

By: Darby

H.B. No. 3413

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER D. DEPARTMENT PROPERTY

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

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

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

SUBCHAPTER E. REVENUE AND DEDICATED ACCOUNT

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

(b) Money appropriated to the department and interest earned on money in the account shall be deposited to the credit of the account, for exclusive use by the department to support the

1 department's operations and the administration and enforcement of
2 the department's functions.

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

6 (d) The board shall, on September 1 of each year, certify
7 forward the following amount from any unexpended funds appropriated
8 or provided to the department pursuant to this subchapter or other
9 law for the department's operations: an amount equal to the
10 previous fiscal year's first quarter operating expenses. Of the
11 unexpended funds certified forward, any unencumbered amounts shall
12 be carried forward to the next fiscal year. Funds carried forward
13 pursuant to this section may be used for any lawful purpose.

14 (e) To the extent the department has any unexpended funds on
15 September 1, which the board has not certified forward for the
16 department's operations pursuant to this section, such unexpended
17 funds shall revert to the state highway fund.

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

21 Sec. 1001.083. REVENUE. (a) Except as provided by Section
22 1001.081(c), all fees, funds, penalties, or other revenue collected
23 or received by the department, shall be deposited to the credit of
24 the Texas Department of Motor Vehicles dedicated account,
25 notwithstanding any other law that requires the fees, funds,
26 penalties, or other revenue to be deposited in a fund or account
27 other than the dedicated account.

1 (b) Except as provided by Subsection (c) of this section and
2 Section 1001.081(c), (d) and (e), and unless otherwise dedicated by
3 the Texas Constitution, the following sources of revenue shall be
4 retained in the dedicated account and may only be appropriated to
5 the department:

6 (1) 10 percent of all fees, funds, penalties, or other
7 revenue collected or received by the department relating to motor
8 vehicle registration activities, other than fees collected under
9 Section 502.170 or 502.1705, provided that motor vehicle
10 registration fees dedicated by Section 7-a, Article VIII, Texas
11 Constitution, may be used only for the purposes prescribed by that
12 section;

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

15 (A) motor vehicle titling;

16 (B) license plates, including fees collected
17 under Section 502.170 or 502.1705;

18 (C) motor vehicle sales and distribution;

19 (D) motor carriers;

20 (E) household goods movers; or

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

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

25 (A) donations;

26 (B) grants;

27 (C) loans;

- 1 (D) reimbursements;
- 2 (E) settlement or judgment payments;
- 3 (F) appropriations; or
- 4 (G) payments or royalties for the sale, license,
- 5 or lease of an interest in department property.

6 (c) In the event of a conflict between this section and a
7 provision of law, including a final court order, relating to the
8 distribution of revenue, the other provision of law controls to the
9 extent that the other provision specifies a dollar or percentage
10 amount to which the department or another governmental entity is
11 entitled.

12 (d) Once the dollar amounts authorized by Subsections (b)
13 and (c) are determined, such amounts shall remain in the Texas
14 Department of Motor Vehicles dedicated account, and the balance
15 shall be deposited into the accounts or funds authorized by other
16 applicable law.

17 (e) The comptroller shall submit a monthly report to the
18 Legislative Budget Board regarding the revenue under this section,
19 with an itemized accounting of the dollar amounts deposited into
20 the Texas Department of Motor Vehicles dedicated account, the
21 amounts deposited into any other accounts or funds authorized by
22 other applicable law, and a determination regarding the dedicated
23 and non-dedicated amounts remitted to the state highway fund.

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

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