

1-1 By: Carona S.B. No. 626  
1-2 (In the Senate - Filed February 2, 2009; February 23, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 February 24, 2009, rereferred to Committee on Transportation and  
1-5 Homeland Security; April 23, 2009, reported adversely, with  
1-6 favorable Committee Substitute by the following vote: Yeas 8,  
1-7 Nays 0; April 23, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 626 By: Carona

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to the creation, organization, governance, duties, and  
1-12 functions of the Texas Department of Vehicles; providing a penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. TEXAS DEPARTMENT OF VEHICLES

1-15 SECTION 1.01. Title 7, Transportation Code, is amended by  
1-16 adding Subtitle M to read as follows:

1-17 SUBTITLE M. DEPARTMENT OF VEHICLES

1-18 CHAPTER 1001. ORGANIZATION OF DEPARTMENT

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 1001.001. DEFINITIONS. In this subtitle:

1-21 (1) "Board" means the board of the department.

1-22 (2) "Department" means the Texas Department of  
1-23 Vehicles.

1-24 Sec. 1001.002. CREATION OF DEPARTMENT; DUTIES. (a) The  
1-25 department is created as an agency of this state.

1-26 (b) In addition to the other duties required of the Texas  
1-27 Department of Vehicles, the department shall administer and  
1-28 enforce:

1-29 (1) Subtitle A;

1-30 (2) Chapters 623, 642, 643, 645, 646, and 648; and

1-31 (3) Chapters 2301 and 2302, Occupations Code.

1-32 Sec. 1001.003. COMPOSITION OF DEPARTMENT. The department  
1-33 is composed of an executive director appointed by the board and  
1-34 other employees required to efficiently implement:

1-35 (1) this subtitle;

1-36 (2) other applicable vehicle laws of this state; and

1-37 (3) other laws that grant jurisdiction to or are  
1-38 applicable to the department.

1-39 Sec. 1001.004. DIVISIONS. The board shall organize the  
1-40 department into divisions to accomplish the department's functions  
1-41 and the duties assigned to it, including divisions for:

1-42 (1) administration;

1-43 (2) motor carriers;

1-44 (3) motor vehicle board; and

1-45 (4) vehicle titles and registration.

1-46 Sec. 1001.005. SUNSET PROVISION. The department is subject  
1-47 to Chapter 325, Government Code (Texas Sunset Act). Unless  
1-48 continued in existence as provided by that chapter, the department  
1-49 is abolished September 1, 2021.

1-50 Sec. 1001.006. DEFENSE BY ATTORNEY GENERAL. The attorney  
1-51 general shall defend an action brought against the board or the  
1-52 department or an action brought against an employee of the  
1-53 department as a result of the employee's official act or omission,  
1-54 regardless of whether at the time of the institution of the action  
1-55 that person has terminated service with the department.

1-56 [Sections 1001.007-1001.020 reserved for expansion]

1-57 SUBCHAPTER B. BOARD OF DEPARTMENT OF VEHICLES

1-58 Sec. 1001.021. BOARD. (a) The board consists of nine  
1-59 members appointed by the governor with the advice and consent of the  
1-60 senate.

1-61 (b) Three members must be persons who hold a dealer's  
1-62 license issued under Chapter 2301, Occupations Code, of whom two  
1-63 must be franchised dealers of different classes and one must be an

2-1 independent dealer; one member must be a representative of a  
 2-2 manufacturer or distributor that holds a license issued under  
 2-3 Chapter 2301, Occupations Code; one member must be a tax  
 2-4 assessor-collector; one member must be a representative of a law  
 2-5 enforcement agency of a county or municipality; and one member must  
 2-6 be a representative of the motor carrier industry. The remaining  
 2-7 members must be public members.

2-8 (c) Except as necessary to comply with Subsection (b), a  
 2-9 person is not eligible for appointment as a member of the board if  
 2-10 the person or the person's spouse:

2-11 (1) is employed by or participates in the management  
 2-12 of a business entity or other organization that is regulated by or  
 2-13 receives funds from the department;

2-14 (2) directly or indirectly owns or controls more than  
 2-15 10 percent interest in a business entity or other organization that  
 2-16 is regulated by or receives funds from the department;

2-17 (3) uses or receives a substantial amount of tangible  
 2-18 goods, services, or funds from the department, other than  
 2-19 compensation or reimbursement authorized by law for board  
 2-20 membership, attendance, or expenses; or

2-21 (4) is registered, certified, or licensed by the  
 2-22 department.

2-23 (d) A person required to register as a lobbyist under  
 2-24 Chapter 305, Government Code, because of the person's activities  
 2-25 for compensation on behalf of a profession related to the operation  
 2-26 of the department may not serve as a member of the board.

2-27 (e) Appointments to the board shall be made without regard  
 2-28 to race, color, disability, sex, religion, age, or national origin  
 2-29 of the appointees and shall reflect the diversity of the population  
 2-30 of the state as a whole.

2-31 Sec. 1001.022. TERMS. Members of the board serve staggered  
 2-32 six-year terms, with the terms of either one or two members expiring  
 2-33 February 1 of each odd-numbered year.

2-34 Sec. 1001.023. CHAIR AND VICE CHAIR; DUTIES. (a) The  
 2-35 board shall elect one of its members chair of the board and one of  
 2-36 its members vice chair of the board. A chair or vice chair serves at  
 2-37 the pleasure of the board.

2-38 (b) The chair shall:

2-39 (1) preside over board meetings, make rulings on  
 2-40 motions and points of order, and determine the order of business;

2-41 (2) represent the department in dealing with the  
 2-42 governor;

2-43 (3) report to the governor on the state of affairs of  
 2-44 the department at least quarterly;

2-45 (4) report to the board the governor's suggestions for  
 2-46 department operations;

2-47 (5) report to the governor on efforts, including  
 2-48 legislative requirements, to maximize the efficiency of department  
 2-49 operations through the use of private enterprise;

2-50 (6) periodically review the department's  
 2-51 organizational structure and submit recommendations for structural  
 2-52 changes to the governor, the board, and the Legislative Budget  
 2-53 Board;

2-54 (7) designate one or more employees of the department  
 2-55 as a civil rights division of the department and receive regular  
 2-56 reports from the division on the department's efforts to comply  
 2-57 with civil rights legislation and administrative rules;

2-58 (8) create subcommittees, appoint board members to  
 2-59 subcommittees, and receive the reports of subcommittees to the  
 2-60 board as a whole;

2-61 (9) appoint a member of the board to act in the chair's  
 2-62 absence; and

2-63 (10) serve as the departmental liaison with the  
 2-64 governor and the Office of State-Federal Relations to maximize  
 2-65 federal funding for transportation.

2-66 Sec. 1001.024. BOARD MEETINGS. The board shall hold  
 2-67 regular meetings at least once a month and special meetings at the  
 2-68 call of the chair. Board members shall attend the meetings of the  
 2-69 board. The chair shall oversee the preparation of an agenda for

3-1 each meeting and ensure that a copy is provided to each board member  
 3-2 at least seven days before the meeting.

3-3 Sec. 1001.025. RECOMMENDATIONS TO LEGISLATURE. (a) The  
 3-4 board shall consider ways in which the department's operations may  
 3-5 be improved and may periodically report to the legislature  
 3-6 concerning potential statutory changes that would improve the  
 3-7 operation of the department.

3-8 (b) On behalf of the board, the chair shall report to the  
 3-9 governor, the lieutenant governor, the speaker of the house of  
 3-10 representatives, and the presiding officers of relevant  
 3-11 legislative committees on legislative recommendations adopted by  
 3-12 the board and relating to the operation of the department.

3-13 Sec. 1001.026. COMPENSATION. A member of the board is  
 3-14 entitled to compensation as provided by the General Appropriations  
 3-15 Act. If compensation for board members is not provided by that Act,  
 3-16 each member is entitled to reimbursement for actual and necessary  
 3-17 expenses incurred in performing functions as a member of the board.

3-18 Sec. 1001.027. GROUNDS FOR REMOVAL. (a) It is a ground for  
 3-19 removal from the board if a board member:

3-20 (1) does not have at the time of appointment or  
 3-21 maintain during service on the board the qualifications required by  
 3-22 Section 1001.021;

3-23 (2) violates a prohibition provided by Section  
 3-24 1001.021;

3-25 (3) cannot discharge the member's duties for a  
 3-26 substantial part of the term for which the member is appointed  
 3-27 because of illness or disability; or

3-28 (4) is absent from more than half of the regularly  
 3-29 scheduled board meetings that the board member is eligible to  
 3-30 attend during a calendar year, unless the absence is excused by  
 3-31 majority vote of the board.

3-32 (b) The validity of an action of the board is not affected by  
 3-33 the fact that it is taken when a ground for removal of a board member  
 3-34 exists.

3-35 (c) If the executive director of the department knows that a  
 3-36 potential ground for removal exists, the director shall notify the  
 3-37 chair of the board of the ground, and the chair shall notify the  
 3-38 governor and the attorney general that a potential ground for  
 3-39 removal exists. If the potential ground for removal relates to the  
 3-40 chair, the director shall notify another board member, who shall  
 3-41 notify the governor and the attorney general that a potential  
 3-42 ground for removal exists.

3-43 Sec. 1001.028. CONFLICT OF INTEREST. (a) A member of the  
 3-44 board shall disclose in writing to the executive director if the  
 3-45 member has an interest in a matter before the board or has a  
 3-46 substantial financial interest in an entity that has a direct  
 3-47 interest in the matter.

3-48 (b) The member shall recuse himself or herself from the  
 3-49 board's deliberations and actions on the matter in Subsection (a)  
 3-50 and may not participate in the board's decision on the matter.

3-51 (c) A person has a substantial financial interest in an  
 3-52 entity if the person:

3-53 (1) is an employee, member, director, or officer of  
 3-54 the entity; or

3-55 (2) owns or controls, directly or indirectly, more  
 3-56 than a five percent interest in the entity.

3-57 Sec. 1001.029. INFORMATION ON QUALIFICATIONS AND CONDUCT.  
 3-58 The department shall provide to the members of the board, as often  
 3-59 as necessary, information concerning the members' qualifications  
 3-60 for office and their responsibilities under applicable laws  
 3-61 relating to standards of conduct for state officers.

3-62 Sec. 1001.030. TRAINING ON DEPARTMENT AND CERTAIN LAWS  
 3-63 RELATING TO DEPARTMENT. (a) To be eligible to take office as a  
 3-64 member of the board, a person appointed to the board must complete  
 3-65 at least one course of a training program that complies with this  
 3-66 section.

3-67 (b) The training program must provide information to the  
 3-68 person regarding:

3-69 (1) this subchapter;

4-1                   (2) the programs operated by the department;  
4-2                   (3) the role and functions of the department;  
4-3                   (4) the rules of the department with an emphasis on the  
4-4 rules that relate to disciplinary and investigatory authority;  
4-5                   (5) the current budget for the department;  
4-6                   (6) the results of the most recent formal audit of the  
4-7 department;  
4-8                   (7) the requirements of the:  
4-9                   (A) open meetings law, Chapter 551, Government  
4-10 Code;  
4-11                   (B) open records law, Chapter 552, Government  
4-12 Code; and  
4-13                   (C) administrative procedure law, Chapter 2001,  
4-14 Government Code;  
4-15                   (8) the requirements of the conflict of interest laws  
4-16 and other laws relating to public officials; and  
4-17                   (9) any applicable ethics policies adopted by the  
4-18 board or the Texas Ethics Commission.  
4-19                   (c) A person appointed to the board is entitled to  
4-20 reimbursement for travel expenses incurred in attending the  
4-21 training program, as provided by the General Appropriations Act and  
4-22 as if the person were a member of the board.  
4-23                   Sec. 1001.031. ADVISORY COMMITTEES. (a) The board shall  
4-24 establish an advisory committee for the motor carriers, motor  
4-25 vehicle board, and vehicle titles and registration divisions to  
4-26 make recommendations to the board or the executive director on the  
4-27 operation of the applicable division and may establish other  
4-28 advisory committees as the board determines are necessary for the  
4-29 performance of a regulatory function of the department. A  
4-30 committee has the purposes, powers, and duties, including the  
4-31 manner of reporting its work, prescribed by the board. A committee  
4-32 and each committee member serves at the will of the board.  
4-33                   (b) The board shall appoint persons to each advisory  
4-34 committee who:  
4-35                   (1) are selected from a list provided by the executive  
4-36 director; and  
4-37                   (2) have knowledge about and interests in, and  
4-38 represent a broad range of viewpoints about, the work of the  
4-39 committee or the applicable division.  
4-40                   (c) A member of an advisory committee may not be compensated  
4-41 by the board or the department for committee service but is entitled  
4-42 to reimbursement for actual and necessary expenses incurred in the  
4-43 performance of committee service.  
4-44                   [Sections 1001.032-1001.040 reserved for expansion]  
4-45                   SUBCHAPTER C. PERSONNEL  
4-46                   Sec. 1001.041. DEPARTMENT PERSONNEL. (a) Subject to the  
4-47 General Appropriations Act or other law, the executive director  
4-48 shall appoint deputies, assistants, and other personnel as  
4-49 necessary to carry out the powers and duties of the department under  
4-50 this code, other applicable vehicle laws of this state, and other  
4-51 laws granting jurisdiction or applicable to the department.  
4-52                   (b) A person appointed under this section must have the  
4-53 professional and administrative experience necessary to qualify  
4-54 the person for the position to which the person is appointed.  
4-55                   Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board  
4-56 shall develop and implement policies that clearly define the  
4-57 respective responsibilities of the director and the staff of the  
4-58 department.  
4-59                   Sec. 1001.043. EQUAL EMPLOYMENT OPPORTUNITY POLICY;  
4-60 REPORT. (a) The executive director or the director's designee  
4-61 shall prepare and maintain a written policy statement to ensure  
4-62 implementation of a program of equal employment opportunity under  
4-63 which all personnel transactions are made without regard to race,  
4-64 color, disability, sex, religion, age, or national origin. The  
4-65 policy statement must include:  
4-66                   (1) personnel policies, including policies relating  
4-67 to recruitment, evaluation, selection, appointment, training, and  
4-68 promotion of personnel that are in compliance with Chapter 21,  
4-69 Labor Code;

- 5-1 (2) a comprehensive analysis of the department  
5-2 workforce that meets federal and state guidelines;  
5-3 (3) procedures by which a determination can be made of  
5-4 significant underuse in the department workforce of all persons for  
5-5 whom federal or state guidelines encourage a more equitable  
5-6 balance; and  
5-7 (4) reasonable methods to appropriately address those  
5-8 areas of significant underuse.  
5-9 (b) A policy statement prepared under this section must:  
5-10 (1) cover an annual period;  
5-11 (2) be updated annually;  
5-12 (3) be reviewed by the civil rights division of the  
5-13 Texas Workforce Commission for compliance with Subsection (a); and  
5-14 (4) be filed with the governor.  
5-15 (c) The governor shall deliver a biennial report to the  
5-16 legislature based on the information received under Subsection (b).  
5-17 The report may be made separately or as a part of other biennial  
5-18 reports made to the legislature.  
5-19 Sec. 1001.044. QUALIFICATIONS AND STANDARDS OF CONDUCT.  
5-20 The executive director shall provide to department employees, as  
5-21 often as necessary, information regarding their:  
5-22 (1) qualification for office or employment under this  
5-23 subtitle; and  
5-24 (2) responsibilities under applicable laws relating  
5-25 to standards of conduct for state employees.  
5-26 Sec. 1001.045. CAREER LADDER PROGRAM; PERFORMANCE  
5-27 EVALUATIONS. (a) The executive director or the director's  
5-28 designee shall develop an intra-agency career ladder program. The  
5-29 program must require intra-agency posting of all nonentry level  
5-30 positions concurrently with any public posting.  
5-31 (b) The executive director or the director's designee shall  
5-32 develop a system of annual performance evaluations. All merit pay  
5-33 for department employees must be based on the system established  
5-34 under this subsection.  
5-35 CHAPTER 1002. RULES  
5-36 Sec. 1002.001. GENERAL RULEMAKING AUTHORITY. The board may  
5-37 adopt any rules necessary and appropriate to implement the powers  
5-38 and duties of the department under this code and other laws of this  
5-39 state.  
5-40 Sec. 1002.002. RULES RESTRICTING ADVERTISING OR  
5-41 COMPETITIVE BIDDING. The board may not adopt rules restricting  
5-42 advertising or competitive bidding by a person regulated by the  
5-43 department except to prohibit false, misleading, or deceptive  
5-44 practices by the person.  
5-45 CHAPTER 1003. DEPARTMENT PROCEDURES  
5-46 Sec. 1003.001. APPLICABILITY OF CERTAIN LAWS. Except as  
5-47 specifically provided by law, the department is subject to Chapters  
5-48 2001 and 2002, Government Code.  
5-49 Sec. 1003.002. SUMMARY PROCEDURES FOR ROUTINE MATTERS.  
5-50 (a) The board or the department by rule may:  
5-51 (1) create a summary procedure for routine matters;  
5-52 and  
5-53 (2) designate department activities that otherwise  
5-54 would be subject to Chapter 2001, Government Code, as routine  
5-55 matters to be handled under the summary procedure.  
5-56 (b) An activity may be designated as a routine matter only  
5-57 if the activity is:  
5-58 (1) voluminous;  
5-59 (2) repetitive;  
5-60 (3) believed to be noncontroversial; and  
5-61 (4) of limited interest to anyone other than persons  
5-62 immediately involved in or affected by the proposed department  
5-63 action.  
5-64 (c) The rules may establish procedures different from those  
5-65 contained in Chapter 2001, Government Code. The procedures must  
5-66 require, for each party directly involved, notice of a proposed  
5-67 negative action not later than the fifth day before the date the  
5-68 action is proposed to be taken.  
5-69 (d) A rule adopted by the board under this section may

6-1 provide for the delegation of authority to take action on a routine  
6-2 matter to a salaried employee of the department designated by the  
6-3 board.

6-4 Sec. 1003.003. REVIEW OF ACTION ON ROUTINE MATTER. (a) A  
6-5 person directly or indirectly affected by an action of the board or  
6-6 the department on a routine matter taken under the summary  
6-7 procedure adopted under Section 1003.002 is entitled to a review of  
6-8 the action under Chapter 2001, Government Code.

6-9 (b) The person must apply to the board not later than the  
6-10 60th day after the date of the action to be entitled to the review.

6-11 (c) The timely filing of the application for review  
6-12 immediately stays the action pending a hearing on the merits.

6-13 (d) The board may adopt rules relating to an application for  
6-14 review under this section and consideration of the application.

6-15 Sec. 1003.004. INFORMAL DISPOSITION OF CERTAIN CONTESTED  
6-16 CASES. The board or the department, as applicable, may, on written  
6-17 agreement or stipulation of each party and any intervenor,  
6-18 informally dispose of a contested case in accordance with Section  
6-19 2001.056, Government Code, notwithstanding any provision of this  
6-20 code or other law that requires a hearing before the board or the  
6-21 department, as applicable.

6-22 CHAPTER 1004. PUBLIC ACCESS

6-23 Sec. 1004.001. ACCESS TO PROGRAMS AND FACILITIES. (a) The  
6-24 department shall prepare and maintain a written plan that describes  
6-25 how a person who does not speak English may be provided reasonable  
6-26 access to the department's programs.

6-27 (b) The department shall comply with federal and state laws  
6-28 for program and facility accessibility.

6-29 Sec. 1004.002. PUBLIC COMMENT. The board and the  
6-30 department shall develop and implement policies that provide the  
6-31 public with a reasonable opportunity to appear before the board or  
6-32 the department and to speak on any issue under the jurisdiction of  
6-33 the board or the department.

6-34 Sec. 1004.003. PUBLIC REPRESENTATION ON ADVISORY BODY.

6-35 (a) At least one-half of the membership of each advisory body  
6-36 appointed by the board, other than an advisory body whose  
6-37 membership is determined by this code or by other law, must  
6-38 represent the general public.

6-39 (b) A public representative may not be:

6-40 (1) an officer, director, or employee of a business  
6-41 entity regulated by the department;

6-42 (2) a person required to register with the Texas  
6-43 Ethics Commission under Chapter 305, Government Code; or

6-44 (3) a person related within the second degree by  
6-45 affinity or consanguinity to a person described by Subdivision (1)  
6-46 or (2).

6-47 CHAPTER 1005. STANDARDS OF CONDUCT

6-48 Sec. 1005.001. APPLICATION OF LAW RELATING TO ETHICAL  
6-49 CONDUCT. The board, the executive director, and each employee or  
6-50 agent of the department is subject to the code of ethics and the  
6-51 standard of conduct imposed by Chapter 572, Government Code, and  
6-52 any other law regulating the ethical conduct of state officers and  
6-53 employees.

6-54 ARTICLE 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT  
6-55 OF TRANSPORTATION

6-56 PART A. GENERAL PROVISIONS AND ADMINISTRATION

6-57 SECTION 2A.01. Subsection (a), Section 201.202,  
6-58 Transportation Code, is amended to read as follows:

6-59 (a) The commission shall organize the department into  
6-60 divisions to accomplish the department's functions and the duties  
6-61 assigned to it, including divisions for:

6-62 (1) aviation;

6-63 (2) highways and roads; and

6-64 (3) public transportation~~], and~~

6-65 ~~[(4) motor vehicle titles and registration].~~

6-66 SECTION 2A.02. Subdivision (2), Section 201.931,  
6-67 Transportation Code, is amended to read as follows:

6-68 (2) "License" includes:

6-69 (A) a permit issued by the department that

7-1 authorizes the operation of a vehicle and its load or a combination  
7-2 of vehicles and load exceeding size or weight limitations;

7-3 (B) a motor carrier registration issued under  
7-4 Chapter 643;

7-5 (C) a vehicle storage facility license issued  
7-6 under Chapter 2303, Occupations Code; and

7-7 (D) a license or permit for outdoor advertising  
7-8 issued under Chapter 391 or 394[+]

7-9 [~~(E) a salvage vehicle dealer or agent license~~  
7-10 ~~issued under Chapter 2302, Occupations Code;~~

7-11 [~~(F) specially designated or specialized license~~  
7-12 ~~plates issued under Subchapters E and F, Chapter 502; and~~

7-13 [~~(G) an apportioned registration issued~~  
7-14 ~~according to the International Registration Plan under Section~~  
7-15 ~~502.054].~~

7-16 SECTION 2A.03. Subsection (c), Section 201.202,  
7-17 Transportation Code, is repealed.

7-18 PART B. STATE HIGHWAY TOLL PROJECTS

7-19 SECTION 2B.01. Subsections (b) and (h), Section 228.055,  
7-20 Transportation Code, are amended to read as follows:

7-21 (b) The department may impose and collect the  
7-22 administrative fee, so as to recover the cost of collecting the  
7-23 unpaid toll, not to exceed \$100. The department shall send a  
7-24 written notice of nonpayment to the registered owner of the vehicle  
7-25 at that owner's address as shown in the vehicle registration  
7-26 records of the Texas Department of Vehicles [~~department~~] by first  
7-27 class mail and may require payment not sooner than the 30th day  
7-28 after the date the notice was mailed. The registered owner shall  
7-29 pay a separate toll and administrative fee for each event of  
7-30 nonpayment under Section 228.054.

7-31 (h) In this section, "registered owner" means the owner of a  
7-32 vehicle as shown on the vehicle registration records of the Texas  
7-33 Department of Vehicles [~~department~~] or the analogous department or  
7-34 agency of another state or country.

7-35 SECTION 2B.02. Subsection (b), Section 228.056,  
7-36 Transportation Code, is amended to read as follows:

7-37 (b) In the prosecution of an offense under Section  
7-38 228.055(c), (d), or (e):

7-39 (1) it is presumed that the notice of nonpayment was  
7-40 received on the fifth day after the date of mailing;

7-41 (2) a computer record of the Texas Department of  
7-42 Vehicles [~~department~~] of the registered owner of the vehicle is  
7-43 prima facie evidence of its contents and that the defendant was the  
7-44 registered owner of the vehicle when the underlying event of  
7-45 nonpayment under Section 228.054 occurred; and

7-46 (3) a copy of the rental, lease, or other contract  
7-47 document covering the vehicle on the date of the underlying event of  
7-48 nonpayment under Section 228.054 is prima facie evidence of its  
7-49 contents and that the defendant was the lessee of the vehicle when  
7-50 the underlying event of nonpayment under Section 228.054 occurred.

7-51 PART C. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND  
7-52 HIGHWAYS IN CERTAIN COUNTIES

7-53 SECTION 2C.01. Subsections (b), (e), and (h), Section  
7-54 284.0701, Transportation Code, are amended to read as follows:

7-55 (b) The county may impose and collect the administrative  
7-56 cost so as to recover the expense of collecting the unpaid toll, not  
7-57 to exceed \$100. The county shall send a written notice of  
7-58 nonpayment to the registered owner of the vehicle at that owner's  
7-59 address as shown in the vehicle registration records of the Texas  
7-60 Department of Vehicles [~~department~~] by first-class mail not later  
7-61 than the 30th day after the date of the alleged failure to pay and  
7-62 may require payment not sooner than the 30th day after the date the  
7-63 notice was mailed. The registered owner shall pay a separate toll  
7-64 and administrative cost for each event of nonpayment under Section  
7-65 284.070.

7-66 (e) It is an exception to the application of Subsection (a)  
7-67 or (c) if the registered owner of the vehicle transferred ownership  
7-68 of the vehicle to another person before the event of nonpayment  
7-69 under Section 284.070 occurred, submitted written notice of the

8-1 transfer to the Texas Department of Vehicles [~~department~~] in  
 8-2 accordance with Section 520.023, and before the 30th day after the  
 8-3 date the notice of nonpayment is mailed, provides to the county the  
 8-4 name and address of the person to whom the vehicle was transferred.  
 8-5 If the former owner of the vehicle provides the required  
 8-6 information within the period prescribed, the county may send a  
 8-7 notice of nonpayment to the person to whom ownership of the vehicle  
 8-8 was transferred at the address provided by the former owner by  
 8-9 first-class mail before the 30th day after the date of receipt of  
 8-10 the required information from the former owner. The subsequent  
 8-11 owner of the vehicle for which the proper toll was not paid who is  
 8-12 mailed a written notice of nonpayment under this subsection and  
 8-13 fails to pay the proper toll and administrative cost within the time  
 8-14 specified by the notice of nonpayment commits an offense. The  
 8-15 subsequent owner shall pay a separate toll and administrative cost  
 8-16 for each event of nonpayment under Section 284.070. Each failure to  
 8-17 pay a toll or administrative cost under this subsection is a  
 8-18 separate offense.

8-19 (h) In this section, "registered owner" means the owner of a  
 8-20 vehicle as shown on the vehicle registration records of the Texas  
 8-21 Department of Vehicles [~~department~~] or the analogous department or  
 8-22 agency of another state or country.

8-23 PART D. CERTIFICATE OF TITLE ACT

8-24 SECTION 2D.01. Subdivision (3), Section 501.002,  
 8-25 Transportation Code, is amended to read as follows:

8-26 (3) "Department" means the Texas Department of  
 8-27 Vehicles [~~Transportation~~].

8-28 PART E. REGISTRATION OF VEHICLES

8-29 SECTION 2E.01. Subdivision (3), Section 502.001,  
 8-30 Transportation Code, is amended to read as follows:

8-31 (3) "Department" means the Texas Department of  
 8-32 Vehicles [~~Transportation~~].

8-33 SECTION 2E.02. Subsections (a) and (b), Section 502.053,  
 8-34 Transportation Code, are amended to read as follows:

8-35 (a) The department [~~Texas Department of Transportation~~]  
 8-36 shall reimburse the Texas Department of Criminal Justice for the  
 8-37 cost of manufacturing license plates or registration insignia as  
 8-38 the license plates or insignia and the invoice for the license  
 8-39 plates or insignia are delivered to the department [~~Texas~~  
 8-40 ~~Department of Transportation~~].

8-41 (b) When manufacturing is started, the Texas Department of  
 8-42 Criminal Justice, the department [~~Texas Department of~~  
 8-43 ~~Transportation~~], and the comptroller, after negotiation, shall set  
 8-44 the price to be paid for each license plate or insignia. The price  
 8-45 must be determined from:

8-46 (1) the cost of metal, paint, and other materials  
 8-47 purchased;

8-48 (2) the inmate maintenance cost per day;

8-49 (3) overhead expenses;

8-50 (4) miscellaneous charges; and

8-51 (5) a previously approved amount of profit for the  
 8-52 work.

8-53 PART F. DEALER'S AND MANUFACTURER'S VEHICLE LICENSE PLATES

8-54 SECTION 2F.01. Subdivisions (2) and (5), Section 503.001,  
 8-55 Transportation Code, are amended to read as follows:

8-56 (2) "Commission" means the board of the Texas  
 8-57 Department of Vehicles [~~Texas Transportation Commission~~].

8-58 (5) "Department" means the Texas Department of  
 8-59 Vehicles [~~Transportation~~].

8-60 PART G. MISCELLANEOUS PROVISIONS

8-61 SECTION 2G.01. Section 520.001, Transportation Code, is  
 8-62 amended to read as follows:

8-63 Sec. 520.001. DEFINITION. In this chapter, "department"  
 8-64 means the Texas Department of Vehicles [~~Transportation~~].

8-65 PART H. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

8-66 SECTION 2H.01. Section 551.302, Transportation Code, is  
 8-67 amended to read as follows:

8-68 Sec. 551.302. REGISTRATION. The Texas Department of  
 8-69 Vehicles [~~Transportation~~] may adopt rules relating to the



9-1 registration and issuance of license plates to neighborhood  
9-2 electric vehicles.

9-3 PART I. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

9-4 SECTION 2I.01. Section 601.023, Transportation Code, is  
9-5 amended to read as follows:

9-6 Sec. 601.023. PAYMENT OF STATUTORY FEES. The department  
9-7 may pay:

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

9-11 (2) a statutory fee payable to the comptroller for  
9-12 issuance of a certificate of deposit required by Section 601.122.

9-13 SECTION 2I.02. Section 601.451, Transportation Code, as  
9-14 added by Chapter 892 (S.B. 1670), Acts of the 79th Legislature,  
9-15 Regular Session, 2005, is amended to read as follows:

9-16 Sec. 601.451. DEFINITION. In this subchapter,  
9-17 "implementing agencies" means:

9-18 (1) the department;

9-19 (2) the Texas Department of Vehicles  
9-20 [~~Transportation~~];

9-21 (3) the Texas Department of Insurance; and

9-22 (4) the Department of Information Resources.

9-23 SECTION 2I.03. Subchapter N, Chapter 601, Transportation  
9-24 Code, as added by Chapter 1325 (H.B. 3588), Acts of the 78th  
9-25 Legislature, Regular Session, 2003, is repealed.

9-26 PART J. IDENTIFYING MARKINGS ON CERTAIN COMMERCIAL MOTOR VEHICLES

9-27 SECTION 2J.01. Subsection (d), Section 642.002,  
9-28 Transportation Code, is amended to read as follows:

9-29 (d) The Texas Department of Vehicles [~~Transportation~~] by  
9-30 rule may prescribe additional requirements regarding the form of  
9-31 the markings required by Subsection (a)(2) that are not  
9-32 inconsistent with that subsection.

9-33 PART K. MOTOR CARRIER REGISTRATION

9-34 SECTION 2K.01. Subdivision (1), Section 643.001,  
9-35 Transportation Code, is amended to read as follows:

9-36 (1) "Department" means the Texas Department of  
9-37 Vehicles [~~Transportation~~].

9-38 PART L. SINGLE STATE REGISTRATION

9-39 SECTION 2L.01. Section 645.001, Transportation Code, is  
9-40 amended to read as follows:

9-41 Sec. 645.001. FEDERAL MOTOR CARRIER REGISTRATION. The  
9-42 Texas Department of Vehicles [~~Transportation~~] may, to the fullest  
9-43 extent practicable, participate in a federal motor carrier  
9-44 registration program under the unified carrier registration system  
9-45 as defined by Section 643.001 or a [~~the~~] single state registration  
9-46 system established under federal law [~~49 U.S.C. Section 14504~~].

9-47 PART M. MOTOR TRANSPORTATION BROKERS

9-48 SECTION 2M.01. Subsection (a), Section 646.003,  
9-49 Transportation Code, is amended to read as follows:

9-50 (a) A person may not act as a motor transportation broker  
9-51 unless the person provides a bond to the Texas Department of  
9-52 Vehicles [~~Transportation~~].

9-53 PART N. FOREIGN COMMERCIAL MOTOR TRANSPORTATION

9-54 SECTION 2N.01. Section 648.002, Transportation Code, is  
9-55 amended to read as follows:

9-56 Sec. 648.002. RULES. In addition to rules required by this  
9-57 chapter, the Texas Department of Vehicles [~~Transportation~~], the  
9-58 Department of Public Safety, and the Texas Department of Insurance  
9-59 may adopt other rules to carry out this chapter.

9-60 PART O. ABANDONED MOTOR VEHICLES

9-61 SECTION 2O.01. Subdivision (1), Section 683.001,  
9-62 Transportation Code, is amended to read as follows:

9-63 (1) "Department" means the Texas Department of  
9-64 Vehicles [~~Transportation~~].

9-65 PART P. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS

9-66 SECTION 2P.01. Subdivision (1), Section 702.001,  
9-67 Transportation Code, is amended to read as follows:

9-68 (1) "Department" means the Texas Department of  
9-69 Vehicles [~~Transportation~~].

## PART Q. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM

SECTION 2Q.01. Subdivision (2), Section 707.001, 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. Subsection (b), Section 707.011, 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 country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Vehicles [~~Transportation~~].

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

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

## PART R. SALE OR LEASE OF MOTOR VEHICLES

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

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

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

## PART S. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

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

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

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

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

## PART T. PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES

SECTION 2T.01. Subsection (c), Section 547.304, Transportation Code, is amended to read as follows:

(c) Except for Sections 547.323 and 547.324, a provision of this chapter that requires a vehicle to be equipped with lamps, reflectors, and lighting equipment does not apply to a mobile home if the mobile home:

(1) is moved under a permit issued by the Texas Department of Vehicles [~~Transportation~~] under Subchapter D, Chapter 623; and

(2) is not moved at a time or under a condition specified by Section 547.302(a).

SECTION 2T.02. Subsection (a), Section 621.353, Transportation Code, is amended to read as follows:

(a) The comptroller shall send \$50 of each base fee collected under Section 623.011 for an excess weight permit to the counties of the state, with each county receiving an amount determined according to the ratio of the total number of miles of county roads maintained by the county to the total number of miles of county roads maintained by all of the counties of this state. The comptroller shall deposit \$25 of each base fee, plus each fee collected under Section 623.0112, to the credit of the state highway fund. Money deposited to the credit of that fund under this

11-1 subsection may be appropriated only to the department and the Texas  
 11-2 Department of Vehicles to administer this section and Sections  
 11-3 623.011, 623.0111, and 623.0112.

11-4 SECTION 2T.03. Section 621.354, Transportation Code, is  
 11-5 amended to read as follows:

11-6 Sec. 621.354. DISPOSITION OF FEES FOR PERMIT FOR MOVEMENT  
 11-7 OF CYLINDRICAL HAY BALES. The Texas Department of Vehicles  
 11-8 [~~department~~] shall deposit each fee collected under Section 623.017  
 11-9 in the state treasury to the credit of the state highway fund.

11-10 SECTION 2T.04. Section 623.001, Transportation Code, is  
 11-11 amended by amending Subdivision (1) and adding Subdivision (1-a) to  
 11-12 read as follows:

11-13 (1) "Board" means the board of the Texas Department of  
 11-14 Vehicles.

11-15 (1-a) "Department" means the Texas Department of  
 11-16 Vehicles [~~Transportation~~].

11-17 SECTION 2T.05. Subsection (b), Section 623.012,  
 11-18 Transportation Code, is amended to read as follows:

11-19 (b) The bond or letter of credit must:

11-20 (1) be in the amount of \$15,000 payable to the  
 11-21 department and the counties of this state;

11-22 (2) be conditioned that the applicant will pay the  
 11-23 Texas Department of Transportation [~~department~~] for any damage to a  
 11-24 state highway, and a county for any damage to a road or bridge of the  
 11-25 county, caused by the operation of the vehicle for which the permit  
 11-26 is issued at a heavier weight than the maximum weights authorized by  
 11-27 Subchapter B of Chapter 621 or Section 621.301; and

11-28 (3) provide that the issuer is to notify the  
 11-29 department and the applicant in writing promptly after a payment is  
 11-30 made by the issuer on the bond or letter of credit.

11-31 SECTION 2T.06. Section 623.051, Transportation Code, is  
 11-32 amended to read as follows:

11-33 Sec. 623.051. CONTRACT ALLOWING OVERSIZE OR OVERWEIGHT  
 11-34 VEHICLE TO CROSS ROAD; SURETY BOND. (a) A person may operate a  
 11-35 vehicle that cannot comply with one or more of the restrictions of  
 11-36 Subchapter C of Chapter 621 or Section 621.101 to cross the width of  
 11-37 any road or highway under the jurisdiction of the Texas Department  
 11-38 of Transportation [~~department~~], other than a controlled access  
 11-39 highway as defined by Section 203.001, from private property to  
 11-40 other private property if the person contracts with the board  
 11-41 [~~commission~~] to indemnify the Texas Department of Transportation  
 11-42 [~~department~~] for the cost of maintenance and repair of the part of  
 11-43 the highway crossed by the vehicle.

11-44 (b) The board [~~commission~~] shall adopt rules relating to the  
 11-45 forms and procedures to be used under this section and other matters  
 11-46 that the board [~~commission~~] considers necessary to carry out this  
 11-47 section.

11-48 (c) To protect the safety of the traveling public, minimize  
 11-49 any delays and inconveniences to the operators of vehicles in  
 11-50 regular operation, and assure payment for the added wear on the  
 11-51 highways in proportion to the reduction of service life, the board  
 11-52 [~~commission~~], in adopting rules under this section, shall consider:

11-53 (1) the safety and convenience of the general  
 11-54 traveling public;

11-55 (2) the suitability of the roadway and subgrade on the  
 11-56 road or highway to be crossed, variation in soil grade prevalent in  
 11-57 the different regions of the state, and the seasonal effects on  
 11-58 highway load capacity, the highway shoulder design, and other  
 11-59 highway geometrics; and

11-60 (3) the state's investment in its highway system.

11-61 (d) Before exercising any right under a contract under this  
 11-62 section, a person must execute with a corporate surety authorized  
 11-63 to do business in this state a surety bond in an amount determined  
 11-64 by the board [~~commission~~] to compensate for the cost of maintenance  
 11-65 and repairs as provided by this section. The bond must be approved  
 11-66 by the comptroller and the attorney general and must be conditioned  
 11-67 on the person fulfilling the obligations of the contract.

11-68 SECTION 2T.07. Subsection (b), Section 623.052,  
 11-69 Transportation Code, is amended to read as follows:

12-1 (b) Before a person may operate a vehicle under this  
 12-2 section, the person must:  
 12-3 (1) contract with the department to indemnify the  
 12-4 Texas Department of Transportation [~~department~~] for the cost of the  
 12-5 maintenance and repair for damage caused by a vehicle crossing that  
 12-6 part of the highway; and  
 12-7 (2) execute an adequate surety bond to compensate for  
 12-8 the cost of maintenance and repair, approved by the comptroller and  
 12-9 the attorney general, with a corporate surety authorized to do  
 12-10 business in this state, conditioned on the person fulfilling each  
 12-11 obligation of the agreement.

12-12 SECTION 2T.08. Subsection (a), Section 623.075,  
 12-13 Transportation Code, is amended to read as follows:  
 12-14 (a) Before the department may issue a permit under this  
 12-15 subchapter, the applicant shall file with the department a bond in  
 12-16 an amount set by the department, payable to the Texas Department of  
 12-17 Transportation [~~department~~], and conditioned that the applicant  
 12-18 will pay to the Texas Department of Transportation [~~department~~] any  
 12-19 damage that might be sustained to the highway because of the  
 12-20 operation of the equipment for which a permit is issued.

12-21 SECTION 2T.09. Subsections (b) and (c), Section 623.076,  
 12-22 Transportation Code, are amended to read as follows:  
 12-23 (b) The board [~~Texas Transportation Commission~~] may adopt  
 12-24 rules for the payment of a fee under Subsection (a). The rules may:  
 12-25 (1) authorize the use of electronic funds transfer;  
 12-26 (2) authorize the use of a credit card issued by:  
 12-27 (A) a financial institution chartered by a state  
 12-28 or the United States; or  
 12-29 (B) a nationally recognized credit organization  
 12-30 approved by the board [~~Texas Transportation Commission~~]; and  
 12-31 (3) require the payment of a discount or service  
 12-32 charge for a credit card payment in addition to the fee prescribed  
 12-33 by Subsection (a).  
 12-34 (c) An application for a permit under Section 623.071(c)(3)  
 12-35 or (d) must be accompanied by the permit fee established by the  
 12-36 board [~~commission~~] for the permit, not to exceed \$7,000. Of each  
 12-37 fee collected under this subsection, the department shall send:  
 12-38 (1) the first \$1,000 to the comptroller for deposit to  
 12-39 the credit of the general revenue fund; and  
 12-40 (2) any amount in excess of \$1,000 to the comptroller  
 12-41 for deposit to the credit of the state highway fund.

12-42 SECTION 2T.10. Subsection (a), Section 623.080,  
 12-43 Transportation Code, is amended to read as follows:  
 12-44 (a) Except as provided by Subsection (b), a permit under  
 12-45 this subchapter must include:  
 12-46 (1) the name of the applicant;  
 12-47 (2) the date of issuance;  
 12-48 (3) the signature of the director of the department or  
 12-49 a person designated by the director [~~of a division engineer~~];  
 12-50 (4) a statement of the kind of equipment to be  
 12-51 transported over the highway, the weight and dimensions of the  
 12-52 equipment, and the kind and weight of each commodity to be  
 12-53 transported; and  
 12-54 (5) a statement of any condition on which the permit is  
 12-55 issued.

12-56 SECTION 2T.11. Subsection (a), Section 623.126,  
 12-57 Transportation Code, is amended to read as follows:  
 12-58 (a) A permit issued under this subchapter must:  
 12-59 (1) contain the name of the applicant;  
 12-60 (2) be dated and signed by the director of the  
 12-61 department [~~, a division engineer,~~] or a person designated by the  
 12-62 director [~~agent~~];  
 12-63 (3) state the make and model of the portable building  
 12-64 unit or units to be transported over the highways;  
 12-65 (4) state the make and model of the towing vehicle;  
 12-66 (5) state the combined length and width of the  
 12-67 portable building unit or units and towing vehicle; and  
 12-68 (6) state each highway over which the portable  
 12-69 building unit or units are to be moved.

13-1 SECTION 2T.12. Subsection (a), Section 623.142,  
13-2 Transportation Code, is amended to read as follows:

13-3 (a) The department may, on application, issue a permit for  
13-4 the movement over a road or highway under the jurisdiction of the  
13-5 Texas Department of Transportation [~~department~~] of a vehicle that:

13-6 (1) is a piece of fixed-load mobile machinery or  
13-7 equipment used to service, clean out, or drill an oil well; and

13-8 (2) cannot comply with the restrictions set out in  
13-9 Subchapter C of Chapter 621 and Section 621.101.

13-10 SECTION 2T.13. Sections 623.145 and 623.146,  
13-11 Transportation Code, are amended to read as follows:

13-12 Sec. 623.145. RULES; FORMS AND PROCEDURES; FEES. (a) The  
13-13 board [~~Texas Transportation Commission~~] by rule shall provide for  
13-14 the issuance of permits under this subchapter. The rules must  
13-15 include each matter the board [~~commission~~] determines necessary to  
13-16 implement this subchapter and:

13-17 (1) requirements for forms and procedures used in  
13-18 applying for a permit;

13-19 (2) conditions with regard to route and time of  
13-20 movement;

13-21 (3) requirements for flags, flaggers, and warning  
13-22 devices;

13-23 (4) the fee for a permit; and

13-24 (5) standards to determine whether a permit is to be  
13-25 issued for one trip only or for a period established by the  
13-26 commission.

13-27 (b) In adopting a rule or establishing a fee, the board  
13-28 [~~commission~~] shall consider and be guided by:

13-29 (1) the state's investment in its highway system;

13-30 (2) the safety and convenience of the general  
13-31 traveling public;

13-32 (3) the registration or license fee paid on the  
13-33 vehicle for which the permit is requested;

13-34 (4) the fees paid by vehicles operating within legal  
13-35 limits;

13-36 (5) the suitability of roadways and subgrades on the  
13-37 various classes of highways of the system;

13-38 (6) the variation in soil grade prevalent in the  
13-39 different regions of the state;

13-40 (7) the seasonal effects on highway load capacity;

13-41 (8) the highway shoulder design and other highway  
13-42 geometrics;

13-43 (9) the load capacity of the highway bridges;

13-44 (10) administrative costs;

13-45 (11) added wear on highways; and

13-46 (12) compensation for inconvenience and necessary  
13-47 delays to highway users.

13-48 Sec. 623.146. VIOLATION OF RULE. A permit under this  
13-49 subchapter is void on the failure of an owner or the owner's  
13-50 representative to comply with a rule of the board [~~commission~~] or  
13-51 with a condition placed on the permit, and immediately on the  
13-52 violation, further movement over the highway of an oversize or  
13-53 overweight vehicle violates the law regulating the size or weight  
13-54 of a vehicle on a public highway.

13-55 SECTION 2T.14. Subsection (b), Section 623.149,  
13-56 Transportation Code, is amended to read as follows:

13-57 (b) Notwithstanding Subsection (a), a vehicle authorized by  
13-58 the Texas Department of Transportation [~~department~~] before August  
13-59 22, 1963, to operate without registration under Chapter 502 may not  
13-60 be required to register under that chapter.

13-61 SECTION 2T.15. Subsection (a), Section 623.192,  
13-62 Transportation Code, is amended to read as follows:

13-63 (a) The department may, on application, issue a permit to a  
13-64 person to move over a road or highway under the jurisdiction of the  
13-65 Texas Department of Transportation [~~department~~] an unladen lift  
13-66 equipment motor vehicle that cannot comply with the restrictions  
13-67 set out in Subchapter C of Chapter 621 and Section 621.101.

13-68 SECTION 2T.16. Sections 623.195 and 623.196,  
13-69 Transportation Code, are amended to read as follows:

14-1           Sec. 623.195. RULES; FORMS AND PROCEDURES; FEES. (a) The  
14-2 board [~~Texas Transportation Commission~~] by rule shall provide for  
14-3 the issuance of a permit under this subchapter. The rules must  
14-4 include each matter the board [~~commission~~] determines necessary to  
14-5 implement this subchapter and:  
14-6           (1) requirements for forms and procedures used in  
14-7 applying for a permit;  
14-8           (2) conditions with regard to route and time of  
14-9 movement;  
14-10           (3) requirements for flags, flaggers, and warning  
14-11 devices;  
14-12           (4) the fee for a permit; and  
14-13           (5) standards to determine whether a permit is to be  
14-14 issued for one trip only or for a period established by the  
14-15 commission.  
14-16           (b) In adopting a rule or establishing a fee, the board  
14-17 [~~commission~~] shall consider and be guided by:  
14-18           (1) the state's investment in its highway system;  
14-19           (2) the safety and convenience of the general  
14-20 traveling public;  
14-21           (3) the registration or license fee paid on the  
14-22 vehicle for which the permit is requested;  
14-23           (4) the fees paid by vehicles operating within legal  
14-24 limits;  
14-25           (5) the suitability of roadways and subgrades on the  
14-26 various classes of highways of the system;  
14-27           (6) the variation in soil grade prevalent in the  
14-28 different regions of the state;  
14-29           (7) the seasonal effects on highway load capacity;  
14-30           (8) the highway shoulder design and other highway  
14-31 geometrics;  
14-32           (9) the load capacity of highway bridges;  
14-33           (10) administrative costs;  
14-34           (11) added wear on highways; and  
14-35           (12) compensation for inconvenience and necessary  
14-36 delays to highway users.  
14-37           Sec. 623.196. VIOLATION OF RULE. A permit under this  
14-38 subchapter is void on the failure of an owner or the owner's  
14-39 representative to comply with a rule of the board [~~commission~~] or  
14-40 with a condition placed on the permit, and immediately on the  
14-41 violation, further movement over a highway of an oversize or  
14-42 overweight vehicle violates the law regulating the size or weight  
14-43 of a vehicle on a public highway.  
14-44           SECTION 2T.17. Subsection (b), Section 623.199,  
14-45 Transportation Code, is amended to read as follows:  
14-46           (b) Notwithstanding Subsection (a), a vehicle authorized by  
14-47 the Texas Department of Transportation [~~department~~] before June 11,  
14-48 1985, to operate without registration under Chapter 502 may not be  
14-49 required to register under that chapter.  
14-50           SECTION 2T.18. Sections 623.232 and 623.239,  
14-51 Transportation Code, are amended to read as follows:  
14-52           Sec. 623.232. ISSUANCE OF PERMITS. The board [~~Texas~~  
14-53 ~~Transportation Commission~~] may authorize the district to issue  
14-54 permits for the movement of oversize or overweight vehicles  
14-55 carrying cargo on state highways located in Victoria County.  
14-56           Sec. 623.239. RULES. The board [~~Texas Transportation~~  
14-57 ~~Commission~~] may adopt rules necessary to implement this subchapter.  
14-58           SECTION 2T.19. Subsection (a), Section 623.252,  
14-59 Transportation Code, is amended to read as follows:  
14-60           (a) The board [~~Texas Transportation Commission~~] may  
14-61 authorize the county to issue permits for the movement of oversize  
14-62 or overweight vehicles carrying cargo on state highways located in  
14-63 Chambers County.  
14-64           SECTION 2T.20. Section 623.259, Transportation Code, is  
14-65 amended to read as follows:  
14-66           Sec. 623.259. RULES. The board [~~Texas Transportation~~  
14-67 ~~Commission~~] may adopt rules necessary to implement this subchapter.  
14-68           SECTION 2T.21. Subsections (a), and (f), Section 623.271,  
14-69 Transportation Code, are amended to read as follows:

15-1 (a) The department or the Texas Department of  
 15-2 Transportation, as applicable, may investigate and, except as  
 15-3 provided by Subsection (f), may impose an administrative penalty or  
 15-4 revoke an oversize or overweight permit issued under this chapter  
 15-5 if the person or the holder of the permit, as applicable:

15-6 (1) provides false information on the permit  
 15-7 application or another form required by the department for the  
 15-8 issuance of an oversize or overweight permit;

15-9 (2) violates this chapter, Chapter 621, or Chapter  
 15-10 622;

15-11 (3) violates a rule or order adopted under this  
 15-12 chapter, Chapter 621, or Chapter 622; or

15-13 (4) fails to obtain an oversize or overweight permit  
 15-14 if a permit is required.

15-15 (f) This subsection applies only to a vehicle or combination  
 15-16 that is used to transport agricultural products or timber products  
 15-17 from the place of production to the place of first marketing or  
 15-18 first processing. In connection with a violation of a vehicle or  
 15-19 combination weight restriction or limitation in this chapter,  
 15-20 Chapter 621, or Chapter 622, the department or the Texas Department  
 15-21 of Transportation may not impose an administrative penalty against  
 15-22 a person or the holder of an overweight permit if the weight of the  
 15-23 vehicle or combination involved in the violation did not exceed the  
 15-24 allowable weight by more than three percent.

15-25 ARTICLE 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF  
 15-26 TRANSPORTATION IN OTHER CODES

15-27 PART A. BUSINESS & COMMERCE CODE

15-28 SECTION 3A.01. Subsection (b), Section 51.003, Business &  
 15-29 Commerce Code, as effective April 1, 2009, is amended to read as  
 15-30 follows:

15-31 (b) In this chapter, "business opportunity" does not  
 15-32 include:

15-33 (1) the sale or lease of an established and ongoing  
 15-34 business or enterprise that has actively conducted business before  
 15-35 the sale or lease, whether composed of one or more than one  
 15-36 component business or enterprise, if the sale or lease represents  
 15-37 an isolated transaction or series of transactions involving a bona  
 15-38 fide change of ownership or control of the business or enterprise or  
 15-39 liquidation of the business or enterprise;

15-40 (2) a sale by a retailer of goods or services under a  
 15-41 contract or other agreement to sell the inventory of one or more  
 15-42 ongoing leased departments to a purchaser who is granted the right  
 15-43 to sell the goods or services within or adjoining a retail business  
 15-44 establishment as a department or division of the retail business  
 15-45 establishment;

15-46 (3) a transaction that is:  
 15-47 (A) regulated by the Texas Department of  
 15-48 Licensing and Regulation, the Texas Department of Insurance, the  
 15-49 Texas Real Estate Commission, or the director of the Motor Vehicle  
 15-50 Division of the Texas Department of Vehicles [~~Transportation~~]; and

15-51 (B) engaged in by a person licensed by one of  
 15-52 those agencies;

15-53 (4) a real estate syndication;

15-54 (5) a sale or lease to a business enterprise that also  
 15-55 sells or leases products, equipment, or supplies or performs  
 15-56 services:

15-57 (A) that are not supplied by the seller; and

15-58 (B) that the purchaser does not use with the  
 15-59 seller's products, equipment, supplies, or services;

15-60 (6) the offer or sale of a franchise as described by  
 15-61 the Petroleum Marketing Practices Act (15 U.S.C. Section 2801 et  
 15-62 seq.) and its subsequent amendments;

15-63 (7) the offer or sale of a business opportunity if the  
 15-64 seller:

15-65 (A) has a net worth of \$25 million or more  
 15-66 according to the seller's audited balance sheet as of a date not  
 15-67 earlier than the 13th month before the date of the transaction; or

15-68 (B) is at least 80 percent owned by another  
 15-69 person who:

16-1 (i) in writing unconditionally guarantees  
16-2 performance by the person offering the business opportunity plan;  
16-3 and

16-4 (ii) has a net worth of more than \$25  
16-5 million according to the person's most recent audited balance sheet  
16-6 as of a date not earlier than the 13th month before the date of the  
16-7 transaction; or

16-8 (8) an arrangement defined as a franchise by 16 C.F.R.  
16-9 Section 436.2(a) and its subsequent amendments if:

16-10 (A) the franchisor complies in all material  
16-11 respects in this state with 16 C.F.R. Part 436 and each order or  
16-12 other action of the Federal Trade Commission; and

16-13 (B) before offering for sale or selling a  
16-14 franchise in this state, a person files with the secretary of state  
16-15 a notice containing:

16-16 (i) the name of the franchisor;

16-17 (ii) the name under which the franchisor  
16-18 intends to transact business; and

16-19 (iii) the franchisor's principal business  
16-20 address.

16-21 SECTION 3A.02. Subsection (b), Section 105.004, Business &  
16-22 Commerce Code, as effective April 1, 2009, is amended to read as  
16-23 follows:

16-24 (b) The Texas Department of Vehicles [~~Transportation~~] shall  
16-25 provide a notice that states the provisions of this chapter to each  
16-26 person with a disability who is issued:

16-27 (1) license plates under Section 504.201,  
16-28 Transportation Code; or

16-29 (2) a disabled parking placard under Section 681.004,  
16-30 Transportation Code.

16-31 PART B. CODE OF CRIMINAL PROCEDURE

16-32 SECTION 3B.01. Subdivision (1), Section 1, Article 42.22,  
16-33 Code of Criminal Procedure, is amended to read as follows:

16-34 (1) "Department" means the Texas Department of  
16-35 Vehicles [~~Transportation~~].

16-36 SECTION 3B.02. Subsection (c), Article 59.04, Code of  
16-37 Criminal Procedure, is amended to read as follows:

16-38 (c) If the property is a motor vehicle, and if there is  
16-39 reasonable cause to believe that the vehicle has been registered  
16-40 under the laws of this state, the attorney representing the state  
16-41 shall ask the Texas Department of Vehicles [~~Transportation~~] to  
16-42 identify from its records the record owner of the vehicle and any  
16-43 interest holder. If the addresses of the owner and interest holder  
16-44 are not otherwise known, the attorney representing the state shall  
16-45 request citation be served on such persons at the address listed  
16-46 with the Texas Department of Vehicles [~~Transportation~~]. If the  
16-47 citation issued to such address is returned unserved, the attorney  
16-48 representing the state shall cause a copy of the notice of the  
16-49 seizure and intended forfeiture to be posted at the courthouse  
16-50 door, to remain there for a period of not less than 30 days. If the  
16-51 owner or interest holder does not answer or appear after the notice  
16-52 has been so posted, the court shall enter a judgment by default as  
16-53 to the owner or interest holder, provided that the attorney  
16-54 representing the state files a written motion supported by  
16-55 affidavit setting forth the attempted service. An owner or  
16-56 interest holder whose interest is forfeited in this manner shall  
16-57 not be liable for court costs. If the person in possession of the  
16-58 vehicle at the time of the seizure is not the owner or the interest  
16-59 holder of the vehicle, notification shall be provided to the  
16-60 possessor in the same manner specified for notification to an owner  
16-61 or interest holder.

16-62 PART C. FAMILY CODE

16-63 SECTION 3C.01. Subsection (b), Section 157.316, Family  
16-64 Code, is amended to read as follows:

16-65 (b) If a lien established under this subchapter attaches to  
16-66 a motor vehicle, the lien must be perfected in the manner provided  
16-67 by Chapter 501, Transportation Code, and the court or Title IV-D  
16-68 agency that rendered the order of child support shall include in the  
16-69 order a requirement that the obligor surrender to the court or Title



17-1 IV-D agency evidence of the legal ownership of the motor vehicle  
17-2 against which the lien may attach. A lien against a motor vehicle  
17-3 under this subchapter is not perfected until the obligor's title to  
17-4 the vehicle has been surrendered to the court or Title IV-D agency  
17-5 and the Texas Department of Vehicles [~~Transportation~~] has issued a  
17-6 subsequent title that discloses on its face the fact that the  
17-7 vehicle is subject to a child support lien under this subchapter.

17-8 SECTION 3C.02. Subsection (a), Section 232.0022, Family  
17-9 Code, is amended to read as follows:

17-10 (a) The Texas Department of Vehicles [~~Transportation~~] is  
17-11 the appropriate licensing authority for suspension or nonrenewal of  
17-12 a motor vehicle registration under this chapter.

17-13 SECTION 3C.03. Subsection (b), Section 232.014, Family  
17-14 Code, is amended to read as follows:

17-15 (b) A fee collected by the Texas Department of Vehicles  
17-16 [~~Transportation~~] or the Department of Public Safety shall be  
17-17 deposited to the credit of the state highway fund.

17-18 SECTION 3C.04. Subsection (b), Section 264.502, Family  
17-19 Code, is amended to read as follows:

17-20 (b) The members of the committee who serve under Subsections  
17-21 (a)(1) through (3) shall select the following additional committee  
17-22 members:

- 17-23 (1) a criminal prosecutor involved in prosecuting
- 17-24 crimes against children;
- 17-25 (2) a sheriff;
- 17-26 (3) a justice of the peace;
- 17-27 (4) a medical examiner;
- 17-28 (5) a police chief;
- 17-29 (6) a pediatrician experienced in diagnosing and
- 17-30 treating child abuse and neglect;
- 17-31 (7) a child educator;
- 17-32 (8) a child mental health provider;
- 17-33 (9) a public health professional;
- 17-34 (10) a child protective services specialist;
- 17-35 (11) a sudden infant death syndrome family service
- 17-36 provider;
- 17-37 (12) a neonatologist;
- 17-38 (13) a child advocate;
- 17-39 (14) a chief juvenile probation officer;
- 17-40 (15) a child abuse prevention specialist;
- 17-41 (16) a representative of the Department of Public
- 17-42 Safety; and
- 17-43 (17) a representative of the Texas Department of
- 17-44 Vehicles [~~Transportation~~].

17-45 PART D. FINANCE CODE

17-46 SECTION 3D.01. Subdivision (9), Section 306.001, Finance  
17-47 Code, is amended to read as follows:

17-48 (9) "Qualified commercial loan":

17-49 (A) means:

17-50 (i) a commercial loan in which one or more  
17-51 persons as part of the same transaction lends, advances, borrows,  
17-52 or receives, or is obligated to lend or advance or entitled to  
17-53 borrow or receive, money or credit with an aggregate value of:

17-54 (a) \$3 million or more if the  
17-55 commercial loan is secured by real property; or

17-56 (b) \$250,000 or more if the commercial  
17-57 loan is not secured by real property and, if the aggregate value of  
17-58 the commercial loan is less than \$500,000, the loan documents  
17-59 contain a written certification from the borrower that:

17-60 (1) the borrower has been  
17-61 advised by the lender to seek the advice of an attorney and an  
17-62 accountant in connection with the commercial loan; and

17-63 (2) the borrower has had the  
17-64 opportunity to seek the advice of an attorney and accountant of the  
17-65 borrower's choice in connection with the commercial loan; and

17-66 (ii) a renewal or extension of a commercial  
17-67 loan described by Paragraph (A), regardless of the principal amount  
17-68 of the loan at the time of the renewal or extension; and

17-69 (B) does not include a commercial loan made for

18-1 the purpose of financing a business licensed by the Motor Vehicle  
 18-2 Board of the Texas Department of Vehicles [~~Transportation~~] under  
 18-3 Section 2301.251(a), Occupations Code.

18-4 SECTION 3D.02. Subdivision (10-a), Section 348.001,  
 18-5 Finance Code, is amended to read as follows:

18-6 (10-a) "Towable recreation vehicle" means a  
 18-7 nonmotorized vehicle that:

18-8 (A) was originally designed and manufactured  
 18-9 primarily to provide temporary human habitation in conjunction with  
 18-10 recreational, camping, or seasonal use;

18-11 (B) is titled and registered with the Texas  
 18-12 Department of Vehicles [~~Transportation~~] as a travel trailer through  
 18-13 a county tax assessor-collector;

18-14 (C) is permanently built on a single chassis;

18-15 (D) contains at least one life support system;  
 18-16 and

18-17 (E) is designed to be towable by a motor vehicle.

18-18 SECTION 3D.03. Section 348.518, Finance Code, is amended to  
 18-19 read as follows:

18-20 Sec. 348.518. SHARING OF INFORMATION. To ensure consistent  
 18-21 enforcement of law and minimization of regulatory burdens, the  
 18-22 commissioner and the Texas Department of Vehicles [~~Transportation~~]  
 18-23 may share information, including criminal history information,  
 18-24 relating to a person licensed under this chapter. Information  
 18-25 otherwise confidential remains confidential after it is shared  
 18-26 under this section.

18-27 PART E. GOVERNMENT CODE

18-28 SECTION 3E.01. Subsection (d), Section 411.122, Government  
 18-29 Code, is amended to read as follows:

18-30 (d) The following state agencies are subject to this  
 18-31 section:

18-32 (1) Texas Appraiser Licensing and Certification  
 18-33 Board;

18-34 (2) Texas Board of Architectural Examiners;

18-35 (3) Texas Board of Chiropractic Examiners;

18-36 (4) State Board of Dental Examiners;

18-37 (5) Texas Board of Professional Engineers;

18-38 (6) Texas Funeral Service Commission;

18-39 (7) Texas Board of Professional Geoscientists;

18-40 (8) Department of State Health Services, except as  
 18-41 provided by Section 411.110, and agencies attached to the  
 18-42 department, including:

18-43 (A) Texas State Board of Examiners of Dietitians;

18-44 (B) Texas State Board of Examiners of Marriage  
 18-45 and Family Therapists;

18-46 (C) Midwifery Board;

18-47 (D) Texas State Perfusionist Advisory Committee  
 18-48 [~~Board of Examiners of Perfusionists~~];

18-49 (E) Texas State Board of Examiners of  
 18-50 Professional Counselors;

18-51 (F) Texas State Board of Social Worker Examiners;

18-52 (G) State Board of Examiners for Speech-Language  
 18-53 Pathology and Audiology;

18-54 (H) Advisory Board of Athletic Trainers;

18-55 (I) State Committee of Examiners in the Fitting  
 18-56 and Dispensing of Hearing Instruments;

18-57 (J) Texas Board of Licensure for Professional  
 18-58 Medical Physicists; and

18-59 (K) Texas Board of Orthotics and Prosthetics;

18-60 (9) Texas Board of Professional Land Surveying;

18-61 (10) Texas Department of Licensing and Regulation,  
 18-62 except as provided by Section 411.093;

18-63 (11) Texas Commission on Environmental Quality;

18-64 (12) Texas Board of Occupational Therapy Examiners;

18-65 (13) Texas Optometry Board;

18-66 (14) Texas State Board of Pharmacy;

18-67 (15) Texas Board of Physical Therapy Examiners;

18-68 (16) Texas State Board of Plumbing Examiners;

18-69 (17) Texas State Board of Podiatric Medical Examiners;

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

PART F. HEALTH AND SAFETY CODE

19-15 SECTION 3F.01. Subsection (e), Section 382.209, Health and  
 19-16 Safety Code, is amended to read as follows:

19-17 (e) A vehicle is not eligible to participate in a low-income  
 19-18 vehicle repair assistance, retrofit, and accelerated vehicle  
 19-19 retirement program established under this section unless:

- 19-20 (1) the vehicle is capable of being operated;
- 19-21 (2) the registration of the vehicle:
  - 19-22 (A) is current; and
  - 19-23 (B) reflects that the vehicle has been registered
  - 19-24 in the county implementing the program for the 12 months preceding
  - 19-25 the application for participation in the program;

19-26 (3) the commissioners court of the county  
 19-27 administering the program determines that the vehicle meets the  
 19-28 eligibility criteria adopted by the commission, the Texas  
 19-29 Department of Vehicles [~~Transportation~~], and the Public Safety  
 19-30 Commission;

19-31 (4) if the vehicle is to be repaired, the repair is  
 19-32 done by a repair facility recognized by the Department of Public  
 19-33 Safety, which may be an independent or private entity licensed by  
 19-34 the state; and

19-35 (5) if the vehicle is to be retired under this  
 19-36 subsection and Section 382.213, the replacement vehicle is a  
 19-37 qualifying motor vehicle.

19-38 SECTION 3F.02. Subsection (f), Section 382.210, Health and  
 19-39 Safety Code, is amended to read as follows:

19-40 (f) In this section, "total cost" means the total amount of  
 19-41 money paid or to be paid for the purchase of a motor vehicle as set  
 19-42 forth as "sales price" in the form entitled "Application for Texas  
 19-43 Certificate of Title" promulgated by the Texas Department of  
 19-44 Vehicles [~~Transportation~~]. In a transaction that does not involve  
 19-45 the use of that form, the term means an amount of money that is  
 19-46 equivalent, or substantially equivalent, to the amount that would  
 19-47 appear as "sales price" on the Application for Texas Certificate of  
 19-48 Title if that form were involved.

19-49 SECTION 3F.03. Subsection (a), Section 461.017, Health and  
 19-50 Safety Code, is amended to read as follows:

19-51 (a) The Drug Demand Reduction Advisory Committee is  
 19-52 composed of the following members:

19-53 (1) five representatives of the public from different  
 19-54 geographic regions of the state who have knowledge and expertise in  
 19-55 issues relating to reducing drug demand and who are appointed by the  
 19-56 commissioner [~~executive director~~] of the Department of State Health  
 19-57 Services [~~Texas Commission on Alcohol and Drug Abuse~~]; and

19-58 (2) one representative of each of the following  
 19-59 agencies or offices who is appointed by the executive director or  
 19-60 commissioner of the agency or office and who is directly involved in  
 19-61 the agency's or office's policies, programs, or funding activities  
 19-62 relating to reducing drug demand:

- 19-63 (A) the criminal justice division of the
- 19-64 governor's office;
- 19-65 (B) the Criminal Justice Policy Council;
- 19-66 (C) the Department of Family and Protective [~~and~~
- 19-67 Regulatory] Services;
- 19-68 (D) the Department of Public Safety of the State
- 19-69 of Texas;

- 20-1 (E) the Health and Human Services Commission;
- 20-2 (F) the Texas Alcoholic Beverage Commission;
- 20-3 (G) the Department of State Health Services
- 20-4 [~~Texas Commission on Alcohol and Drug Abuse~~];
- 20-5 (H) the Texas Council on Offenders with Mental
- 20-6 Impairments;
- 20-7 (I) the Texas Department of Criminal Justice;
- 20-8 (J) the [~~Texas Department of~~] Health and [~~+~~
- 20-9 [~~(K) the Texas Department of~~] Human Services
- 20-10 Commission;
- 20-11 (K) [~~(L)~~] the [~~Texas~~] Department of Aging and
- 20-12 Disability Services [~~Mental Health and Mental Retardation~~];
- 20-13 (L) [~~(M)~~] the Texas Education Agency;
- 20-14 (M) [~~(N)~~] the Texas Juvenile Probation
- 20-15 Commission;
- 20-16 (N) [~~(O)~~] the Texas Youth Commission;
- 20-17 (O) [~~(P)~~] the Department of Assistive and
- 20-18 Rehabilitative Services [~~Texas Rehabilitation Commission~~];
- 20-19 (P) [~~(Q)~~] the Texas Workforce Commission;
- 20-20 (Q) [~~(R)~~] the Texas Department of Vehicles
- 20-21 [~~Transportation~~];
- 20-22 (R) [~~(S)~~] the comptroller of public accounts;
- 20-23 and
- 20-24 (S) [~~(T)~~] the adjutant general's department.

PART G. HUMAN RESOURCES CODE

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

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

- (1) a consumer reporting agency, as defined by Section 20.01, Business & Commerce Code;
- (2) an appraisal district; or
- (3) the Texas Department of Vehicles [~~Transportation's~~] vehicle registration record database.

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

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

- (1) a consumer reporting agency, as defined by Section 20.01, Business & Commerce Code;
- (2) an appraisal district; or
- (3) the Texas Department of Vehicles [~~Transportation's~~] vehicle registration record database.

PART H. LOCAL GOVERNMENT CODE

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

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

- (1) official notification to the maker that the check or invoice has not been honored and that the receipt, registration, certificate, or other instrument issued on the receipt of the check or invoice is not valid until payment of the fee or tax is made;
- (2) notification of the sheriff or other law enforcement officers that a check or credit card invoice has not been honored and that the receipt, registration, certificate, or other instrument held by the maker is not valid; and
- (3) notification to the Texas Department of Vehicles [~~Transportation~~], the comptroller of public accounts, or the

21-1 Department of Public Safety that the receipt, registration,  
21-2 certificate, or other instrument held by the maker is not valid.

21-3 SECTION 3H.02. Section 130.007, Local Government Code, is  
21-4 amended to read as follows:

21-5 Sec. 130.007. REMISSION TO STATE NOT REQUIRED; STATE  
21-6 ASSISTANCE IN COLLECTION. (a) If a fee or tax is required to be  
21-7 remitted to the comptroller or the Texas Department of Vehicles  
21-8 [~~Transportation~~] and if payment was made to the county tax  
21-9 assessor-collector by a check that was not honored by the drawee  
21-10 bank or by a credit card invoice that was not honored by the credit  
21-11 card issuer, the amount of the fee or tax is not required to be  
21-12 remitted, but the assessor-collector shall notify the appropriate  
21-13 department of:

- 21-14 (1) the amount of the fee or tax;
- 21-15 (2) the type of fee or tax involved; and
- 21-16 (3) the name and address of the maker.

21-17 (b) The Texas Department of Vehicles [~~Transportation~~] and  
21-18 the comptroller shall assist the county tax assessor-collector in  
21-19 collecting the fee or tax and may cancel or revoke any receipt,  
21-20 registration, certificate, or other instrument issued in the name  
21-21 of the state conditioned on the payment of the fee or tax.

21-22 SECTION 3H.03. Section 130.008, Local Government Code, is  
21-23 amended to read as follows:

21-24 Sec. 130.008. LIABILITY OF TAX COLLECTOR FOR VIOLATIONS OF  
21-25 SUBCHAPTER. If the comptroller or the Texas Department of Vehicles  
21-26 [~~Transportation~~] determines that the county tax assessor-collector  
21-27 has accepted payment for fees and taxes to be remitted to that  
21-28 department in violation of Section 130.004 or that more than two  
21-29 percent of the fees and taxes to be received from the  
21-30 assessor-collector are not remitted because of the acceptance of  
21-31 checks that are not honored by the drawee bank or of credit card  
21-32 invoices that are not honored by the credit card issuer, the  
21-33 department may notify the assessor-collector that the  
21-34 assessor-collector may not accept a check or credit card invoice  
21-35 for the payment of any fee or tax to be remitted to that department.  
21-36 A county tax assessor-collector who accepts a check or credit card  
21-37 invoice for the payment of a fee or tax, after notice that the  
21-38 assessor-collector may not receive a check or credit card invoice  
21-39 for the payment of fees or taxes to be remitted to a department, is  
21-40 liable to the state for the amount of the check or credit card  
21-41 invoice accepted.

21-42 SECTION 3H.04. Section 130.009, Local Government Code, is  
21-43 amended to read as follows:

21-44 Sec. 130.009. STATE RULES. The comptroller and the Texas  
21-45 Department of Vehicles [~~Transportation~~] may make rules concerning  
21-46 the acceptance of checks or credit card invoices by a county tax  
21-47 assessor-collector and for the collection of dishonored checks or  
21-48 credit card invoices.

21-49 PART I. OCCUPATIONS CODE

21-50 SECTION 3I.01. Subsection (c), Section 554.009,  
21-51 Occupations Code, is amended to read as follows:

21-52 (c) The board may register a vehicle with the Texas  
21-53 Department of Vehicles [~~Transportation~~] in an alias name only for  
21-54 investigative personnel.

21-55 SECTION 3I.02. Subdivision (9), Section 2301.002,  
21-56 Occupations Code, is amended to read as follows:

21-57 (9) "Department" means the Texas Department of  
21-58 Vehicles [~~Transportation~~].

21-59 SECTION 3I.03. Subsections (a) and (b), Section 2301.005,  
21-60 Occupations Code, are amended to read as follows:

21-61 (a) A reference in law, including a rule, to the Texas Motor  
21-62 Vehicle Commission or to the board means [~~the director, except that~~  
21-63 ~~a reference to~~] the board of the Texas Department of Vehicles [~~means~~  
21-64 ~~the commission if it is related to the adoption of rules~~].

21-65 (b) A reference in law, including a rule, to the executive  
21-66 director of the Texas Motor Vehicle Commission means the executive  
21-67 director of the Texas Department of Vehicles.

21-68 SECTION 3I.04. Subdivisions (2) and (3), Section 2302.001,  
21-69 Occupations Code, are amended to read as follows:

22-1 (2) "Board" [~~"Commission"~~] means the board of the  
22-2 Texas Department of Motor Vehicles [~~Transportation Commission~~].

22-3 (3) "Department" means the Texas Department of Motor  
22-4 Vehicles [~~Transportation~~].

22-5 SECTION 3I.05. Subsection (b), Section 2302.0015,  
22-6 Occupations Code, is amended to read as follows:

22-7 (b) For the purpose of enforcing or administering this  
22-8 chapter or Chapter 501 or 502, Transportation Code, a member of the  
22-9 board [~~commission~~], an employee or agent of the board [~~commission~~]  
22-10 or department, a member of the Public Safety Commission, an officer  
22-11 of the Department of Public Safety, or a peace officer may at a  
22-12 reasonable time:

22-13 (1) enter the premises of a business regulated under  
22-14 one of those chapters; and

22-15 (2) inspect or copy any document, record, vehicle,  
22-16 part, or other item regulated under one of those chapters.

22-17 SECTION 3I.06. The heading to Subchapter B, Chapter 2302,  
22-18 Occupations Code, is amended to read as follows:

22-19 SUBCHAPTER B. BOARD [~~COMMISSION~~] POWERS AND DUTIES

22-20 SECTION 3I.07. Sections 2302.051, 2302.052, and 2302.053,  
22-21 Occupations Code, are amended to read as follows:

22-22 Sec. 2302.051. RULES AND ENFORCEMENT POWERS. The board  
22-23 [~~commission~~] shall adopt rules as necessary to administer this  
22-24 chapter and may take other action as necessary to enforce this  
22-25 chapter.

22-26 Sec. 2302.052. DUTY TO SET FEES. The board [~~commission~~]  
22-27 shall set application fees, license fees, renewal fees, and other  
22-28 fees as required to implement this chapter. The board [~~commission~~]  
22-29 shall set the fees in amounts reasonable and necessary to implement  
22-30 and enforce this chapter.

22-31 Sec. 2302.053. RULES RESTRICTING ADVERTISING OR  
22-32 COMPETITIVE BIDDING. (a) The board [~~commission~~] may not adopt a  
22-33 rule under Section 2302.051 restricting advertising or competitive  
22-34 bidding by a person who holds a license issued under this chapter  
22-35 except to prohibit false, misleading, or deceptive practices by the  
22-36 person.

22-37 (b) The board [~~commission~~] may not include in its rules to  
22-38 prohibit false, misleading, or deceptive practices a rule that:

22-39 (1) restricts the use of any advertising medium;

22-40 (2) restricts the person's personal appearance or use  
22-41 of the person's voice in an advertisement;

22-42 (3) relates to the size or duration of an  
22-43 advertisement by the person; or

22-44 (4) restricts the use of a trade name in advertising by  
22-45 the person.

22-46 SECTION 3I.08. Subsection (b), Section 2302.108,  
22-47 Occupations Code, is amended to read as follows:

22-48 (b) The board [~~commission~~] by rule shall establish the  
22-49 grounds for denial, suspension, revocation, or reinstatement of a  
22-50 license issued under this chapter and the procedures for  
22-51 disciplinary action. A rule adopted under this subsection may not  
22-52 conflict with a rule adopted by the State Office of Administrative  
22-53 Hearings.

22-54 SECTION 3I.09. Section 2302.204, Occupations Code, is  
22-55 amended to read as follows:

22-56 Sec. 2302.204. CASUAL SALES. This chapter does not apply to  
22-57 a person who purchases fewer than three nonrepairable motor  
22-58 vehicles or salvage motor vehicles from a salvage vehicle dealer,  
22-59 an insurance company or salvage pool operator in a casual sale at  
22-60 auction, except that:

22-61 (1) the board [~~commission~~] shall adopt rules as  
22-62 necessary to regulate casual sales by salvage vehicle dealers,  
22-63 insurance companies, or salvage pool operators and to enforce this  
22-64 section; and

22-65 (2) a salvage vehicle dealer, insurance company, or  
22-66 salvage pool operator who sells a motor vehicle in a casual sale  
22-67 shall comply with those rules and Subchapter E, Chapter 501,  
22-68 Transportation Code.

22-69 SECTION 3I.10. Subdivision (33), Section 2301.002,

23-1 Occupations Code, is repealed.

23-2 PART J. PENAL CODE

23-3 SECTION 3J.01. Subsection (c), Section 31.03, Penal Code,  
23-4 is amended to read as follows:

23-5 (c) For purposes of Subsection (b):

23-6 (1) evidence that the actor has previously  
23-7 participated in recent transactions other than, but similar to,  
23-8 that which the prosecution is based is admissible for the purpose of  
23-9 showing knowledge or intent and the issues of knowledge or intent  
23-10 are raised by the actor's plea of not guilty;

23-11 (2) the testimony of an accomplice shall be  
23-12 corroborated by proof that tends to connect the actor to the crime,  
23-13 but the actor's knowledge or intent may be established by the  
23-14 uncorroborated testimony of the accomplice;

23-15 (3) an actor engaged in the business of buying and  
23-16 selling used or secondhand personal property, or lending money on  
23-17 the security of personal property deposited with the actor, is  
23-18 presumed to know upon receipt by the actor of stolen property (other  
23-19 than a motor vehicle subject to Chapter 501, Transportation Code)  
23-20 that the property has been previously stolen from another if the  
23-21 actor pays for or loans against the property \$25 or more (or  
23-22 consideration of equivalent value) and the actor knowingly or  
23-23 recklessly:

23-24 (A) fails to record the name, address, and  
23-25 physical description or identification number of the seller or  
23-26 pledgor;

23-27 (B) fails to record a complete description of the  
23-28 property, including the serial number, if reasonably available, or  
23-29 other identifying characteristics; or

23-30 (C) fails to obtain a signed warranty from the  
23-31 seller or pledgor that the seller or pledgor has the right to  
23-32 possess the property. It is the express intent of this provision  
23-33 that the presumption arises unless the actor complies with each of  
23-34 the numbered requirements;

23-35 (4) for the purposes of Subdivision (3)(A),  
23-36 "identification number" means driver's license number, military  
23-37 identification number, identification certificate, or other  
23-38 official number capable of identifying an individual;

23-39 (5) stolen property does not lose its character as  
23-40 stolen when recovered by any law enforcement agency;

23-41 (6) an actor engaged in the business of obtaining  
23-42 abandoned or wrecked motor vehicles or parts of an abandoned or  
23-43 wrecked motor vehicle for resale, disposal, scrap, repair,  
23-44 rebuilding, demolition, or other form of salvage is presumed to  
23-45 know on receipt by the actor of stolen property that the property  
23-46 has been previously stolen from another if the actor knowingly or  
23-47 recklessly:

23-48 (A) fails to maintain an accurate and legible  
23-49 inventory of each motor vehicle component part purchased by or  
23-50 delivered to the actor, including the date of purchase or delivery,  
23-51 the name, age, address, sex, and driver's license number of the  
23-52 seller or person making the delivery, the license plate number of  
23-53 the motor vehicle in which the part was delivered, a complete  
23-54 description of the part, and the vehicle identification number of  
23-55 the motor vehicle from which the part was removed, or in lieu of  
23-56 maintaining an inventory, fails to record the name and certificate  
23-57 of inventory number of the person who dismantled the motor vehicle  
23-58 from which the part was obtained;

23-59 (B) fails on receipt of a motor vehicle to obtain  
23-60 a certificate of authority, sales receipt, or transfer document as  
23-61 required by Chapter 683, Transportation Code, or a certificate of  
23-62 title showing that the motor vehicle is not subject to a lien or  
23-63 that all recorded liens on the motor vehicle have been released; or

23-64 (C) fails on receipt of a motor vehicle to  
23-65 immediately remove an unexpired license plate from the motor  
23-66 vehicle, to keep the plate in a secure and locked place, or to  
23-67 maintain an inventory, on forms provided by the Texas Department of  
23-68 Vehicles [~~Transportation~~], of license plates kept under this  
23-69 paragraph, including for each plate or set of plates the license

24-1 plate number and the make, motor number, and vehicle identification  
 24-2 number of the motor vehicle from which the plate was removed;

24-3 (7) an actor who purchases or receives a used or  
 24-4 secondhand motor vehicle is presumed to know on receipt by the actor  
 24-5 of the motor vehicle that the motor vehicle has been previously  
 24-6 stolen from another if the actor knowingly or recklessly:

24-7 (A) fails to report to the Texas Department of  
 24-8 Vehicles [Transportation] the failure of the person who sold or  
 24-9 delivered the motor vehicle to the actor to deliver to the actor a  
 24-10 properly executed certificate of title to the motor vehicle at the  
 24-11 time the motor vehicle was delivered; or

24-12 (B) fails to file with the county tax  
 24-13 assessor-collector of the county in which the actor received the  
 24-14 motor vehicle, not later than the 20th day after the date the actor  
 24-15 received the motor vehicle, the registration license receipt and  
 24-16 certificate of title or evidence of title delivered to the actor in  
 24-17 accordance with Subchapter D, Chapter 520, Transportation Code, at  
 24-18 the time the motor vehicle was delivered;

24-19 (8) an actor who purchases or receives from any source  
 24-20 other than a licensed retailer or distributor of pesticides a  
 24-21 restricted-use pesticide or a state-limited-use pesticide or a  
 24-22 compound, mixture, or preparation containing a restricted-use or  
 24-23 state-limited-use pesticide is presumed to know on receipt by the  
 24-24 actor of the pesticide or compound, mixture, or preparation that  
 24-25 the pesticide or compound, mixture, or preparation has been  
 24-26 previously stolen from another if the actor:

24-27 (A) fails to record the name, address, and  
 24-28 physical description of the seller or pledgor;

24-29 (B) fails to record a complete description of the  
 24-30 amount and type of pesticide or compound, mixture, or preparation  
 24-31 purchased or received; and

24-32 (C) fails to obtain a signed warranty from the  
 24-33 seller or pledgor that the seller or pledgor has the right to  
 24-34 possess the property; and

24-35 (9) an actor who is subject to Section 409, Packers and  
 24-36 Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from  
 24-37 a commission merchant by representing that the actor will make  
 24-38 prompt payment is presumed to have induced the commission  
 24-39 merchant's consent by deception if the actor fails to make full  
 24-40 payment in accordance with Section 409, Packers and Stockyards Act  
 24-41 (7 U.S.C. Section 228b).

24-42 SECTION 3J.02. Subsection (b), Section 31.11, Penal Code,  
 24-43 is amended to read as follows:

24-44 (b) It is an affirmative defense to prosecution under this  
 24-45 section that the person was:

24-46 (1) the owner or acting with the effective consent of  
 24-47 the owner of the property involved;

24-48 (2) a peace officer acting in the actual discharge of  
 24-49 official duties; or

24-50 (3) acting with respect to a number assigned to a  
 24-51 vehicle by the Texas Department of Transportation or the Texas  
 24-52 Department of Vehicles, as applicable, and the person was:

24-53 (A) in the actual discharge of official duties as  
 24-54 an employee or agent of the department; or

24-55 (B) in full compliance with the rules of the  
 24-56 department as an applicant for an assigned number approved by the  
 24-57 department.

24-58 PART K. TAX CODE

24-59 SECTION 3K.01. Subsection (d), Section 21.02, Tax Code, is  
 24-60 amended to read as follows:

24-61 (d) A motor vehicle does not have taxable situs in a taxing  
 24-62 unit under Subsection (a)(1) if, on January 1, the vehicle:

24-63 (1) has been located for less than 60 days at a place  
 24-64 of business of a person who holds a wholesale motor vehicle auction  
 24-65 general distinguishing number issued by the Texas Department of  
 24-66 Vehicles [Transportation] under Chapter 503, Transportation Code,  
 24-67 for that place of business; and

24-68 (2) is offered for resale.

24-69 SECTION 3K.02. Subsection (d), Section 22.04, Tax Code, is



25-1 amended to read as follows:

25-2 (d) This section does not apply to a motor vehicle that on  
25-3 January 1 is located at a place of business of a person who holds a  
25-4 wholesale motor vehicle auction general distinguishing number  
25-5 issued by the Texas Department of Vehicles [~~Transportation~~] under  
25-6 Chapter 503, Transportation Code, for that place of business, and  
25-7 that:

25-8 (1) has not acquired taxable situs under Section  
25-9 21.02(a)(1) in a taxing unit that participates in the appraisal  
25-10 district because the vehicle is described by Section 21.02(d);

25-11 (2) is offered for sale by a dealer who holds a  
25-12 dealer's general distinguishing number issued by the Texas  
25-13 Department of Vehicles [~~Transportation~~] under Chapter 503,  
25-14 Transportation Code, and whose inventory of motor vehicles is  
25-15 subject to taxation in the manner provided by Sections 23.121 and  
25-16 23.122; or

25-17 (3) is collateral possessed by a lienholder and  
25-18 offered for sale in foreclosure of a security interest.

25-19 SECTION 3K.03. Subdivisions (3), (11), and (14), Subsection  
25-20 (a), Section 23.121, Tax Code, are amended to read as follows:

25-21 (3) "Dealer" means a person who holds a dealer's  
25-22 general distinguishing number issued by the Texas Department of  
25-23 Vehicles [~~Transportation~~] under the authority of Chapter 503,  
25-24 Transportation Code, or who is legally recognized as a motor  
25-25 vehicle dealer pursuant to the law of another state and who complies  
25-26 with the terms of Section 152.063(f). The term does not include:

25-27 (A) a person who holds a manufacturer's license  
25-28 issued under Chapter 2301, Occupations Code [~~by the Motor Vehicle~~  
25-29 ~~Board of the Texas Department of Transportation~~];

25-30 (B) an entity that is owned or controlled by a  
25-31 person who holds a manufacturer's license issued under Chapter  
25-32 2301, Occupations Code [~~by the Motor Vehicle Board of the Texas~~  
25-33 ~~Department of Transportation~~]; or

25-34 (C) a dealer whose general distinguishing number  
25-35 issued by the Texas Department of Vehicles [~~Transportation~~] under  
25-36 the authority of Chapter 503, Transportation Code, prohibits the  
25-37 dealer from selling a vehicle to any person except a dealer.

25-38 (11) "Sales price" means the total amount of money  
25-39 paid or to be paid for the purchase of a motor vehicle as set forth  
25-40 as "sales price" in the form entitled "Application for Texas  
25-41 Certificate of Title" promulgated by the Texas Department of  
25-42 Vehicles [~~Transportation~~]. In a transaction that does not involve  
25-43 the use of that form, the term means an amount of money that is  
25-44 equivalent, or substantially equivalent, to the amount that would  
25-45 appear as "sales price" on the Application for Texas Certificate of  
25-46 Title if that form were involved.

25-47 (14) "Towable recreational vehicle" means a  
25-48 nonmotorized vehicle that is designed for temporary human  
25-49 habitation for recreational, camping, or seasonal use and:

25-50 (A) is titled and registered with the Texas  
25-51 Department of Vehicles [~~Transportation~~] through the office of the  
25-52 collector;

25-53 (B) is permanently built on a single chassis;

25-54 (C) contains one or more life support systems;

25-55 and

25-56 (D) is designed to be towable by a motor vehicle.

25-57 SECTION 3K.04. Subsections (f), (g), and (h), Section  
25-58 23.121, Tax Code, are amended to read as follows:

25-59 (f) The comptroller shall promulgate a form entitled  
25-60 Dealer's Motor Vehicle Inventory Declaration. Except as provided  
25-61 by Section 23.122(1) [~~of this code~~], not later than February 1 of  
25-62 each year, or, in the case of a dealer who was not in business on  
25-63 January 1, not later than 30 days after commencement of business,  
25-64 each dealer shall file a declaration with the chief appraiser and  
25-65 file a copy with the collector. For purposes of this subsection, a  
25-66 dealer is presumed to have commenced business on the date of  
25-67 issuance to the dealer of a dealer's general distinguishing number  
25-68 as provided by Chapter 503, Transportation Code. Notwithstanding  
25-69 the presumption created by this subsection, a chief appraiser may,

26-1 at his or her sole discretion, designate as the date on which a  
 26-2 dealer commenced business a date other than the date of issuance to  
 26-3 the dealer of a dealer's general distinguishing number. The  
 26-4 declaration is sufficient to comply with this subsection if it sets  
 26-5 forth the following information:

26-6 (1) the name and business address of each location at  
 26-7 which the dealer owner conducts business;

26-8 (2) each of the dealer's general distinguishing  
 26-9 numbers issued by the Texas Department of Vehicles  
 26-10 [~~Transportation~~];

26-11 (3) a statement that the dealer owner is the owner of a  
 26-12 dealer's motor vehicle inventory; and

26-13 (4) the market value of the dealer's motor vehicle  
 26-14 inventory for the current tax year as computed under Section  
 26-15 23.121(b) [~~of this code~~].

26-16 (g) Under the terms provided by this subsection, the chief  
 26-17 appraiser may examine the books and records of the holder of a  
 26-18 general distinguishing number issued by the Texas Department of  
 26-19 Vehicles [~~Transportation~~]. A request made under this subsection  
 26-20 must be made in writing, delivered personally to the custodian of  
 26-21 the records, at the location for which the general distinguishing  
 26-22 number has been issued, must provide a period not less than 15 days  
 26-23 for the person to respond to the request, and must state that the  
 26-24 person to whom it is addressed has the right to seek judicial relief  
 26-25 from compliance with the request. In a request made under this  
 26-26 section the chief appraiser may examine:

26-27 (1) the document issued by the Texas Department of  
 26-28 Vehicles [~~Transportation~~] showing the person's general  
 26-29 distinguishing number;

26-30 (2) documentation appropriate to allow the chief  
 26-31 appraiser to ascertain the applicability of this section and  
 26-32 Section 23.122 [~~of this code~~] to the person;

26-33 (3) sales records to substantiate information set  
 26-34 forth in the dealer's declaration filed by the person.

26-35 (h) If a dealer fails to file a declaration as required by  
 26-36 this section, or if, on the declaration required by this section, a  
 26-37 dealer reports the sale of fewer than five motor vehicles in the  
 26-38 prior year, the chief appraiser shall report that fact to the Texas  
 26-39 Department of Vehicles [~~Transportation~~] and the department shall  
 26-40 initiate termination proceedings. The chief appraiser shall  
 26-41 include with the report a copy of a declaration, if any, indicating  
 26-42 the sale by a dealer of fewer than five motor vehicles in the prior  
 26-43 year. A report by a chief appraiser to the Texas Department of  
 26-44 Vehicles [~~Transportation~~] as provided by this subsection is prima  
 26-45 facie grounds for the cancellation of the dealer's general  
 26-46 distinguishing number under Section 503.038(a)(9), Transportation  
 26-47 Code, or for refusal by the Texas Department of Vehicles  
 26-48 [~~Transportation~~] to renew the dealer's general distinguishing  
 26-49 number.

26-50 SECTION 3K.05. Subsection (c), Section 23.123, Tax Code, is  
 26-51 amended to read as follows:

26-52 (c) Information made confidential by this section may be  
 26-53 disclosed:

26-54 (1) in a judicial or administrative proceeding  
 26-55 pursuant to a lawful subpoena;

26-56 (2) to the person who filed the declaration or  
 26-57 statement or to that person's representative authorized by the  
 26-58 person in writing to receive the information;

26-59 (3) to the comptroller or an employee of the  
 26-60 comptroller authorized by the comptroller to receive the  
 26-61 information;

26-62 (4) to a collector or chief appraiser;

26-63 (5) to a district attorney, criminal district attorney  
 26-64 or county attorney involved in the enforcement of a penalty imposed  
 26-65 pursuant to Section 23.121 or Section 23.122 [~~of this code~~];

26-66 (6) for statistical purposes if in a form that does not  
 26-67 identify specific property or a specific property owner;

26-68 (7) if and to the extent that the information is  
 26-69 required for inclusion in a public document or record that the

27-1 appraisal or collection office is required by law to prepare or  
27-2 maintain; or

27-3 (8) to the Texas Department of Vehicles  
27-4 [~~Transportation~~] for use by that department in auditing compliance  
27-5 of its licensees with appropriate provisions of applicable law.

27-6 SECTION 3K.06. Subdivision (11), Subsection (a), Section  
27-7 23.124, Tax Code, is amended to read as follows:

27-8 (11) "Sales price" means the total amount of money  
27-9 paid or to be paid for the purchase of:

27-10 (A) a vessel, other than a trailer that is  
27-11 treated as a vessel, as set forth as "sales price" in the form  
27-12 entitled "Application for Texas Certificate of Number/Title for  
27-13 Boat/Seller, Donor or Trader's Affidavit" promulgated by the Parks  
27-14 and Wildlife Department;

27-15 (B) an outboard motor as set forth as "sales  
27-16 price" in the form entitled "Application for Texas Certificate of  
27-17 Title for an Outboard Motor/Seller, Donor or Trader's Affidavit"  
27-18 promulgated by the Parks and Wildlife Department; or

27-19 (C) a trailer that is treated as a vessel as set  
27-20 forth as "sales price" in the form entitled "Application for Texas  
27-21 Certificate of Title" promulgated by the Texas Department of  
27-22 Vehicles [~~Transportation~~].

27-23 In a transaction involving a vessel, an outboard motor,  
27-24 or a trailer that is treated as a vessel that does not involve the  
27-25 use of one of these forms, the term means an amount of money that is  
27-26 equivalent, or substantially equivalent, to the amount that would  
27-27 appear as "sales price" on the Application for Texas Certificate of  
27-28 Number/Title for Boat/Seller, Donor or Trader's Affidavit, the  
27-29 Application for Texas Certificate of Title for an Outboard  
27-30 Motor/Seller, Donor or Trader's Affidavit, or the Application for  
27-31 Texas Certificate of Title if one of these forms were involved.

27-32 SECTION 3K.07. Section 113.011, Tax Code, is amended to  
27-33 read as follows:

27-34 Sec. 113.011. LIENS FILED WITH TEXAS DEPARTMENT OF VEHICLES  
27-35 [~~TRANSPORTATION~~]. The comptroller shall furnish to the Texas  
27-36 Department of Vehicles [~~Transportation~~] each release of a tax lien  
27-37 filed by the comptroller with that department.

27-38 SECTION 3K.08. Subsections (a) and (f), Section 152.0412,  
27-39 Tax Code, are amended to read as follows:

27-40 (a) In this section, "standard presumptive value" means the  
27-41 private-party transaction value of a motor vehicle, as determined  
27-42 by the Texas Department of Vehicles [~~Transportation~~] based on an  
27-43 appropriate regional guidebook of a nationally recognized motor  
27-44 vehicle value guide service, or based on another motor vehicle  
27-45 guide publication that the department determines is appropriate if  
27-46 a private-party transaction value for the motor vehicle is not  
27-47 available from a regional guidebook described by this subsection.

27-48 (f) The Texas Department of Vehicles [~~Transportation~~] shall  
27-49 maintain information on the standard presumptive values of motor  
27-50 vehicles as part of the department's registration and title system.  
27-51 The department shall update the information at least quarterly each  
27-52 calendar year and publish, electronically or otherwise, the updated  
27-53 information.

27-54 SECTION 3K.09. Section 152.042, Tax Code, is amended to  
27-55 read as follows:

27-56 Sec. 152.042. COLLECTION OF TAX ON METAL DEALER PLATES. A  
27-57 person required to pay the tax imposed by Section 152.027 shall pay  
27-58 the tax to the Texas Department of Vehicles [~~Transportation~~], and  
27-59 the department may not issue the metal dealer's plates until the tax  
27-60 is paid.

27-61 SECTION 3K.10. Subsection (b), Section 152.121, Tax Code,  
27-62 is amended to read as follows:

27-63 (b) Taxes on metal dealer plates collected by the Texas  
27-64 Department of Vehicles [~~Transportation~~] shall be deposited by the  
27-65 department in the state treasury in the same manner as are other  
27-66 taxes collected under this chapter.

27-67 SECTION 3K.11. Subdivision (52), Section 162.001, Tax Code,  
27-68 is amended to read as follows:

27-69 (52) "Registered gross weight" means the total weight

28-1 of the vehicle and carrying capacity shown on the registration  
 28-2 certificate issued by the Texas Department of Vehicles  
 28-3 [Transportation].

28-4 ARTICLE 4. TRANSFERS OF CERTAIN POWERS, DUTIES, OBLIGATIONS, AND  
 28-5 RIGHTS OF ACTION

28-6 SECTION 4.01. (a) All powers, duties, obligations, and  
 28-7 rights of action of the Motor Vehicle Division and the Vehicle  
 28-8 Titles and Registration Division of the Texas Department of  
 28-9 Transportation, and those of the Motor Carrier Division of that  
 28-10 department that relate to the permitting of oversize and overweight  
 28-11 vehicles, are transferred to the Texas Department of Vehicles, and  
 28-12 all powers, duties, obligations, and rights of action of the Texas  
 28-13 Transportation Commission in connection or associated with the  
 28-14 Motor Vehicle Division and the Vehicle Titles and Registration  
 28-15 Division of the Texas Department of Transportation, and those of  
 28-16 the Motor Carrier Division of that department that relate to the  
 28-17 permitting of oversize and overweight vehicles, are transferred to  
 28-18 the board of the Texas Department of Vehicles on November 1, 2009.

28-19 (b) In connection with the transfers required by Subsection  
 28-20 (a) of this section, the personnel, furniture, computers, other  
 28-21 property and equipment, files, and related materials used by the  
 28-22 Motor Vehicle Division or the Vehicle Titles and Registration  
 28-23 Division of the Texas Department of Transportation or by the Motor  
 28-24 Carrier Division of that department in connection with the  
 28-25 permitting of oversize and overweight vehicles are transferred to  
 28-26 the Texas Department of Vehicles.

28-27 (c) The Texas Department of Vehicles shall continue any  
 28-28 proceeding involving the Motor Vehicle Division or the Vehicle  
 28-29 Titles and Registration Division of the Texas Department of  
 28-30 Transportation or of the Motor Carrier Division of that department  
 28-31 that was brought before the effective date of this Act in accordance  
 28-32 with the law in effect on the date the proceeding was brought, and  
 28-33 the former law is continued in effect for that purpose.

28-34 (d) A certificate, license, document, permit, registration,  
 28-35 or other authorization issued by the Motor Vehicle Division or the  
 28-36 Vehicle Titles and Registration Division of the Texas Department of  
 28-37 Transportation or the Motor Carrier Division of that department in  
 28-38 connection with the permitting of oversize or overweight vehicles  
 28-39 that is in effect on the effective date of this Act remains valid  
 28-40 for the period for which it was issued unless suspended or revoked  
 28-41 by the Texas Department of Vehicles.

28-42 (e) A rule adopted by the Texas Transportation Commission or  
 28-43 the director of the Texas Department of Transportation in  
 28-44 connection with or relating to the Motor Vehicle Division or the  
 28-45 Vehicle Titles and Registration Division of that department or by  
 28-46 the Motor Carrier Division of that department in connection with  
 28-47 the permitting of oversize or overweight vehicles continues in  
 28-48 effect until it is amended or repealed by the board of the Texas  
 28-49 Department of Vehicles or the Texas Department of Vehicles, as  
 28-50 applicable.

28-51 (f) The unobligated and unexpended balance of any  
 28-52 appropriations made to the Texas Department of Transportation in  
 28-53 connection with or relating to the Motor Vehicle Division or the  
 28-54 Vehicle Titles and Registration Division of that department or in  
 28-55 connection with or relating to the Motor Carrier Division of that  
 28-56 department for the permitting of oversize and overweight vehicles  
 28-57 for the state fiscal biennium ending August 31, 2009, is  
 28-58 transferred and reappropriated to the Texas Department of Vehicles  
 28-59 for the purpose of implementing the powers, duties, obligations,  
 28-60 and rights of action transferred to that department under  
 28-61 Subsection (a) of this section.

28-62 SECTION 4.02. (a) In connection with the establishment by  
 28-63 this Act of the Automobile Burglary and Theft Prevention Authority  
 28-64 in the Texas Department of Vehicles and with the transfer by this  
 28-65 Act of the duty to provide personnel and services to the Automobile  
 28-66 Burglary and Theft Prevention Authority from the Texas Department  
 28-67 of Transportation to the Texas Department of Vehicles, the  
 28-68 personnel, furniture, computers, other property and equipment,  
 28-69 files, and related materials used by the Automobile Burglary and

29-1 Theft Prevention Authority are transferred to the Texas Department  
29-2 of Vehicles.

29-3 (b) The unobligated and unexpended balance of any  
29-4 appropriations made to the Texas Department of Transportation in  
29-5 connection with or relating to the Automobile Burglary and Theft  
29-6 Prevention Authority for the state fiscal biennium ending August  
29-7 31, 2009, is transferred and reappropriated to the Texas Department  
29-8 of Vehicles for the purpose of allowing the authority to continue to  
29-9 exercise its powers, duties, and obligations under the auspices of  
29-10 that department.

29-11 SECTION 4.03. (a) In addition to the positions of the  
29-12 Texas Department of Transportation assigned to the Vehicle Titles  
29-13 and Registration Division, Motor Vehicle Division, Motor Carrier  
29-14 Division, and Automobile Burglary and Theft Prevention Authority  
29-15 Division that are transferred to the Texas Department of Vehicles,  
29-16 it is estimated that 75 other full-time equivalent employee  
29-17 positions of the Texas Department of Transportation primarily  
29-18 support the transferred divisions and, subject to this section,  
29-19 those positions are also transferred to the Texas Department of  
29-20 Vehicles. The number of positions transferred under this  
29-21 subsection may be modified by agreement of the two agencies in a  
29-22 memorandum of understanding.

29-23 (b) If in another Act of the 81st Legislature, Regular  
29-24 Session, 2009, the legislature establishes a maximum number of  
29-25 full-time equivalent employee positions for the Texas Department of  
29-26 Vehicles, the number of positions transferred under Subsection (a)  
29-27 of this section may not result in a number of full-time equivalent  
29-28 employee positions of that department that exceeds the maximum.

29-29 (c) When filling a position described by Subsection (a) of  
29-30 this section, the Texas Department of Vehicles shall give first  
29-31 consideration to an applicant who, as of September 1, 2009, was a  
29-32 full-time employee of the Texas Department of Transportation and  
29-33 primarily supported one or more of the transferred divisions.

#### 29-34 ARTICLE 5. APPOINTMENT OF BOARD

29-35 SECTION 5.01. Not later than October 1, 2009, the governor  
29-36 shall appoint the members of the board of the Texas Department of  
29-37 Vehicles in accordance with Subchapter B, Chapter 1001,  
29-38 Transportation Code, as added by this Act.

#### 29-39 ARTICLE 6. MEMORANDUM OF UNDERSTANDING

29-40 SECTION 6.01. (a) The board of the Texas Department of  
29-41 Vehicles and the Texas Transportation Commission by rule shall  
29-42 adopt or revise a joint memorandum of understanding to coordinate  
29-43 the Texas Department of Vehicles' and the Texas Department of  
29-44 Transportation's information systems to allow for the sharing of  
29-45 information so that each department may effectively and efficiently  
29-46 perform the functions and duties assigned to it.

29-47 (b) The Texas Department of Vehicles and the Texas  
29-48 Department of Transportation shall implement the joint memorandum  
29-49 of understanding using existing personnel and resources.

29-50 (c) Otherwise confidential information shared under the  
29-51 memorandum of understanding remains subject to the same  
29-52 confidentiality requirements and legal restrictions on access to  
29-53 the information that are imposed by law on the department that  
29-54 originally obtained or collected the information.

29-55 (d) Information may be shared under the memorandum of  
29-56 understanding without the consent of the person who is the subject  
29-57 of the information.

29-58 SECTION 6.02. (a) In addition to the memorandum of  
29-59 understanding required by Section 6.01 of this article, the board  
29-60 of the Texas Department of Vehicles and the Texas Transportation  
29-61 Commission by rule may adopt or revise one or more other joint  
29-62 memoranda of understanding as considered necessary or appropriate  
29-63 to effectuate the transfer of the powers and duties of the Texas  
29-64 Department of Transportation to the Texas Department of Vehicles  
29-65 under this Act.

29-66 (b) Subsections (b), (c), and (d) of Section 6.01 of this  
29-67 article apply to a memorandum of understanding adopted or revised  
29-68 under Subsection (a) of this section.

30-1

ARTICLE 7. EFFECTIVE DATE

30-2

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

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