "sales price" in the form entitled "Application for Texas
27 Certificate of Title" promulgated by the Texas Department of

1 Vehicles [~~Transportation~~]. In a transaction that does not involve
2 the use of that form, the term means an amount of money that is
3 equivalent, or substantially equivalent, to the amount that would
4 appear as "sales price" on the Application for Texas Certificate of
5 Title if that form were involved.

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

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

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

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

20 (A) the criminal justice division of the
21 governor's office;

22 (B) the Criminal Justice Policy Council;

23 (C) the Department of Family and Protective [~~and~~
24 ~~Regulatory~~] Services;

25 (D) the Department of Public Safety of the State
26 of Texas;

27 (E) the Health and Human Services Commission;

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

24 PART G. HUMAN RESOURCES CODE

25 SECTION 3G.01. Section 22.041, Human Resources Code, is

26 amended to read as follows:

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

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

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

9 (2) an appraisal district; or

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

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

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

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

22 (2) an appraisal district; or

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

25 PART H. LOCAL GOVERNMENT CODE

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

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

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

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

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

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

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

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

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

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

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

1 invoice accepted.

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

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

9 PART I. OCCUPATIONS CODE

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

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

15 PART J. PENAL CODE

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

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

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

24 (2) the testimony of an accomplice shall be
25 corroborated by proof that tends to connect the actor to the crime,
26 but the actor's knowledge or intent may be established by the
27 uncorroborated testimony of the accomplice;

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

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

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

16 (C) fails to obtain a signed warranty from the
17 seller or pledgor that the seller or pledgor has the right to
18 possess the property. It is the express intent of this provision
19 that the presumption arises unless the actor complies with each of
20 the numbered requirements;

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

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

27 (6) an actor engaged in the business of obtaining

1 abandoned or wrecked motor vehicles or parts of an abandoned or
2 wrecked motor vehicle for resale, disposal, scrap, repair,
3 rebuilding, demolition, or other form of salvage is presumed to
4 know on receipt by the actor of stolen property that the property
5 has been previously stolen from another if the actor knowingly or
6 recklessly:

7 (A) fails to maintain an accurate and legible
8 inventory of each motor vehicle component part purchased by or
9 delivered to the actor, including the date of purchase or delivery,
10 the name, age, address, sex, and driver's license number of the
11 seller or person making the delivery, the license plate number of
12 the motor vehicle in which the part was delivered, a complete
13 description of the part, and the vehicle identification number of
14 the motor vehicle from which the part was removed, or in lieu of
15 maintaining an inventory, fails to record the name and certificate
16 of inventory number of the person who dismantled the motor vehicle
17 from which the part was obtained;

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

23 (C) fails on receipt of a motor vehicle to
24 immediately remove an unexpired license plate from the motor
25 vehicle, to keep the plate in a secure and locked place, or to
26 maintain an inventory, on forms provided by the Texas Department of
27 Vehicles [~~Transportation~~], of license plates kept under this

1 paragraph, including for each plate or set of plates the license
2 plate number and the make, motor number, and vehicle identification
3 number of the motor vehicle from which the plate was removed;

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

8 (A) fails to report to the Texas Department of
9 Vehicles [~~Transportation~~] the failure of the person who sold or
10 delivered the motor vehicle to the actor to deliver to the actor a
11 properly executed certificate of title to the motor vehicle at the
12 time the motor vehicle was delivered; or

13 (B) fails to file with the county tax
14 assessor-collector of the county in which the actor received the
15 motor vehicle, not later than the 20th day after the date the actor
16 received the motor vehicle, the registration license receipt and
17 certificate of title or evidence of title delivered to the actor in
18 accordance with Subchapter D, Chapter 520, Transportation Code, at
19 the time the motor vehicle was delivered;

20 (8) an actor who purchases or receives from any source
21 other than a licensed retailer or distributor of pesticides a
22 restricted-use pesticide or a state-limited-use pesticide or a
23 compound, mixture, or preparation containing a restricted-use or
24 state-limited-use pesticide is presumed to know on receipt by the
25 actor of the pesticide or compound, mixture, or preparation that
26 the pesticide or compound, mixture, or preparation has been
27 previously stolen from another if the actor:

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

3 (B) fails to record a complete description of the
4 amount and type of pesticide or compound, mixture, or preparation
5 purchased or received; and

6 (C) fails to obtain a signed warranty from the
7 seller or pledgor that the seller or pledgor has the right to
8 possess the property; and

9 (9) an actor who is subject to Section 409, Packers and
10 Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from
11 a commission merchant by representing that the actor will make
12 prompt payment is presumed to have induced the commission
13 merchant's consent by deception if the actor fails to make full
14 payment in accordance with Section 409, Packers and Stockyards Act
15 (7 U.S.C. Section 228b).

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

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

20 (1) the owner or acting with the effective consent of
21 the owner of the property involved;

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

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

27 (A) in the actual discharge of official duties as

1 an employee or agent of the department; or

2 (B) in full compliance with the rules of the
3 department as an applicant for an assigned number approved by the
4 department.

5 PART K. TAX CODE

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

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

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

15 (2) is offered for resale.

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

18 (d) This section does not apply to a motor vehicle that on
19 January 1 is located at a place of business of a person who holds a
20 wholesale motor vehicle auction general distinguishing number
21 issued by the Texas Department of Vehicles [~~Transportation~~] under
22 Chapter 503, Transportation Code, for that place of business, and
23 that:

24 (1) has not acquired taxable situs under Section
25 21.02(a)(1) in a taxing unit that participates in the appraisal
26 district because the vehicle is described by Section 21.02(d);

27 (2) is offered for sale by a dealer who holds a

1 dealer's general distinguishing number issued by the Texas
2 Department of Vehicles [~~Transportation~~] under Chapter 503,
3 Transportation Code, and whose inventory of motor vehicles is
4 subject to taxation in the manner provided by Sections 23.121 and
5 23.122; or

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

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

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

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

19 (B) an entity that is owned or controlled by a
20 person who holds a manufacturer's license issued under Chapter
21 2301, Occupations Code [~~by the Motor Vehicle Board of the Texas~~
22 ~~Department of Transportation~~]; or

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

27 (11) "Sales price" means the total amount of money

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

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

12 (A) is titled and registered with the Texas
13 Department of Vehicles [~~Transportation~~] through the office of the
14 collector;

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

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

17 and

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

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

21 (f) The comptroller shall promulgate a form entitled
22 Dealer's Motor Vehicle Inventory Declaration. Except as provided
23 by Section 23.122(1) [~~of this code~~], not later than February 1 of
24 each year, or, in the case of a dealer who was not in business on
25 January 1, not later than 30 days after commencement of business,
26 each dealer shall file a declaration with the chief appraiser and
27 file a copy with the collector. For purposes of this subsection, a

1 dealer is presumed to have commenced business on the date of
2 issuance to the dealer of a dealer's general distinguishing number
3 as provided by Chapter 503, Transportation Code. Notwithstanding
4 the presumption created by this subsection, a chief appraiser may,
5 at his or her sole discretion, designate as the date on which a
6 dealer commenced business a date other than the date of issuance to
7 the dealer of a dealer's general distinguishing number. The
8 declaration is sufficient to comply with this subsection if it sets
9 forth the following information:

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

12 (2) each of the dealer's general distinguishing
13 numbers issued by the Texas Department of Vehicles
14 [~~Transportation~~];

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

17 (4) the market value of the dealer's motor vehicle
18 inventory for the current tax year as computed under Section
19 23.121(b) [~~of this code~~].

20 (g) Under the terms provided by this subsection, the chief
21 appraiser may examine the books and records of the holder of a
22 general distinguishing number issued by the Texas Department of
23 Vehicles [~~Transportation~~]. A request made under this subsection
24 must be made in writing, delivered personally to the custodian of
25 the records, at the location for which the general distinguishing
26 number has been issued, must provide a period not less than 15 days
27 for the person to respond to the request, and must state that the

1 person to whom it is addressed has the right to seek judicial relief
2 from compliance with the request. In a request made under this
3 section the chief appraiser may examine:

4 (1) the document issued by the Texas Department of
5 Vehicles [~~Transportation~~] showing the person's general
6 distinguishing number;

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

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

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

27 SECTION 3K.05. Section 23.123(c), Tax Code, is amended to

1 read as follows:

2 (c) Information made confidential by this section may be
3 disclosed:

4 (1) in a judicial or administrative proceeding
5 pursuant to a lawful subpoena;

6 (2) to the person who filed the declaration or
7 statement or to that person's representative authorized by the
8 person in writing to receive the information;

9 (3) to the comptroller or an employee of the
10 comptroller authorized by the comptroller to receive the
11 information;

12 (4) to a collector or chief appraiser;

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

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

18 (7) if and to the extent that the information is
19 required for inclusion in a public document or record that the
20 appraisal or collection office is required by law to prepare or
21 maintain; or

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

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

27 (11) "Sales price" means the total amount of money

1 paid or to be paid for the purchase of:

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

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

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

15 In a transaction involving a vessel, an outboard motor,
16 or a trailer that is treated as a vessel that does not involve the
17 use of one of these forms, the term means an amount of money that is
18 equivalent, or substantially equivalent, to the amount that would
19 appear as "sales price" on the Application for Texas Certificate of
20 Number/Title for Boat/Seller, Donor or Trader's Affidavit, the
21 Application for Texas Certificate of Title for an Outboard
22 Motor/Seller, Donor or Trader's Affidavit, or the Application for
23 Texas Certificate of Title if one of these forms were involved.

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

26 Sec. 113.011. LIENS FILED WITH TEXAS DEPARTMENT OF VEHICLES
27 [~~TRANSPORTATION~~]. The comptroller shall furnish to the Texas

1 Department of Vehicles [~~Transportation~~] each release of a tax lien
2 filed by the comptroller with that department.

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

5 (a) In this section, "standard presumptive value" means the
6 private-party transaction value of a motor vehicle, as determined
7 by the Texas Department of Vehicles [~~Transportation~~] based on an
8 appropriate regional guidebook of a nationally recognized motor
9 vehicle value guide service, or based on another motor vehicle
10 guide publication that the department determines is appropriate if
11 a private-party transaction value for the motor vehicle is not
12 available from a regional guidebook described by this subsection.

13 (f) The Texas Department of Vehicles [~~Transportation~~] shall
14 maintain information on the standard presumptive values of motor
15 vehicles as part of the department's registration and title system.
16 The department shall update the information at least quarterly each
17 calendar year and publish, electronically or otherwise, the updated
18 information.

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

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

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

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

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

7 (52) "Registered gross weight" means the total weight
8 of the vehicle and carrying capacity shown on the registration
9 certificate issued by the Texas Department of Vehicles
10 [~~Transportation~~].

11 ARTICLE 4. TRANSFERS OF CERTAIN POWERS, DUTIES, OBLIGATIONS, AND
12 RIGHTS OF ACTION

13 SECTION 4.01. (a) All powers, duties, obligations, and
14 rights of action of the Motor Carrier Division, the Motor Vehicle
15 Division, and the Vehicle Titles and Registration Division of the
16 Texas Department of Transportation are transferred to the Texas
17 Department of Vehicles, and all powers, duties, obligations, and
18 rights of action of the Texas Transportation Commission in
19 connection or associated with those divisions of the Texas
20 Department of Transportation are transferred to the board of the
21 Texas Department of Vehicles on November 1, 2009.

22 (b) In connection with the transfers required by Subsection
23 (a) of this section, the personnel, furniture, computers, other
24 property and equipment, files, and related materials used by the
25 Motor Carrier Division, the Motor Vehicle Division, or the Vehicle
26 Titles and Registration Division of the Texas Department of
27 Transportation are transferred to the Texas Department of Vehicles.

1 (c) The Texas Department of Vehicles shall continue any
2 proceeding involving the Motor Carrier Division, the Motor Vehicle
3 Division, or the Vehicle Titles and Registration Division of the
4 Texas Department of Transportation that was brought before the
5 effective date of this Act in accordance with the law in effect on
6 the date the proceeding was brought, and the former law is continued
7 in effect for that purpose.

8 (d) A certificate, license, document, permit, registration,
9 or other authorization issued by the Motor Carrier Division, the
10 Motor Vehicle Division, or the Vehicle Titles and Registration
11 Division of the Texas Department of Transportation that is in
12 effect on the effective date of this Act remains valid for the
13 period for which it was issued unless suspended or revoked by the
14 Texas Department of Vehicles.

15 (e) A rule adopted by the Texas Transportation Commission or
16 the director of the Texas Department of Transportation in
17 connection with or relating to the Motor Carrier Division, the
18 Motor Vehicle Division, or the Vehicle Titles and Registration
19 Division of that department continues in effect until it is amended
20 or repealed by the board of the Texas Department of Vehicles or the
21 Texas Department of Vehicles, as applicable.

22 (f) The unobligated and unexpended balance of any
23 appropriations made to the Texas Department of Transportation in
24 connection with or relating to the Motor Carrier Division, the
25 Motor Vehicle Division, or the Vehicle Titles and Registration
26 Division of that department for the state fiscal biennium ending
27 August 31, 2009, is transferred and reappropriated to the Texas

1 Department of Vehicles for the purpose of implementing the powers,
2 duties, obligations, and rights of action transferred to that
3 department under Subsection (a) of this section.

4 SECTION 4.02. (a) All powers, duties, obligations, and
5 rights of action of the Automobile Burglary and Theft Prevention
6 Authority Office of the Texas Department of Transportation under
7 Article 4413(37), Revised Statutes, are transferred to the
8 Automobile Burglary and Theft Prevention Authority Division of the
9 Texas Department of Vehicles, and all powers, duties, obligations,
10 and rights of action of the Texas Transportation Commission in
11 connection or associated with the Automobile Burglary and Theft
12 Prevention Authority Office of the Texas Department of
13 Transportation are transferred to the board of the Texas Department
14 of Vehicles on November 1, 2009.

15 (b) In connection with the transfers required by Subsection
16 (a) of this section, the personnel, furniture, computers, other
17 property and equipment, files, and related materials used by the
18 Automobile Burglary and Theft Prevention Authority Office of the
19 Texas Department of Transportation are transferred to the
20 Automobile Burglary and Theft Prevention Authority Division of the
21 Texas Department of Vehicles.

22 (c) The Automobile Burglary and Theft Prevention Authority
23 Division of the Texas Department of Vehicles shall continue any
24 proceeding involving the Automobile Burglary and Theft Prevention
25 Authority Office of the Texas Department of Transportation that was
26 brought before the effective date of this Act in accordance with the
27 law in effect on the date the proceeding was brought, and the former

1 law is continued in effect for that purpose.

2 (d) A certificate, license, document, permit, registration,
3 or other authorization issued by the Automobile Burglary and Theft
4 Prevention Authority Office of the Texas Department of
5 Transportation that is in effect on the effective date of this Act
6 remains valid for the period for which it was issued unless
7 suspended or revoked by the Automobile Burglary and Theft
8 Prevention Authority Division of the Texas Department of Vehicles.

9 (e) A rule adopted by the Automobile Burglary and Theft
10 Prevention Authority Office of the Texas Department of
11 Transportation, the Texas Transportation Commission, or the
12 director of the Texas Department of Transportation in connection
13 with or relating to the Automobile Burglary and Theft Prevention
14 Authority Office of that department continues in effect until it is
15 amended or repealed by the board of the Texas Department of Vehicles
16 or the Automobile Burglary and Theft Prevention Authority Division
17 of the Texas Department of Vehicles, as applicable.

18 (f) The unobligated and unexpended balance of any
19 appropriations made to the Texas Department of Transportation in
20 connection with or relating to the Automobile Burglary and Theft
21 Prevention Authority Office of that department for the state fiscal
22 biennium ending August 31, 2009, is transferred and reappropriated
23 to the Texas Department of Vehicles for the purpose of implementing
24 the powers, duties, obligations, and rights of action transferred
25 to that department under Subsection (a) of this section.

26 ARTICLE 5. APPOINTMENT OF BOARD

27 SECTION 5.01. Not later than October 1, 2009, the governor

S.B. No. 626

1 shall appoint the members of the board of the Texas Department of
2 Vehicles in accordance with Subchapter B, Chapter 1001,
3 Transportation Code, as added by this Act.

4 ARTICLE 6. EFFECTIVE DATE

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