

By: McClendon

H.B. No. 3032

A BILL TO BE ENTITLED

AN ACT

relating to the Texas rail relocation and improvement fund.

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

SECTION 1. Section 501.097(d), Transportation Code, is amended to read as follows:

(d) The fee collected under Subsection (a)(1) shall be credited to the Texas rail relocation and improvement ~~[state highway]~~ fund ~~[to defray the costs of administering this subchapter and the costs to the department for issuing the title]~~.

SECTION 2. Section 501.100(e), Transportation Code, is amended to read as follows:

(e) On or after the 31st day after the date the department receives a rebuilder fee under Subsection (d), the department shall deposit \$50 of the fee to the credit of the Texas rail relocation and improvement ~~[state highway]~~ fund ~~[to be used only by the Department of Public Safety to enforce this chapter]~~ and \$15 to the credit of the general revenue fund.

SECTION 3. Section 501.134(a), Transportation Code, is amended to read as follows:

(a) If a certificate of title is lost or destroyed, the owner or lienholder disclosed on the certificate may obtain, in the manner provided by this section and department rule, a certified copy of the lost or destroyed certificate of title directly from the department by applying on a form prescribed by the department and

1 paying a fee of \$2. A fee collected under this subsection shall be
2 deposited to the credit of the Texas rail relocation and
3 improvement [~~state highway~~] fund [~~and may be spent only as provided~~
4 ~~by Section 501.138~~].

5 SECTION 4. Section 501.138(c), Transportation Code, is
6 amended to read as follows:

7 (c) Of the amount received under Subsection (b)(2), the
8 department shall deposit:

9 (1) \$5 in the general revenue fund; and

10 (2) \$3 to the credit of the Texas rail relocation and
11 improvement [~~state highway~~] fund [~~to recover the expenses necessary~~
12 ~~to administer this chapter~~].

13 SECTION 5. Section 502.008, Transportation Code, is amended
14 by adding Subsection (e) to read as follows:

15 (e) Any fee collected by the department for responding to an
16 inquiry under this section shall be deposited to the credit of the
17 Texas rail relocation and improvement fund.

18 SECTION 6. Section 502.179(b), Transportation Code, is
19 amended to read as follows:

20 (b) The office issuing a duplicate receipt shall retain the
21 fee received as a fee of office. If the department issues the
22 duplicate receipt, the fee shall be deposited to the credit of the
23 Texas rail relocation and improvement fund.

24 SECTION 7. Section 503.007(d), Transportation Code, is
25 amended to read as follows:

26 (d) A fee collected under this section shall be deposited to
27 the credit of the Texas rail relocation and improvement [~~state~~

1 ~~highway]~~ fund.

2 SECTION 8. Section 503.008(d), Transportation Code, is
3 amended to read as follows:

4 (d) A fee collected under this section shall be deposited to
5 the credit of the Texas rail relocation and improvement [~~state~~
6 ~~highway]~~ fund.

7 SECTION 9. Section 503.0615(f), Transportation Code, is
8 amended to read as follows:

9 (f) Of each fee collected by the department under this
10 section:

11 (1) \$1.25 shall be deposited to the credit of the Texas
12 rail relocation and improvement [~~state highway]~~ fund [~~to defray the~~
13 ~~cost of administering this section~~]; and

14 (2) the remainder shall be deposited to the credit of
15 the general revenue fund.

16 SECTION 10. Section 621.353(a), Transportation Code, is
17 amended to read as follows:

18 (a) The comptroller shall send \$50 of each base fee
19 collected under Section 623.011 for an excess weight permit to the
20 counties of the state, with each county receiving an amount
21 determined according to the ratio of the total number of miles of
22 county roads maintained by the county to the total number of miles
23 of county roads maintained by all of the counties of this state.
24 The comptroller shall deposit \$25 of each base fee, plus each fee
25 collected under Section 623.0112, to the credit of the Texas rail
26 relocation and improvement [~~state highway]~~ fund. [~~Money deposited~~
27 ~~to the credit of that fund under this subsection may be appropriated~~

1 ~~only to the department to administer this section and Sections~~
 2 ~~623.011, 623.0111, and 623.0112.]~~

3 SECTION 11. Section 623.0111(c), Transportation Code, is
 4 amended to read as follows:

5 (c) Of the fees collected under Subsection (a) the following
 6 amounts shall be deposited to the general revenue fund and the
 7 remainder shall be deposited to the credit of the Texas rail
 8 relocation and improvement [~~state highway~~] fund:

9 Number of Counties	Amount Allocated to
10 Designated	General Revenue Fund
11 1-5	\$125
12 6-20	\$125
13 21-40	\$345
14 41-60	\$565
15 61-80	\$785
16 81-100	\$900
17 101-254	\$1,000

18 SECTION 12. Sections 623.076(a-1) and (c), Transportation
 19 Code, are amended to read as follows:

20 (a-1) The following amounts collected under Subsection (a)
 21 shall be deposited to the general revenue fund and the remainder
 22 deposited to the credit of the Texas rail relocation and
 23 improvement [~~state highway~~] fund:

24 Amount of Fee	Amount Allocated to
25	General Revenue Fund
26 \$60 (single-trip permit)	\$30
27 \$120 (30-day permit)	\$60

1	\$180	\$90
2	\$240	\$120
3	\$270	\$135

4 (c) An application for a permit under Section 623.071(c)(3)
5 or (d) must be accompanied by the permit fee established by the
6 commission for the permit, not to exceed \$7,000. Of each fee
7 collected under this subsection, the department shall send:

8 (1) the first \$1,000 to the comptroller for deposit to
9 the credit of the general revenue fund; and

10 (2) any amount in excess of \$1,000 to the comptroller
11 for deposit to the credit of the Texas rail relocation and
12 improvement [~~state highway~~] fund.

13 SECTION 13. Section 623.077, Transportation Code, is
14 amended to read as follows:

15 Sec. 623.077. ADDITIONAL [~~HIGHWAY MAINTENANCE~~] FEE. (a)
16 An applicant for a permit under this subchapter, other than a permit
17 under Section 623.071(c)(3), must also pay an additional [~~a highway~~
18 ~~maintenance~~] fee in an amount determined according to the following
19 table:

20	Vehicle Weight in Pounds	Fee
21	80,001 to 120,000	\$150
22	120,001 to 160,000	\$225
23	160,001 to 200,000	\$300
24	200,001 and above	\$375

25 (b) The department shall send each fee collected under
26 Subsection (a) to the comptroller for deposit to the credit of the
27 Texas rail relocation and improvement [~~state highway~~] fund.

1 SECTION 14. Section 623.096(a), Transportation Code, is
2 amended to read as follows:

3 (a) The department shall collect a fee of \$40 for each
4 permit issued under this subchapter. Of each fee, \$19.70 shall be
5 deposited to the credit of the general revenue fund and the
6 remainder deposited to the credit of the Texas rail relocation and
7 improvement [~~state highway~~] fund.

8 SECTION 15. Section 623.124(b), Transportation Code, is
9 amended to read as follows:

10 (b) The department shall send each fee collected under this
11 section to the comptroller. Of each fee received from the
12 department, the comptroller shall deposit \$7.50 to the credit of
13 the general revenue fund and \$7.50 to the credit of the Texas rail
14 relocation and improvement [~~state highway~~] fund.

15 SECTION 16. Section 623.147, Transportation Code, is
16 amended to read as follows:

17 Sec. 623.147. DEPOSIT OF FEE IN TEXAS RAIL RELOCATION AND
18 IMPROVEMENT [~~STATE HIGHWAY~~] FUND. A fee collected under this
19 subchapter shall be deposited to the credit of the Texas rail
20 relocation and improvement [~~state highway~~] fund.

21 SECTION 17. Section 2301.156, Occupations Code, is amended
22 to read as follows:

23 Sec. 2301.156. DEPOSIT OF REVENUE. Notwithstanding any
24 other law to the contrary, all money collected by the board under
25 this chapter shall be deposited in the state treasury to the credit
26 of the Texas rail relocation and improvement [~~state highway~~] fund.

27 SECTION 18. Section 2301.264(d), Occupations Code, is

1 amended to read as follows:

2 (d) The board may refund from funds deposited under Section
3 2301.156 [~~appropriated to the board for that purpose~~] a fee
4 collected under this chapter that is not due or that exceeds the
5 amount due.

6 SECTION 19. The Texas Department of Transportation, in
7 coordination with the comptroller of public accounts, shall produce
8 recommendations for supplemental revenue sources for the Texas rail
9 relocation and improvement fund for consideration by the 83rd
10 Legislature.

11 SECTION 20. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2011.