

By: Davis

S.B. No. 1235

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the sale and use of unregistered vehicles, including
3 the issuance and use of temporary tags on vehicles and the
4 collection of sales taxes.

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

6 SECTION 1. Subsection (d), Section 501.022, Transportation
7 Code, is amended to read as follows:

8 (d) Subsection (c) does not apply to a motor vehicle
9 operated on a public highway in this state with a metal dealer's
10 license plate or a dealer's or buyer's temporary [~~cardboard~~] tag
11 attached to the vehicle as provided by Chapter 503.

12 SECTION 2. Subsections (a) and (c), Section 503.038,
13 Transportation Code, are amended to read as follows:

14 (a) The department may cancel a dealer's general
15 distinguishing number if the dealer:

16 (1) falsifies or forges a title document, including an
17 affidavit making application for a certified copy of a title;

18 (2) files a false or forged tax document, including a
19 sales tax affidavit;

20 (3) fails to take assignment of any basic evidence of
21 ownership, including a certificate of title or manufacturer's
22 certificate, for a vehicle the dealer acquires;

23 (4) fails to assign any basic evidence of ownership,
24 including a certificate of title or manufacturer's certificate, for

1 a vehicle the dealer sells;

2 (5) uses or permits the use of a metal dealer's license
3 plate or a dealer's temporary [~~cardboard~~] tag on a vehicle that the
4 dealer does not own or control or that is not in stock and offered
5 for sale;

6 (6) makes a material misrepresentation in an
7 application or other information filed with the department;

8 (7) fails to maintain the qualifications for a general
9 distinguishing number;

10 (8) fails to provide to the department within 30 days
11 after the date of demand by the department satisfactory and
12 reasonable evidence that the person is regularly and actively
13 engaged in business as a wholesale or retail dealer;

14 (9) has been licensed for at least 12 months and has
15 not assigned at least five vehicles during the previous 12-month
16 period;

17 (10) has failed to demonstrate compliance with
18 Sections 23.12, 23.121, and 23.122, Tax Code;

19 (11) uses or allows the use of the dealer's general
20 distinguishing number or the location for which the general
21 distinguishing number is issued to avoid the requirements of this
22 chapter;

23 (12) misuses or allows the misuse of a temporary
24 [~~cardboard~~] tag authorized under this chapter;

25 (13) refuses to show on a buyer's temporary
26 [~~cardboard~~] tag the date of sale or other reasonable information
27 required by the department; or

1 (14) otherwise violates this chapter or a rule adopted
2 under this chapter.

3 (c) A person whose general distinguishing number is
4 canceled under this chapter shall surrender to a representative of
5 the department each license, license plate, temporary [~~cardboard~~
6 tag, sticker, and receipt issued under this chapter not later than
7 the 10th day after the date the general distinguishing number is
8 canceled. The department shall direct any peace officer to secure
9 and return to the department any plate, tag, sticker, or receipt of
10 a person who does not comply with this subsection.

11 SECTION 3. The heading to Section 503.062, Transportation
12 Code, is amended to read as follows:

13 Sec. 503.062. DEALER'S TEMPORARY [~~CARDBOARD~~] TAGS.

14 SECTION 4. Subsections (a), (b), and (d), Section 503.062,
15 Transportation Code, are amended to read as follows:

16 (a) A dealer may issue a temporary [~~cardboard~~] tag for use
17 on an unregistered vehicle by the dealer or the dealer's employees
18 only to:

19 (1) demonstrate or cause to be demonstrated to a
20 prospective buyer the vehicle for sale purposes only;

21 (2) convey or cause to be conveyed the vehicle:

22 (A) from one of the dealer's places of business
23 in this state to another of the dealer's places of business in this
24 state;

25 (B) from the dealer's place of business to a
26 place the vehicle is to be repaired, reconditioned, or serviced;

27 (C) from the state line or a location in this

1 state where the vehicle is unloaded to the dealer's place of
2 business;

3 (D) from the dealer's place of business to a
4 place of business of another dealer;

5 (E) from the point of purchase by the dealer to
6 the dealer's place of business; or

7 (F) to road test the vehicle; or

8 (3) use the vehicle for or allow its use by a
9 charitable organization.

10 (b) Subsection (a)(1) does not prohibit a dealer from
11 permitting:

12 (1) a prospective buyer to operate a vehicle while the
13 vehicle is being demonstrated; or

14 (2) a customer to operate a vehicle temporarily while
15 the customer's vehicle is being repaired.

16 (d) The department may not issue a dealer temporary
17 [~~cardboard~~] tag or contract for the issuance of a dealer temporary
18 [~~cardboard~~] tag but shall prescribe:

19 (1) the specifications, form, and color of a dealer
20 temporary [~~cardboard~~] tag;

21 (2) procedures for a dealer to generate a
22 vehicle-specific number using the database developed under Section
23 503.0626 and assign it to each tag;

24 (3) procedures to clearly display the
25 vehicle-specific number on the tag; and

26 (4) the period for which a tag may be used for or by a
27 charitable organization.

1 SECTION 5. The heading to Section 503.0625, Transportation
2 Code, is amended to read as follows:

3 Sec. 503.0625. CONVERTER'S TEMPORARY [~~CARDBOARD~~] TAGS.

4 SECTION 6. Subsections (b), (e), and (f), Section 503.0625,
5 Transportation Code, are amended to read as follows:

6 (b) A converter may issue a temporary [~~cardboard~~] tag for
7 use on an unregistered vehicle by the converter or the converter's
8 employees only to:

9 (1) demonstrate or cause to be demonstrated to a
10 prospective buyer who is an employee of a franchised motor vehicle
11 dealer the vehicle; or

12 (2) convey or cause to be conveyed the vehicle:

13 (A) from one of the converter's places of
14 business in this state to another of the converter's places of
15 business in this state;

16 (B) from the converter's place of business to a
17 place the vehicle is to be assembled, repaired, reconditioned,
18 modified, or serviced;

19 (C) from the state line or a location in this
20 state where the vehicle is unloaded to the converter's place of
21 business;

22 (D) from the converter's place of business to a
23 place of business of a franchised motor vehicle dealer; or

24 (E) to road test the vehicle.

25 (e) The department may not issue a converter temporary
26 [~~cardboard~~] tag or contract for the issuance of a converter
27 temporary [~~cardboard~~] tag but shall prescribe:

1 (1) the specifications, form, and color of a converter
2 temporary [~~cardboard~~] tag;

3 (2) procedures for a converter to generate a
4 vehicle-specific number using the database developed under Section
5 503.0626 and assign it to each tag; and

6 (3) procedures to clearly display the
7 vehicle-specific number on the tag.

8 (f) A converter or employee of a converter may not use a
9 temporary [~~cardboard~~] tag issued under this section as
10 authorization to operate a vehicle for the converter's or the
11 employee's personal use.

12 SECTION 7. Subsections (a) and (c), Section 503.0626,
13 Transportation Code, are amended to read as follows:

14 (a) The department shall develop and maintain a secure,
15 real-time database of information on vehicles to which dealers and
16 converters have affixed temporary [~~cardboard~~] tags. The database
17 shall be managed by the vehicle titles and registration division of
18 the department.

19 (c) Before a dealer's or converter's temporary [~~cardboard~~]
20 tag may be displayed on a vehicle, the dealer or converter must
21 enter into the database through the Internet information on the
22 vehicle and information about the dealer or converter as prescribed
23 by the department. The department may not deny access to the
24 database to any dealer who holds a general distinguishing number
25 issued under this chapter or who is licensed under Chapter 2301,
26 Occupations Code, or to any converter licensed under Chapter 2301,
27 Occupations Code.

1 SECTION 8. The heading to Section 503.063, Transportation
2 Code, is amended to read as follows:

3 Sec. 503.063. BUYER'S TEMPORARY [~~CARDBOARD~~] TAGS.

4 SECTION 9. Subsections (a), (b), (g), and (h), Section
5 503.063, Transportation Code, are amended to read as follows:

6 (a) Except as provided by this section, a dealer shall issue
7 to a person who buys a vehicle one temporary [~~cardboard~~] buyer's tag
8 for the vehicle.

9 (b) Except as provided by this section, the buyer's tag is
10 valid for the operation of the vehicle until the earlier of:

11 (1) the date on which the vehicle is registered; or

12 (2) the 60th [~~21st~~] day after the date of purchase.

13 (g) [~~Using the same vehicle-specific number generated under~~
14 ~~Subsection (c)(2)(A), a dealer may issue an additional temporary~~
15 ~~cardboard buyer's tag to a person after the expiration of 20 working~~
16 ~~days after the issue of a temporary cardboard buyer's tag, and the~~
17 ~~person may operate the vehicle for which the tag was issued on the~~
18 ~~additional temporary cardboard buyer's tag if the dealer has been~~
19 ~~unable to obtain on behalf of the vehicle's owner the necessary~~
20 ~~documents to obtain permanent metal license plates because the~~
21 ~~documents are in the possession of a lienholder who has not complied~~
22 ~~with the terms of Section 501.115(a). An additional tag issued~~
23 ~~under the terms of this subsection is valid for a maximum of 20~~
24 ~~working days after the date of issue.~~

25 [~~(h)~~] For each buyer's temporary [~~cardboard~~] tag [~~other~~
26 ~~than an additional temporary cardboard buyer's tag under Subsection~~
27 ~~(g)~~], a dealer shall charge the buyer a registration fee of not more

1 than \$5 as prescribed by the department to be sent to the
2 comptroller for deposit to the credit of the state highway fund.

3 SECTION 10. Subsection (c), Section 503.0631,
4 Transportation Code, is amended to read as follows:

5 (c) Except as provided by Subsection (d), before a buyer's
6 temporary [~~cardboard~~] tag may be displayed on a vehicle, a dealer
7 must enter into the database through the Internet information about
8 the buyer of the vehicle for which the tag was issued as prescribed
9 by the department and generate a vehicle-specific number for the
10 tag as required by Section 503.063(e). The department may not deny
11 access to the database to any dealer who holds a general
12 distinguishing number issued under this chapter or who is licensed
13 under Chapter 2301, Occupations Code.

14 SECTION 11. Subsection (a), Section 503.065,
15 Transportation Code, is amended to read as follows:

16 (a) The department may issue or cause to be issued to a
17 person a temporary license plate [~~made of cardboard or similar~~
18 ~~material~~] authorizing the person to operate a new unregistered
19 vehicle on a public highway of this state if the person:

20 (1) buys the vehicle from a dealer outside this state
21 and intends to drive the vehicle from the dealer's place of
22 business; or

23 (2) buys the vehicle from a dealer in this state but
24 intends to drive the vehicle from the manufacturer's place of
25 business outside this state.

26 SECTION 12. Section 503.067, Transportation Code, is
27 amended to read as follows:

1 Sec. 503.067. UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR
2 SALE OF TEMPORARY [~~CARDBOARD~~] TAGS. (a) A person may not produce
3 or reproduce a temporary [~~cardboard~~] tag or an item represented to
4 be a temporary [~~cardboard~~] tag for the purpose of distributing the
5 tag to someone other than a dealer or converter.

6 (b) A person may not operate a vehicle that displays an
7 unauthorized temporary [~~cardboard~~] tag.

8 (c) A person other than a dealer or converter may not
9 purchase a temporary [~~cardboard~~] tag.

10 (d) A person may not sell or distribute a temporary
11 [~~cardboard~~] tag or an item represented to be a temporary
12 [~~cardboard~~] tag unless the person is:

13 (1) a dealer issuing the tag in connection with the
14 sale of a vehicle; or

15 (2) a printer or distributor engaged in the business
16 of selling temporary [~~cardboard~~] tags solely for uses authorized
17 under this chapter.

18 SECTION 13. Subsections (a), (b), and (c), Section 503.068,
19 Transportation Code, are amended to read as follows:

20 (a) A dealer or an employee of a dealer may not use a
21 dealer's temporary [~~cardboard~~] tag as authorization to operate a
22 vehicle for the dealer's or the employee's personal use.

23 (b) A person may not use a metal dealer's license plate or
24 dealer's temporary [~~cardboard~~] tag on:

25 (1) a service or work vehicle; or

26 (2) a commercial vehicle that is carrying a load.

27 (c) For purposes of this section, a boat trailer carrying a

1 boat is not a commercial vehicle carrying a load. A dealer
2 complying with this chapter may affix to the rear of a boat trailer
3 the dealer owns or sells a metal dealer's license plate or temporary
4 ~~[cardboard]~~ tag issued under Section 503.061, 503.062, or 503.063.

5 SECTION 14. Subsection (a), Section 503.069,
6 Transportation Code, is amended to read as follows:

7 (a) A license plate, other than an in-transit license plate,
8 or a temporary ~~[cardboard]~~ tag issued under this chapter shall be
9 displayed in accordance with commission ~~[board]~~ rules.

10 SECTION 15. Subdivision (12), Section 601.002,
11 Transportation Code, is amended to read as follows:

12 (12) "Vehicle registration" means:

13 (A) a registration certificate, registration
14 receipt, or number plate issued under Chapter 502; or

15 (B) a dealer's license plate or temporary
16 ~~[cardboard]~~ tag issued under Chapter 503.

17 SECTION 16. Subsection (c), Section 152.041, Tax Code, is
18 amended to read as follows:

19 (c) Except as provided by Subsection (f) and Sections
20 152.0411 and ~~[Section]~~ 152.047, the tax imposed by Section 152.021
21 is due on the 20th working day after the date the motor vehicle is
22 delivered to the purchaser.

23 SECTION 17. Subsection (b), Section 152.0411, Tax Code, is
24 amended to read as follows:

25 (b) The seller shall collect the tax from the purchaser and
26 remit it to the tax assessor-collector in the ~~[time and]~~ manner
27 provided by law not later than the 45th day after the date the motor

1 vehicle is delivered to the purchaser.

2 SECTION 18. Subsection (a), Section 152.069, Tax Code, is
3 amended to read as follows:

4 (a) The seller of a motor vehicle sold in a seller-financed
5 sale shall apply for the registration of, and a Texas certificate of
6 title for, the motor vehicle in the name of the purchaser to the
7 appropriate county tax assessor-collector not later than the 45th
8 day after the date the motor vehicle is delivered to the purchaser.

9 SECTION 19. Section 503.0632, Transportation Code, is
10 repealed.

11 SECTION 20. The changes in law made by this Act to Section
12 503.067, Transportation Code, apply to an offense committed on or
13 after the effective date of this Act. An offense committed before
14 the effective date of this Act is governed by the law in effect when
15 the offense was committed, and the former law is continued in effect
16 for that purpose. For purposes of this section, an offense was
17 committed before the effective date of this Act if any element of
18 the offense was committed before that date.

19 SECTION 21. This Act takes effect September 1, 2009.