

By: Pickett, McClendon

H.B. No. 2202

Substitute the following for H.B. No. 2202:

By: Darby

C.S.H.B. No. 2202

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of fees collected by or on behalf of the Texas Department of Motor Vehicles; authorizing fees.

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

SECTION 1. Section 232.014(b), Family Code, is amended to read as follows:

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

SECTION 2. Section 348.005, Finance Code, is amended to read as follows:

Sec. 348.005. ITEMIZED CHARGE. An amount in a retail installment contract is an itemized charge if the amount is not included in the cash price and is the amount of:

(1) fees for registration, certificate of title, and license and any additional registration fees charged by a ~~[full service]~~ deputy as authorized by rules adopted under Section 520.0071 ~~[502.114]~~, Transportation Code;

(2) any taxes;

(3) fees or charges prescribed by law and connected with the sale or inspection of the motor vehicle; and

(4) charges authorized for insurance, service

1 contracts, warranties, or a debt cancellation agreement by
2 Subchapter C.

3 SECTION 3. Section 353.006, Finance Code, is amended to
4 read as follows:

5 Sec. 353.006. ITEMIZED CHARGE. An amount in a retail
6 installment contract is an itemized charge if the amount is not
7 included in the cash price and is the amount of:

8 (1) fees for registration, certificate of title, and
9 license and any additional registration fees charged by a ~~[full~~
10 ~~service]~~ deputy as authorized by rules adopted under Section
11 520.0071 ~~[502.114]~~, Transportation Code;

12 (2) any taxes;

13 (3) fees or charges prescribed by law and connected
14 with the sale or inspection of the commercial vehicle;

15 (4) charges authorized for insurance, service
16 contracts, and warranties by Subchapter C; and

17 (5) advances or payments authorized under Section
18 353.402(b) or (c) made by the retail seller to or for the benefit of
19 the retail buyer.

20 SECTION 4. Section 2301.156, Occupations Code, is amended
21 to read as follows:

22 Sec. 2301.156. DEPOSIT OF REVENUE. Notwithstanding any
23 other law to the contrary, all money collected by the board under
24 this chapter shall be deposited in the state treasury to the credit
25 of the Texas Department of Motor Vehicles ~~[state-highway]~~ fund.

26 SECTION 5. Section 2301.801(c), Occupations Code, is
27 amended to read as follows:

1 (c) Notwithstanding any other law to the contrary, a civil
2 penalty recovered under this chapter shall be deposited in the
3 state treasury to the credit of the Texas Department of Motor
4 Vehicles [~~state-highway~~] fund.

5 SECTION 6. Section 501.0234(b), Transportation Code, is
6 amended to read as follows:

7 (b) This section does not apply to a motor vehicle:

8 (1) that has been declared a total loss by an insurance
9 company in the settlement or adjustment of a claim;

10 (2) for which the title has been surrendered in
11 exchange for:

12 (A) a salvage vehicle title or salvage record of
13 title issued under this chapter;

14 (B) a nonrepairable vehicle title or
15 nonrepairable vehicle record of title issued under this chapter or
16 Subchapter D, Chapter 683; or

17 (C) an ownership document issued by another state
18 that is comparable to a document described by Paragraph (A) or (B);

19 (3) with a gross weight in excess of 11,000 pounds; or

20 (4) purchased by a commercial fleet buyer who:

21 (A) is a [~~full-service~~] deputy authorized by
22 rules adopted under Section 520.0071;

23 (B) [~~520.008 and who~~] utilizes the dealer title
24 application process developed to provide a method to submit title
25 transactions to the county in which the commercial fleet buyer is a
26 [~~full-service~~] deputy; and

27 (C) has authority to accept an application for

1 registration and application for title transfer that the county
2 assessor-collector may accept.

3 SECTION 7. Section 501.033(c), Transportation Code, is
4 amended to read as follows:

5 (c) A fee of \$2 must accompany each application under this
6 section to be deposited in the Texas Department of Motor Vehicles
7 ~~[state-highway]~~ fund.

8 SECTION 8. Section 501.076(c), Transportation Code, is
9 amended to read as follows:

10 (c) The person named as the agent in the limited power of
11 attorney must meet the following requirements:

12 (1) the person may be a person who has been deputized
13 ~~[appointed by the commissioners court as a deputy]~~ to perform
14 vehicle registration functions as authorized by rules adopted under
15 Section 520.0071 ~~[520.0091]~~, a licensed vehicle auction company
16 holding a wholesale general distinguishing number under Section
17 503.022, a person who has a permit similar to one of the foregoing
18 that is issued by the state in which the owner is located, or
19 another person authorized by law to execute title documents in the
20 state in which the owner executes the documents; and

21 (2) the person may not be the transferee or an employee
22 of the transferee. The person may not act as the agent of both the
23 transferor and transferee in the transaction. For the purposes of
24 this section, a person is not the agent of both the transferor and
25 transferee in a transaction unless the person has the authority to
26 sign the documents pertaining to the transfer of title on behalf of
27 both the transferor and the transferee.

SECTION 9. 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 Department of Motor Vehicles [~~state highway~~] fund to defray the costs of administering this subchapter and the costs to the department for issuing the title.

SECTION 10. Section 501.134(a), Transportation Code, is amended to read as follows:

(a) If a printed title is lost or destroyed, the owner or lienholder disclosed on the title may obtain, in the manner provided by this section and department rule, a certified copy of the lost or destroyed title directly from the department by applying in a manner prescribed by the department and paying a fee of \$2. A fee collected under this subsection shall be deposited to the credit of the Texas Department of Motor Vehicles [~~state highway~~] fund and may be spent only as provided by Section 501.138.

SECTION 11. Sections 501.138(b-2) and (c), Transportation Code, are amended to read as follows:

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation [~~department~~] shall remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month. The Texas Department of Transportation [~~department~~] shall use for

1 remittance to the comptroller as required by this subsection money
2 in the state highway fund that is not required to be used for a
3 purpose specified by Section 7-a, Article VIII, Texas Constitution,
4 and may not use for that remittance money received by this state
5 under the congestion mitigation and air quality improvement program
6 established under 23 U.S.C. Section 149.

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 Department of Motor
11 Vehicles [~~state-highway~~] fund to recover the expenses necessary to
12 administer this chapter.

13 SECTION 12. Section 501.148(b), Transportation Code, is
14 amended to read as follows:

15 (b) The county assessor-collector shall report and remit
16 the balance of the fees collected to the department on Monday of
17 each week as other fees are required to be reported and remitted.
18 The department shall deposit the remitted fees in the state
19 treasury to the credit of the Texas Department of Motor Vehicles
20 fund.

21 SECTION 13. Section 501.178, Transportation Code, is
22 amended to read as follows:

23 Sec. 501.178. DISPOSITION OF FEES. All fees collected
24 under this subchapter shall be deposited to the credit of the Texas
25 Department of Motor Vehicles [~~state-highway~~] fund.

26 SECTION 14. Section 502.058, Transportation Code, is
27 amended by adding Subsection (c) to read as follows:

1 (c) A fee collected by the department under Subsection (a)
2 shall be deposited to the credit of the Texas Department of Motor
3 Vehicles fund.

4 SECTION 15. Section 502.060, Transportation Code, is
5 amended by adding Subsection (e) to read as follows:

6 (e) The portion of the fee sent to the department under
7 Subsection (d) shall be deposited to the credit of the Texas
8 Department of Motor Vehicles fund.

9 SECTION 16. Section 502.094(h), Transportation Code, is
10 amended to read as follows:

11 (h) The department may establish one or more escrow accounts
12 in the Texas Department of Motor Vehicles [~~state highway~~] fund for
13 the prepayment of a 72-hour permit or a 144-hour permit. Any fee
14 established by the department for the administration of this
15 subsection shall be administered as required by an agreement
16 entered into by the department.

17 SECTION 17. Section 502.146(a), Transportation Code, is
18 amended to read as follows:

19 (a) The department shall issue specialty license plates to a
20 vehicle described by Subsection (b) or (c). The fee for the license
21 plates is \$5 and shall be deposited to the credit of the Texas
22 Department of Motor Vehicles fund.

23 SECTION 18. Section 502.191, Transportation Code, is
24 amended by adding Subsection (f) to read as follows:

25 (f) The department may not collect a fee under Subsection
26 (c) or (d) if the department collects a fee under Section 502.1911.

27 SECTION 19. Subchapter E, Chapter 502, Transportation Code,

is amended by adding Section 502.1911 to read as follows:

Sec. 502.1911. REGISTRATION PROCESSING AND HANDLING FEE.

(a) The department may collect a fee, in addition to other registration fees for the issuance of a license plate, a set of license plates, or another device used as the registration insignia, to cover the expenses of collecting those registration fees, including a service charge for registration by mail.

(b) The board by rule shall set the fee in an amount that:

(1) includes the fee established under Section 502.356(a); and

(2) is sufficient to cover the expenses associated with collecting registration fees by:

(A) the department;

(B) a county tax assessor-collector;

(C) a private entity with which a county tax assessor-collector contracts under Section 502.197; or

(D) a deputy assessor-collector that is deputized in accordance with board rule under Section 520.0071.

(c) The county tax assessor-collector, a private entity with which a county tax assessor-collector contracts under Section 502.197, or a deputy assessor-collector may retain a portion of the fee collected under Subsection (b) as provided by board rule. Remaining amounts collected under this section shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

SECTION 20. Section 502.192, Transportation Code, is amended to read as follows:

Sec. 502.192. TRANSFER FEE. The purchaser of a used motor

1 vehicle shall pay, in addition to any fee required under Chapter 501
2 for the transfer of title, a transfer fee of \$2.50 for the transfer
3 of the registration of the motor vehicle. The county
4 assessor-collector may retain as commission for services provided
5 under this subchapter half of each transfer fee collected. The
6 portion of each transfer fee not retained by the county
7 assessor-collector shall be deposited to the credit of the Texas
8 Department of Motor Vehicles fund.

9 SECTION 21. Sections 502.197(a) and (b), Transportation
10 Code, are amended to read as follows:

11 (a) A county assessor-collector may retain ~~[collect]~~ a
12 service charge in the amount determined by the board under Section
13 502.1911 ~~[of \$1]~~ from each applicant registering a vehicle by
14 mail. The service charge shall be used to pay the costs of handling
15 and postage to mail the registration receipt and insignia to the
16 applicant.

17 (b) With the approval of the commissioners court of a
18 county, a county assessor-collector may contract with a private
19 entity to enable an applicant for registration to use an electronic
20 off-premises location. A private entity may retain an amount
21 determined by the board under Section 502.1911 ~~[charge an applicant~~
22 ~~not more than \$1]~~ for the service provided.

23 SECTION 22. Sections 502.198(a), (c), and (d),
24 Transportation Code, are amended to read as follows:

25 (a) Except as provided by Sections 502.058, 502.060,
26 502.1911, 502.192, 502.1982, and 502.357, this section applies to
27 all fees collected by a county assessor-collector under this

1 chapter.

2 (c) After the credits to the county road and bridge fund
3 equal the total computed under Subsection (b), each Monday the
4 county assessor-collector shall:

5 (1) credit to the county road and bridge fund an amount
6 equal to 50 percent of the net collections made during the preceding
7 week, until the amount so credited for the calendar year equals
8 \$125,000; and

9 (2) send to the department an amount equal to 50
10 percent of those collections for deposit to the credit of the state
11 highway fund.

12 (d) After the credits to the county road and bridge fund
13 equal the total amounts computed under Subsections (b) and (c)(1),
14 each Monday the county assessor-collector shall send to the
15 department all collections made during the preceding week for
16 deposit to the credit of the state highway fund.

17 SECTION 23. Section 502.1982, Transportation Code, is
18 amended to read as follows:

19 Sec. 502.1982. DISPOSITION OF OPTIONAL COUNTY ROAD AND
20 BRIDGE FEE. Each Monday a county assessor-collector shall
21 apportion the collections for the preceding week for a fee imposed
22 under Section 502.401 by:

23 (1) crediting an amount equal to 97 percent of the
24 collections to the county road and bridge fund; and

25 (2) sending to the department for deposit to the
26 credit of the Texas Department of Motor Vehicles fund an amount
27 equal to three percent of the collections to defray the

department's costs of administering Section 502.401.

SECTION 24. Section 502.1984(a), Transportation Code, is amended to read as follows:

(a) A fee required to be sent to the department under this chapter bears interest for the benefit of the state highway fund or the Texas Department of Motor Vehicles fund, as applicable, at an annual rate of 10 percent beginning on the 60th day after the date the county assessor-collector collects the fee.

SECTION 25. Section 502.356, Transportation Code, is amended to read as follows:

Sec. 502.356. AUTOMATED REGISTRATION AND TITLING SYSTEM.

(a) In addition to other registration fees for a license plate or set of license plates or other device used as the registration insignia, the board by rule shall adopt a fee of not less than 50 cents and not more than \$1. The fee shall be collected and deposited into a subaccount in the Texas Department of Motor Vehicles fund.

(b) The department may use money collected under this section to provide for or enhance the automation of and the necessary infrastructure for:

(1) ~~[automated]~~ on-premises and off-premises registration and permitting, including permitting under Subtitle E; ~~and~~

(2) services related to the titling of vehicles; and

(3) licensing and enforcement procedures.

SECTION 26. Section 502.405(c), Transportation Code, is amended to read as follows:

1 (c) Three percent of all money collected under this section
2 shall be credited to the Texas Department of Motor Vehicles fund and
3 may be appropriated only to the department to administer this
4 section.

5 SECTION 27. Section 503.007(d), Transportation Code, is
6 amended to read as follows:

7 (d) A fee collected under this section shall be deposited to
8 the credit of the Texas Department of Motor Vehicles [~~state~~
9 ~~highway~~] fund.

10 SECTION 28. Section 503.008(d), Transportation Code, is
11 amended to read as follows:

12 (d) A fee collected under this section shall be deposited to
13 the credit of the Texas Department of Motor Vehicles [~~state~~
14 ~~highway~~] fund.

15 SECTION 29. Section 503.012, Transportation Code, is
16 amended to read as follows:

17 Sec. 503.012. COLLECTED MONEY. Section 403.095, Government
18 Code, does not apply to money received by the department and
19 deposited to the credit of the Texas Department of Motor Vehicles
20 [~~state-highway~~] fund in accordance with this chapter.

21 SECTION 30. Section 503.0615(f), Transportation Code, is
22 amended to read as follows:

23 (f) Of each fee collected by the department under this
24 section:

25 (1) \$1.25 shall be deposited to the credit of the Texas
26 Department of Motor Vehicles [~~state-highway~~] fund to defray the
27 cost of administering this section; and

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

3 SECTION 31. Section 503.0618, Transportation Code, is
4 amended by adding Subsection (e) to read as follows:

5 (e) A fee collected under this section shall be deposited to
6 the credit of the Texas Department of Motor Vehicles fund.

7 SECTION 32. Section 503.063(g), Transportation Code, is
8 amended to read as follows:

9 (g) For each buyer's temporary tag, a dealer shall charge
10 the buyer a registration fee of not more than \$5 as prescribed by
11 the department to be sent to the comptroller for deposit to the
12 credit of the Texas Department of Motor Vehicles [~~state highway~~]
13 fund.

14 SECTION 33. Section 503.065, Transportation Code, is
15 amended by adding Subsection (f) to read as follows:

16 (f) A fee collected under this section shall be deposited to
17 the credit of the Texas Department of Motor Vehicles fund.

18 SECTION 34. Section 504.002, Transportation Code, is
19 amended to read as follows:

20 Sec. 504.002. GENERAL PROVISIONS. Unless expressly
21 provided by this chapter or by department rule:

22 (1) except for license plates specified as exempt, the
23 fee for issuance of a license plate, including replacement plates,
24 is in addition to each other fee that is paid for at the time of the
25 registration of the motor vehicle and shall be deposited to the
26 credit of the Texas Department of Motor Vehicles [~~state highway~~]
27 fund;

1 (2) if the registration period is greater than 12
2 months, the expiration date of a specialty license plate, symbol,
3 tab, or other device shall be aligned with the registration period,
4 and the specialty plate fee shall be adjusted pro rata, except that
5 if the statutory annual fee for a specialty license plate is \$5 or
6 less, it may not be prorated;

7 (3) the department is the exclusive owner of the
8 design of each license plate;

9 (4) if a license plate is lost, stolen, or mutilated,
10 an application for a replacement plate must be accompanied by the
11 fee prescribed by Section 502.060; and

12 (5) the department shall prepare the designs and
13 specifications of license plates.

14 SECTION 35. Section 504.007(c), Transportation Code, is
15 amended to read as follows:

16 (c) A county assessor-collector shall retain \$2.50 of each
17 fee collected under this section and forward the remainder of the
18 fee to the department for deposit to the credit of the Texas
19 Department of Motor Vehicles fund.

20 SECTION 36. Sections 504.009(b) and (c), Transportation
21 Code, are amended to read as follows:

22 (b) The fee for a single souvenir license plate is \$20. The
23 fee shall be deposited to the credit of the Texas Department of
24 Motor Vehicles [~~state-highway~~] fund unless the souvenir license
25 plate is a replica of a specialty license plate issued under
26 Subchapter G or I for which the fee is deposited to an account other
27 than the Texas Department of Motor Vehicles [~~state-highway~~] fund,

in which case:

(1) \$10 of the fee for the souvenir license plate shall be deposited to the credit of the designated account; and

(2) \$10 of the fee for the souvenir license plate shall be deposited to the credit of the Texas Department of Motor Vehicles ~~[state-highway]~~ fund.

(c) If a souvenir license plate issued before November 19, 2009, is personalized, the fee for the plate is \$40. Of the fee:

(1) \$20 shall be deposited to the credit of the Texas Department of Motor Vehicles ~~[state-highway]~~ fund;

(2) \$10 shall be deposited to the credit of the designated account if the souvenir license plate is a replica of a specialty license plate issued under Subchapter G or I for which the fee is deposited to a designated account other than the Texas Department of Motor Vehicles ~~[state-highway]~~ fund; and

(3) the remainder shall be deposited to the credit of the general revenue fund.

SECTION 37. Section 504.647(b), Transportation Code, is amended to read as follows:

(b) The fee shall be deposited to the credit of the Texas Department of Motor Vehicles ~~[state-highway]~~ fund.

SECTION 38. Section 504.801(e), Transportation Code, is amended to read as follows:

(e) For each fee collected for a license plate issued by the department under this section:

(1) \$8 shall be used to reimburse the department for its administrative costs; and

(2) the remainder shall be deposited to the credit of:

(A) the specialty license plate fund, which is an account in the general revenue fund, if the sponsor nominated a state agency to receive the funds; or

(B) the Texas Department of Motor Vehicles [~~state highway~~] fund if the sponsor did not nominate a state agency to receive the funds or if there is no sponsor.

SECTION 39. Section 504.851(j), Transportation Code, is amended to read as follows:

(j) From amounts received by the department under the contract described by Subsection (a), the department shall deposit to the credit of the Texas Department of Motor Vehicles [~~state highway~~] fund an amount sufficient to enable the department to recover its administrative costs for all license plates issued under this section, any payments to the vendor under the contract, and any other amounts allocated by law to the Texas Department of Motor Vehicles [~~state highway~~] fund. To the extent that the disposition of other amounts received by the department is governed by another law, those amounts shall be deposited in accordance with the other law. Any additional amount received by the department under the contract shall be deposited to the credit of the general revenue fund.

SECTION 40. Section 520.001, Transportation Code, is amended to read as follows:

Sec. 520.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Board" means the board of the Texas Department of Motor Vehicles.

1 (2) "Department" [~~,"department"~~] means the Texas
2 Department of Motor Vehicles.

3 SECTION 41. Section 520.005(c), Transportation Code, is
4 amended to read as follows:

5 (c) Notwithstanding the requirements of Section 520.0071
6 [~~Sections 520.008 and 520.0091~~], the assessor-collector may
7 license franchised and non-franchised motor vehicle dealers to
8 title and register motor vehicles in accordance with rules adopted
9 under Section 520.004. The county assessor-collector may pay a fee
10 to a motor vehicle dealer independent of or as part of the portion
11 of the fees that would be collected by the county for each title and
12 registration receipt issued.

13 SECTION 42. Section 520.006(a), Transportation Code, is
14 amended to read as follows:

15 (a) A county assessor-collector shall retain an amount
16 determined by the board under Section 502.1911 [~~receive a fee of~~
17 ~~\$1.90~~] for each receipt issued under Chapter 502.

18 SECTION 43. Subchapter A, Chapter 520, Transportation Code,
19 is amended by adding Section 520.0071 to read as follows:

20 Sec. 520.0071. DEPUTIES. (a) The board by rule shall
21 prescribe:

22 (1) the classification types of deputies performing
23 titling and registration duties;

24 (2) the duties and obligations of deputies;

25 (3) the type and amount of any bonds that may be
26 required by a county assessor-collector for a deputy to perform
27 titling and registration duties; and

1 (4) the fees that may be charged or retained by
2 deputies.

3 (b) A county assessor-collector, with the approval of the
4 commissioners court of the county, may deputize an individual or
5 business entity to perform titling and registration services in
6 accordance with rules adopted under Subsection (a).

7 SECTION 44. Section 520.0093(e), Transportation Code, is
8 amended to read as follows:

9 (e) Under the agreement, the department shall charge an
10 amount not less than the amount of the cost to the department to
11 provide the additional equipment and any related services under the
12 lease. All money collected under the lease shall be deposited to
13 the credit of the Texas Department of Motor Vehicles [~~state~~
14 ~~highway~~] fund.

15 SECTION 45. Section 520.016(c), Transportation Code, is
16 amended to read as follows:

17 (c) This section does not apply to a violation of Section
18 520.006 or a rule adopted under Section 520.0071 [~~520.008,~~
19 ~~520.009, 520.0091, or 520.0092~~].

20 SECTION 46. Sections 621.351(a) and (c), Transportation
21 Code, are amended to read as follows:

22 (a) The department may establish one or more escrow accounts
23 in the Texas Department of Motor Vehicles [~~state highway~~] fund for
24 the prepayment of a fee for a permit issued by the department that
25 authorizes the operation of a vehicle and its load or a combination
26 of vehicles and load exceeding size or weight limitations.

27 (c) The department shall deposit each fee established under

1 this section to the credit of the Texas Department of Motor Vehicles
2 [~~state highway~~] fund. The fees may be appropriated only to the
3 department for purposes of administering this section.

4 SECTION 47. Section 621.352(a), Transportation Code, is
5 amended to read as follows:

6 (a) The board by rule may establish fees for the
7 administration of Section 621.003 in an amount that, when added to
8 the other fees collected by the department, does not exceed the
9 amount sufficient to recover the actual cost to the department of
10 administering that section. An administrative fee collected under
11 this section shall be sent to the comptroller for deposit to the
12 credit of the Texas Department of Motor Vehicles [~~state highway~~]
13 fund and may be appropriated only to the department for the
14 administration of Section 621.003.

15 SECTION 48. Section 621.353(a), Transportation Code, is
16 amended to read as follows:

17 (a) The comptroller shall send \$50 of each base fee
18 collected under Section 623.011 for an excess weight permit to the
19 counties of the state, with each county receiving an amount
20 determined according to the ratio of the total number of miles of
21 county roads maintained by the county to the total number of miles
22 of county roads maintained by all of the counties of this
23 state. The comptroller shall deposit \$40 of each base fee, plus
24 each fee collected under Section 623.0112, to the credit of the
25 Texas Department of Motor Vehicles [~~state highway~~] fund. Money
26 deposited to the credit of that fund under this subsection may be
27 appropriated only to the department to administer this section and

1 Sections 623.011, 623.0111, and 623.0112.

2 SECTION 49. Section 621.354, Transportation Code, is
3 amended to read as follows:

4 Sec. 621.354. DISPOSITION OF FEES FOR PERMIT FOR MOVEMENT
5 OF CYLINDRICAL HAY BALES. Of each fee collected under Section
6 623.017, the ~~[The]~~ department shall deposit:

7 (1) 90 percent ~~[each fee collected under Section~~
8 ~~623.017]~~ in the state treasury to the credit of the state highway
9 fund; and

10 (2) 10 percent in the state treasury to the credit of
11 the Texas Department of Motor Vehicles fund.

12 SECTION 50. Section 623.0111(c), Transportation Code, is
13 amended to read as follows:

14 (c) Of the fees collected under Subsection (a), the
15 following amounts shall be deposited to the general revenue fund, the
16 90 percent of ~~[and]~~ the remainder shall be deposited to the credit
17 of the state highway fund, and 10 percent of the remainder shall be
18 deposited to the credit of the Texas Department of Motor Vehicles
19 fund:

20 Number of Counties	Amount Allocated to
21 Designated	General Revenue Fund
22 1-5	\$125
23 6-20	\$125
24 21-40	\$345
25 41-60	\$565
26 61-80	\$785
27 81-100	\$900

101-254

\$1,000

SECTION 51. Sections 623.014(c) and (d), Transportation Code, are amended to read as follows:

(c) The department shall issue the prorated credit if the person:

(1) pays the fee adopted by the board ~~[department]~~; and

(2) provides the department with:

(A) the original permit; or

(B) if the original permit does not exist, written evidence in a form approved by the department that the vehicle has been destroyed or is permanently inoperable.

(d) The fee adopted by the board ~~[department]~~ under Subsection (c)(1) may not exceed the cost of issuing the credit. A fee collected by the department under Subsection (c)(1) shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

SECTION 52. Sections 623.0711(g) and (h), Transportation Code, are amended to read as follows:

(g) An application for a permit under this section must be accompanied by the permit fee established by the department, in consultation with the commission, for the permit, not to exceed \$9,000. The department shall send each fee to the comptroller, who shall ~~[for]~~ deposit:

(1) 90 percent of the fee to the credit of the state highway fund; and

(2) 10 percent of the fee to the credit of the Texas

1 Department of Motor Vehicles fund.

2 (h) In addition to the fee established under Subsection (g),
3 the commission rules must authorize the department to collect a
4 consolidated permit payment for a permit under this section in an
5 amount not to exceed 15 percent of the fee established under
6 Subsection (g), of which:

7 (1) 90 percent shall ~~[to]~~ be deposited to the credit of
8 the state highway fund; and

9 (2) 10 percent shall be deposited to the credit of the
10 Texas Department of Motor Vehicles fund.

11 SECTION 53. Section 623.076, Transportation Code, is
12 amended by amending Subsections (a-1) and (c) and adding Subsection
13 (b-1) to read as follows:

14 (a-1) The following amounts collected under Subsection (a)
15 shall be deposited to the general revenue fund, 90 percent of ~~[and]~~
16 the remainder shall be deposited to the credit of the state highway
17 fund, and 10 percent of the remainder shall be deposited to the
18 credit of the Texas Department of Motor Vehicles fund:

19 Amount of Fee	Amount Allocated to General Revenue Fund
20 \$60 (single-trip permit)	\$30
21 \$120 (30-day permit)	\$60
22 \$180	\$90
23 \$240	\$120
24 \$270	\$135

25 (b-1) The department shall deposit a fee collected under
26 Subsection (b)(3) to the credit of the Texas Department of Motor
27 Vehicles fund.

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

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

(2) any amount in excess of \$1,000 to the comptroller, who shall ~~[for]~~ deposit:

(A) 90 percent of the excess to the credit of the state highway fund; and

(B) 10 percent of the excess to the credit of the Texas Department of Motor Vehicles fund.

SECTION 54. Section 623.077(b), Transportation Code, is amended to read as follows:

(b) The department shall send each fee collected under Subsection (a) to the comptroller, who shall ~~[for]~~ deposit:

(1) 90 percent of the fee to the credit of the state highway fund; and

(2) 10 percent of the fee to the credit of the Texas Department of Motor Vehicles fund.

SECTION 55. Sections 623.096(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall collect a fee of \$40 for each permit issued under this subchapter. Of each fee, \$19.70 shall be deposited to the credit of the general revenue fund and of the remainder:

1 (1) 90 percent shall be deposited to the credit of the
2 state highway fund; and

3 (2) 10 percent shall be deposited to the credit of the
4 Texas Department of Motor Vehicles fund.

5 (c) The department may establish an escrow account within
6 the Texas Department of Motor Vehicles fund for the payment of
7 permit fees.

8 SECTION 56. 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:

13 (1) \$7.50 to the credit of the general revenue fund;
14 and

15 (2) of the remainder:

16 (A) 90 percent [~~\$7.50~~] to the credit of the state
17 highway fund; and

18 (B) 10 percent to the credit of the Texas
19 Department of Motor Vehicles fund.

20 SECTION 57. Section 623.147, Transportation Code, is
21 amended to read as follows:

22 Sec. 623.147. DEPOSIT OF FEE IN STATE HIGHWAY FUND AND IN
23 TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. A fee collected under this
24 subchapter shall be deposited as follows:

25 (1) 90 percent to the credit of the state highway fund;
26 and

27 (2) 10 percent to the credit of the Texas Department of

1 Motor Vehicles fund.

2 SECTION 58. Section 623.182(b), Transportation Code, is
3 amended to read as follows:

4 (b) The department shall send each fee collected under this
5 subchapter to the comptroller. Of each fee received from the
6 department, the comptroller shall deposit \$50 to the credit of the
7 general revenue fund and of the remainder the department shall
8 deposit:

9 (1) 90 percent [~~\$50~~] to the credit of the state highway
10 fund; and

11 (2) 10 percent to the credit of the Texas Department of
12 Motor Vehicles fund.

13 SECTION 59. Section 623.197, Transportation Code, is
14 amended to read as follows:

15 Sec. 623.197. DEPOSIT OF FEE IN STATE HIGHWAY FUND AND IN
16 TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. A fee collected under this
17 subchapter shall be deposited as follows:

18 (1) 90 percent to the credit of the state highway fund;
19 and

20 (2) 10 percent to the credit of the Texas Department of
21 Motor Vehicles fund.

22 SECTION 60. Section 623.273, Transportation Code, is
23 amended by adding Subsection (e) to read as follows:

24 (e) Money collected by the department under Subsection (d)
25 shall be deposited to the credit of the Texas Department of Motor
26 Vehicles fund.

27 SECTION 61. Section 643.004(b), Transportation Code, is

amended to read as follows:

(b) The department may establish one or more escrow accounts in the Texas Department of Motor Vehicles [~~state-highway~~] fund for the prepayment of a fee under this chapter. Prepaid fees and any fees established by the department for the administration of this section shall be:

(1) administered under an agreement approved by the department; and

(2) deposited to the credit of the Texas Department of Motor Vehicles [~~state-highway~~] fund to be appropriated only to the department for the purposes of administering this chapter.

SECTION 62. Section 645.002(c), Transportation Code, is amended to read as follows:

(c) The department may establish one or more escrow accounts in the Texas Department of Motor Vehicles [~~state-highway~~] fund for the prepayment of a fee under this chapter. A prepaid fee or any fee established by the department for the administration of this section shall be:

(1) administered under an agreement approved by the department; and

(2) deposited to the credit of the Texas Department of Motor Vehicles [~~state-highway~~] fund to be appropriated only to the department for the purposes of administering this chapter.

SECTION 63. Section 646.001, Transportation Code, is amended to read as follows:

Sec. 646.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Department" means the Texas Department of Motor

Vehicles.

(2) "Motor [~~,"motor~~] transportation broker" means a person who:

(A) [~~(1)~~] sells, offers for sale, provides, or negotiates for the transportation of cargo by a motor carrier operated by another person; or

(B) [~~(2)~~] aids or abets a person in performing an act described by Paragraph (A) [~~Subdivision (1)~~].

SECTION 64. Sections 646.003(a) and (c), Transportation Code, are amended to read as follows:

(a) A person may not act as a motor transportation broker unless the person provides a bond to the department [~~Texas Department of Motor Vehicles~~].

(c) The department may charge the broker a bond review fee in an amount not to exceed the cost of reviewing the bond. The department shall deposit a fee collected under this subsection to the credit of the Texas Department of Motor Vehicles fund.

SECTION 65. Section 681.005, Transportation Code, is amended to read as follows:

Sec. 681.005. DUTIES OF COUNTY ASSESSOR-COLLECTOR. Each county assessor-collector shall send to the department each fee collected under Section 681.003, to be deposited in the Texas Department of Motor Vehicles [~~state highway~~] fund to defray the cost of providing the disabled parking placard.

SECTION 66. Section 683.052(d), Transportation Code, is amended to read as follows:

(d) The application must be accompanied by a fee of \$2,

1 unless the application is made by a unit of government. Fees
2 collected under this subsection shall be deposited to the credit of
3 the Texas Department of Motor Vehicles [~~state highway~~] fund.

4 SECTION 67. Section 1001.007(b), Transportation Code, is
5 amended to read as follows:

6 (b) Money collected by the department under this section
7 shall be deposited to the credit of the Texas Department of Motor
8 Vehicles [~~state highway~~] fund for use by the department in
9 supporting the department's operations and the administration of
10 the department's functions.

11 SECTION 68. Section 1001.009(d), Transportation Code, is
12 amended to read as follows:

13 (d) Revenue generated from the collection of discount or
14 service charges under Subsection (c) shall be deposited to the
15 credit of the Texas Department of Motor Vehicles [~~state highway~~]
16 fund for use by the department in supporting the department's
17 operations and the administration of the department's functions.

18 SECTION 69. Subchapter A, Chapter 1001, Transportation
19 Code, is amended by adding Section 1001.013 to read as follows:

20 Sec. 1001.013. PERFORMANCE OF CERTAIN DEPARTMENT FUNCTIONS
21 BY AUTHORIZED BUSINESS. (a) The executive director of the
22 department may authorize a business entity to perform a department
23 function in accordance with rules adopted under Subsection (b).

24 (b) The board by rule shall prescribe:

25 (1) the classification types of businesses that are
26 authorized to perform certain department functions;

27 (2) the duties and obligations of an authorized

1 business;

2 (3) the type and amount of any bonds that may be
3 required for a business to perform certain functions; and

4 (4) the fees that may be charged or retained by a
5 business authorized under this section.

6 SECTION 70. Chapter 1001, Transportation Code, is amended
7 by adding Subchapter E to read as follows:

8 SUBCHAPTER E. TEXAS DEPARTMENT OF MOTOR VEHICLES FUND

9 Sec. 1001.151. TEXAS DEPARTMENT OF MOTOR VEHICLES FUND.

10 (a) The Texas Department of Motor Vehicles fund is a special fund
11 in the treasury outside the general revenue fund and the state
12 highway fund.

13 (b) Except as provided by Subsection (c), and unless
14 otherwise dedicated by the Texas Constitution, the fund consists
15 of:

16 (1) money appropriated by the legislature to the
17 department;

18 (2) money allocated to pay fund accounting costs and
19 related liabilities of the fund;

20 (3) gifts, grants, and donations received by the
21 department;

22 (4) money required by law to be deposited to the fund;

23 (5) interest earned on money in the fund; and

24 (6) other revenue received by the department.

25 (c) Money appropriated to the department for Automobile
26 Burglary and Theft Prevention Authority purposes and other revenue
27 collected or received by the Automobile Burglary and Theft

Prevention Authority may not be deposited into the fund.

Sec. 1001.152. USE OF MONEY IN FUND. Money that is required to be deposited in the state treasury to the credit of the Texas Department of Motor Vehicles fund may be used by the department only:

(1) to support the department's operations and the administration and enforcement of the department's functions; or

(2) to pay the accounting costs and related liabilities for the fund, including fringe benefits, workers' compensation, and unemployment compensation.

Sec. 1001.153. APPLICABILITY OF OTHER LAW. Subchapter D, Chapter 316, Government Code, and Section 403.095, Government Code, do not apply to the fund created under Section 1001.151.

SECTION 71. Sections 520.008, 520.009, 520.0091, and 520.0092, Transportation Code, are repealed.

SECTION 72. (a) On September 1, 2013, \$59 million of existing revenue from fees collected or received by the Texas Department of Motor Vehicles under Section 502.356, Transportation Code, and former Section 502.1705, Transportation Code, from November 1, 2009, to August 31, 2013, shall be transferred to and deposited in the fund established under Section 1001.151, Transportation Code, as added by this Act.

(b) To the extent that revenue required to be deposited to the credit of the Texas Department of Motor Vehicles fund under Subsection (a) of this section was, before September 1, 2013, being used as collateral or a source of payment for the repayment of any loans, bonds, credit agreements, public securities, or other

1 obligations, that revenue remains subject to being used as
2 collateral or a source of payment for those obligations. However,
3 an obligation described by this subsection must first be paid from
4 the state highway fund, and the Texas Department of Motor Vehicles
5 fund is subject to the obligation only to the extent the state
6 highway fund is depleted at the time the obligation matures and
7 becomes due.

8 (c) A deputy appointed under Section 520.0091,
9 Transportation Code, on or before August 31, 2013, may continue to
10 perform the services authorized under Sections 520.008, 520.009,
11 520.0091, and 520.0092, Transportation Code, until the effective
12 date of the rules adopted by the board of the Texas Department of
13 Motor Vehicles regarding the types of deputies authorized to
14 perform titling and registration duties under Section 520.0071,
15 Transportation Code, as added by this Act.

16 SECTION 73. (a) Except as provided by Subsection (b) of
17 this section, this Act takes effect September 1, 2013.

18 (b) Sections 502.197(a) and (b) and 520.006, Transportation
19 Code, as amended by this Act, take effect on the effective date of
20 rules adopted by the board of the Texas Department of Motor Vehicles
21 regarding the registration processing and handling fee under
22 Section 502.1911, Transportation Code, as added by this Act.