

By: Darby

H.B. No. 3413

Substitute the following for H.B. No. 3413:

By: McClendon

C.S.H.B. No. 3413

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the property and funding of the Texas Department of  
3 Motor Vehicles.

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

5 SECTION 1. Chapter 1001, Transportation Code, is amended by  
6 adding Subchapters D and E to read as follows:

7 SUBCHAPTER D. DEPARTMENT PROPERTY

8 Sec. 1001.061. ACQUIRING AND DISPOSING OF PROPERTY. The  
9 department may:

10 (1) acquire by purchase, lease, gift, or any other  
11 manner property or an interest in property that is necessary or  
12 convenient to the exercise of the powers, rights, privileges, or  
13 functions of the department; and

14 (2) sell or otherwise dispose of property or an  
15 interest in property that is not necessary or convenient to the  
16 exercise of the department's powers, rights, privileges, or  
17 functions.

18 SUBCHAPTER E. REVENUE AND DEDICATED ACCOUNT

19 Sec. 1001.081. ACCOUNT. (a) The Texas Department of Motor  
20 Vehicles dedicated account is created in the treasury outside the  
21 general revenue fund and the state highway fund.

22 (b) Money appropriated to the department, money allocated  
23 to pay accounting costs and related liabilities of the account, and  
24 interest earned on money in the account shall be deposited to the

1 credit of the account, for exclusive use by the department to  
2 support the department's operations and the administration and  
3 enforcement of the department's functions.

4 (c) Money appropriated to the department for Automobile  
5 Burglary and Theft Prevention Authority purposes may not be  
6 deposited into the account.

7 (d) Not later than September 1 of each year, the board shall  
8 certify the sum of:

9 (1) the sum of the unexpended amount of:

10 (A) each type of revenue described by Section  
11 1001.083(b)(3);

12 (B) revenue from fees collected by the department  
13 under Sections 502.170 and 502.1705; and

14 (C) interest earned on revenue described by  
15 Paragraphs (A) and (B); and

16 (2) the amount of the department's operating expenses  
17 for the first quarter of the previous fiscal year.

18 (e) Of the money certified by the board under Subsection  
19 (d), any unexpended and unencumbered money shall remain available  
20 to the department, and the department may use the money for any  
21 department purpose.

22 (f) To the extent the General Appropriations Act makes an  
23 appropriation of an unexpended balance to the department for the  
24 second year of a biennium, Subsection (e) may not be construed to  
25 eliminate the appropriation.

26 (g) On September 1 of each even-numbered year, any  
27 unexpended and unencumbered money that is not certified under

1 Subsection (d) shall be deposited to the credit of the state highway  
2 fund.

3 Sec. 1001.082. APPLICABILITY OF OTHER LAW. Subchapter D,  
4 Chapter 316, Government Code, and Section 403.095, Government Code,  
5 do not apply to the account created under Section 1001.081.

6 Sec. 1001.083. REVENUE. (a) Notwithstanding any other  
7 law, and except as provided by Section 1001.081(c), all fees,  
8 funds, penalties, and other revenue collected or received by the  
9 department shall be deposited to the credit of the account  
10 established under Section 1001.081.

11 (b) Except as provided by Subsection (c) or Sections  
12 1001.081(c), (d), and (e), and unless otherwise dedicated by the  
13 Texas Constitution, the following sources of revenue shall be  
14 retained in the account established under Section 1001.081, and may  
15 be appropriated only to the department:

16 (1) 10 percent of all fees, funds, penalties, or other  
17 revenue collected or received by the department relating to motor  
18 vehicle registration activities, other than fees collected under  
19 Section 502.170 or 502.1705, provided that motor vehicle  
20 registration fees dedicated by Section 7-a, Article VIII, Texas  
21 Constitution, may be used only for the purposes prescribed by that  
22 section;

23 (2) all fees, funds, penalties, or other revenue  
24 collected or received by the department relating to:

25 (A) motor vehicle titling;

26 (B) license plates, including fees collected  
27 under Section 502.170 or 502.1705;

1           (C) motor vehicle sales and distribution;

2           (D) motor carriers;

3           (E) household goods movers; or

4           (F) any other industry or function for which the  
5 department may collect revenue; and

6           (3) any other revenue received by the department from  
7 another source, including:

8           (A) donations;

9           (B) grants;

10          (C) loans;

11          (D) reimbursements;

12          (E) settlement or judgment payments;

13          (F) appropriations, including an appropriation  
14 of revenue deposited in the account established under Section  
15 1001.081; or

16          (G) payments or royalties for the sale, license,  
17 or lease of an interest in department property.

18          (c) In the event of a conflict between this section and a  
19 provision of law, including a final court order, relating to the  
20 distribution of revenue, the other provision of law controls to the  
21 extent that the other provision specifies a dollar or percentage  
22 amount to which the department or another governmental entity or  
23 agency is entitled.

24          (d) Following the determination of the amount to be retained  
25 and deposited under Subsections (b) and (c), the remaining balance  
26 shall be deposited to the credit of the account or fund authorized  
27 by other applicable law.

1       (e) The comptroller shall submit to the Legislative Budget  
2 Board a monthly report regarding the revenue collected by the  
3 department under this section. The report must contain:

4               (1) an itemized accounting of the amounts deposited to  
5 the credit of:

6                       (A) the account established under Section  
7 1001.081; and

8                       (B) any other account or fund authorized by  
9 applicable law; and

10               (2) a determination regarding the dedicated and  
11 nondedicated amounts deposited to the credit of the state highway  
12 fund.

13       SECTION 2. (a) Except as provided by Subsection (b) of this  
14 section, this Act takes effect September 1, 2011.

15       (b) Section 1001.083, Transportation Code, as added by this  
16 Act, takes effect September 1, 2013.