

AN ACT

relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles; authorizing a fee; creating an offense.

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

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

SECTION 2. Section 353.006, Finance Code, is amended to read as follows:

Sec. 353.006. ITEMIZED CHARGE. An amount in a retail installment contract is an itemized charge if the amount is not

1 included in the cash price and is the amount of:

2 (1) fees for registration, certificate of title, and
3 license and any additional registration fees charged by a [~~full~~
4 ~~service~~] deputy as authorized by rules adopted under Section
5 520.0071 [~~502.114~~], Transportation Code;

6 (2) any taxes;

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

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

11 (5) advances or payments authorized under Section
12 353.402(b) or (c) made by the retail seller to or for the benefit of
13 the retail buyer.

14 SECTION 3. Section 418.016, Government Code, is amended by
15 adding Subsections (f), (g), and (h) to read as follows:

16 (f) The governor may suspend any of the following
17 requirements in response to an emergency or disaster declaration of
18 another jurisdiction if strict compliance with the requirement
19 would prevent, hinder, or delay necessary action in assisting
20 another state with coping with an emergency or disaster:

21 (1) a registration requirement in an agreement entered
22 into under the International Registration Plan under Section
23 502.091, Transportation Code, to the extent authorized by federal
24 law;

25 (2) a temporary registration permit requirement under
26 Section 502.094, Transportation Code;

27 (3) a provision of Subtitle E, Title 7, Transportation

1 Code, to the extent authorized by federal law;

2 (4) a motor carrier registration requirement under
3 Chapter 643, Transportation Code;

4 (5) a registration requirement under Chapter 645,
5 Transportation Code, to the extent authorized by federal law; or

6 (6) a fuel tax requirement under the International
7 Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq., to
8 the extent authorized by federal law.

9 (g) For the purposes of Subsection (f), "emergency or
10 disaster declaration of another jurisdiction" means an emergency
11 declaration, a major disaster declaration, a state of emergency
12 declaration, a state of disaster declaration, or a similar
13 declaration made by:

14 (1) the president of the United States under the
15 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42
16 U.S.C. Section 5121 et seq.); or

17 (2) the governor of another state.

18 (h) To the extent federal law requires this state to issue a
19 special permit under 23 U.S.C. Section 127 or an executive order, a
20 suspension issued under Subsection (f) is a special permit or an
21 executive order.

22 SECTION 4. Section 1201.206(f), Occupations Code, is
23 amended to read as follows:

24 (f) If the owner of a manufactured home relocates the home,
25 the owner shall apply for the issuance of a new statement of
26 ownership and location not later than the 60th day after the date
27 the home is relocated. The department shall require that the owner

1 submit evidence that the home was relocated in accordance with the
2 requirements of the Texas Department of Motor Vehicles
3 [~~Transportation~~].

4 SECTION 5. Section 2301.002(12), Occupations Code, is
5 amended to read as follows:

6 (12) "Division" means the [~~Motor Vehicle Division of~~
7 ~~the~~] department division that regulates the distribution and sale
8 of motor vehicles.

9 SECTION 6. The heading to Subchapter C, Chapter 2301,
10 Occupations Code, is amended to read as follows:

11 SUBCHAPTER C. [~~DIRECTOR AND OTHER~~] DIVISION PERSONNEL

12 SECTION 7. Section 2301.154, Occupations Code, is amended
13 by amending Subsections (b) and (c) and adding Subsection (e) to
14 read as follows:

15 (b) The board by rule may delegate any power relating to a
16 contested case hearing brought under this chapter or Chapter 503,
17 Transportation Code, other than the power to issue a final order,
18 to:

- 19 (1) one or more of the board's members;
- 20 (2) the executive director;
- 21 (3) the director; or
- 22 (4) one or more of the department's employees.

23 (c) The board by rule may delegate the authority to issue a
24 final order in a contested case hearing brought under this chapter
25 or Chapter 503, Transportation Code, to:

- 26 (1) one or more of the board's members;
- 27 (2) the executive director; or

1 (3) the director of a division within the department
2 designated by the board or the executive director to carry out the
3 requirements of this chapter.

4 (e) An action taken by a person to whom a power or other
5 authority is delegated under Subsection (b) or (c), including the
6 issuance of an order, is considered an action of the board and may
7 not be appealed to the board.

8 SECTION 8. Section 2301.257(a), Occupations Code, is
9 amended to read as follows:

10 (a) An application for a dealer's license must be on a form
11 prescribed by the department. The application must include:

12 (1) the information required by Chapter 503,
13 Transportation Code; and

14 (2) information [~~relating to the applicant's financial~~
15 ~~resources, business integrity, business ability and experience,~~
16 ~~franchise if applicable, physical facilities, vehicle inventory,~~
17 ~~and other factors]~~ the board determines by rule is [~~department~~
18 ~~considers]~~ necessary to determine the applicant's qualifications
19 to adequately serve the public.

20 SECTION 9. Sections 2301.260(a) and (b), Occupations Code,
21 are amended to read as follows:

22 (a) An application for a distributor's license must
23 disclose:

24 (1) the manufacturer for whom the distributor will
25 act;

26 (2) whether the manufacturer is licensed in this
27 state;

1 (3) ~~[the warranty covering the motor vehicles to be~~
2 ~~sold;~~

3 ~~[(4)]~~ the persons in this state who will be
4 responsible for compliance with the warranty covering the motor
5 vehicles to be sold;

6 (4) ~~[(5)]~~ the terms of the contract under which the
7 distributor will act for the manufacturer; and

8 (5) ~~[(6)]~~ the franchised dealers with whom the
9 distributor will do business.

10 (b) An applicant for a distributor's license that has a
11 responsibility under a warranty agreement must include a statement
12 regarding the manufacturer's compliance with Subchapter I and
13 Sections 2301.451-2301.476 ~~[provide the same information relating~~
14 ~~to the agreement as is provided by an applicant for a manufacturer's~~
15 ~~license under Section 2301.259].~~

16 SECTION 10. Section 2301.264(d), Occupations Code, is
17 amended to read as follows:

18 (d) The department may refund ~~[from funds appropriated to~~
19 ~~the department for that purpose]~~ a fee collected under this chapter
20 that is not due or that exceeds the amount due.

21 SECTION 11. Section 2301.301(b), Occupations Code, is
22 amended to read as follows:

23 (b) The department ~~[board]~~ may issue a license for a term of
24 less than the period prescribed under Subsection (a) to coordinate
25 the expiration dates of licenses held by a person that is required
26 to obtain more than one license to perform activities under this
27 chapter.

1 SECTION 12. Section 2301.303, Occupations Code, is amended
2 to read as follows:

3 Sec. 2301.303. RENEWAL OF DEALER'S LICENSE. A dealer shall
4 renew the dealer's license on an application prescribed by the
5 department [~~director~~]. The department [~~director~~] shall include in
6 the renewal application a request for disclosure of material
7 changes described by Section 2301.257.

8 SECTION 13. Section 2301.353, Occupations Code, is amended
9 to read as follows:

10 Sec. 2301.353. PROHIBITION: PERFORMANCE OF OBLIGATION
11 UNDER AGREEMENT WITH MANUFACTURER. A franchised dealer may not
12 fail to perform an obligation placed on:

13 (1) the selling dealer in connection with the
14 preparation and delivery of a new motor vehicle for retail sale as
15 provided in the manufacturer's preparation and delivery agreements
16 [~~on file with the board~~] that are applicable to the vehicle; or

17 (2) the dealer in connection with the manufacturer's
18 warranty agreements [~~on file with the board~~].

19 SECTION 14. Section 2301.358(a), Occupations Code, is
20 amended to read as follows:

21 (a) A person who holds a license issued under this chapter
22 may not participate in a new motor vehicle show or exhibition
23 unless:

24 (1) the person provides the department with written
25 notice [~~at least 30 days~~] before the date the show or exhibition
26 opens; and

27 (2) the department grants written approval.

1 SECTION 15. Section 2301.401, Occupations Code, is amended
2 to read as follows:

3 Sec. 2301.401. WARRANTY, PREPARATION, AND DELIVERY
4 ~~[FILING]~~ REQUIREMENTS. (a) On request, a [A] manufacturer or
5 distributor shall provide to ~~[file with]~~ the department a copy of
6 the current requirements the manufacturer or distributor imposes on
7 its dealers with respect to the dealer's:

8 (1) duties under the manufacturer's or distributor's
9 warranty; and

10 (2) vehicle preparation and delivery obligations.

11 (b) Warranty or preparation and delivery requirements
12 placed on a dealer by a manufacturer are not enforceable unless the
13 requirements are reasonable ~~[and are disclosed and filed as~~
14 ~~required by Subsection (a)]~~.

15 SECTION 16. Section 2301.460, Occupations Code, is amended
16 to read as follows:

17 Sec. 2301.460. WARRANTY, PREPARATION, OR DELIVERY
18 AGREEMENT OBLIGATIONS. Notwithstanding the terms of any franchise,
19 a manufacturer, distributor, or representative may not, after a
20 complaint and a hearing, fail or refuse to perform an obligation
21 placed on the manufacturer in connection with the preparation,
22 delivery, and warranty of a new motor vehicle as provided in the
23 manufacturer's warranty, preparation, and delivery agreements ~~[on~~
24 ~~file with the board]~~.

25 SECTION 17. Section 2301.461(a), Occupations Code, is
26 amended to read as follows:

27 (a) Notwithstanding the terms of any franchise or any other

1 law, a franchised dealer's preparation, delivery, and warranty
2 obligations [~~as filed with the board~~] are the dealer's sole
3 responsibility for product liability as between the dealer and a
4 manufacturer or distributor.

5 SECTION 18. Section 2301.4651(a), Occupations Code, is
6 amended to read as follows:

7 (a) This section applies to a manufacturer, distributor, or
8 representative that~~+~~

9 [~~(1)~~] terminates or discontinues a franchise by [~~any~~
10 ~~means without complying with Section 2301.453, or~~

11 [~~(2) regardless of whether the manufacturer,~~
12 ~~distributor, or representative complies with Section 2301.453,~~
13 ~~terminates or discontinues a franchise by]:~~

14 (1) [~~(A)~~] discontinuing a line-make;

15 (2) [~~(B)~~] ceasing to do business in this state; or

16 (3) [~~(C)~~] changing the distributor or method of
17 distribution of its products in this state.

18 SECTION 19. Sections 2301.606(b) and (c), Occupations Code,
19 are amended to read as follows:

20 (b) In a hearing [~~before the director~~] under this
21 subchapter, a manufacturer, converter, or distributor may plead and
22 prove as an affirmative defense to a remedy under this subchapter
23 that a nonconformity:

24 (1) is the result of abuse, neglect, or unauthorized
25 modification or alteration of the motor vehicle; or

26 (2) does not substantially impair the use or market
27 value of the motor vehicle.

1 (c) The board or a person delegated power from the board
2 under Section 2301.154 [~~director~~] may not issue an order requiring
3 a manufacturer, converter, or distributor to make a refund or to
4 replace a motor vehicle unless:

5 (1) the owner or a person on behalf of the owner has
6 mailed written notice of the alleged defect or nonconformity to the
7 manufacturer, converter, or distributor; and

8 (2) the manufacturer, converter, or distributor has
9 been given an opportunity to cure the alleged defect or
10 nonconformity.

11 SECTION 20. Section 2301.607(c), Occupations Code, is
12 amended to read as follows:

13 (c) If [~~the administrative law judge does not issue~~] a
14 proposal for decision and recommendation for [~~recommend to the~~
15 ~~director~~] a final order are not issued before the 151st day after
16 the date a complaint is filed under this subchapter, the department
17 [~~director~~] shall provide written notice by certified mail to the
18 complainant and to the manufacturer, converter, or distributor of
19 the expiration of the 150-day period and of the complainant's right
20 to file a civil action. The board or a person delegated power from
21 the board under Section 2301.154 shall extend the 150-day period if
22 a delay is requested or caused by the person who filed the
23 complaint.

24 SECTION 21. Section 2301.608, Occupations Code, is amended
25 to read as follows:

26 Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR
27 REFUND. (a) In an order issued under this subchapter, the board or

1 a person delegated power from the board under Section 2301.154
2 ~~[director]~~ shall name the person responsible for paying the cost of
3 any refund or replacement. A manufacturer, converter, or
4 distributor may not cause a franchised dealer to directly or
5 indirectly pay any money not specifically ordered by the board or a
6 person delegated power from the board under Section 2301.154
7 ~~[director]~~.

8 (b) If the board or a person delegated power from the board
9 under Section 2301.154 ~~[director]~~ orders a manufacturer,
10 converter, or distributor to make a refund or replace a motor
11 vehicle under this subchapter, the board or person ~~[director]~~ may
12 order the franchised dealer to reimburse the owner, lienholder,
13 manufacturer, converter, or distributor only for an item or option
14 added to the vehicle by the dealer to the extent that the item or
15 option contributed to the defect that served as the basis for the
16 order.

17 (c) In a case involving a leased vehicle, the board or a
18 person delegated power from the board under Section 2301.154
19 ~~[director]~~ may terminate the lease and apportion allowances or
20 refunds, including the reasonable allowance for use, between the
21 lessee and lessor of the vehicle.

22 SECTION 22. Section 2301.609(a), Occupations Code, is
23 amended to read as follows:

24 (a) A party to a proceeding ~~[before the director]~~ under this
25 subchapter that is affected by a final order related to the
26 proceeding ~~[of the director]~~ is entitled to judicial review of the
27 order under the substantial evidence rule in a district court of

1 Travis County.

2 SECTION 23. Sections 2301.610(a) and (d), Occupations Code,
3 are amended to read as follows:

4 (a) A manufacturer, distributor, or converter that has been
5 ordered to repurchase or replace a vehicle shall, through its
6 franchised dealer, issue a disclosure statement stating that the
7 vehicle was repurchased or replaced by the manufacturer,
8 distributor, or converter under this subchapter. The statement
9 must accompany the vehicle through the first retail purchase
10 following the issuance of the statement and must include the
11 ~~[board's]~~ toll-free telephone number described by Subsection (d)
12 that will enable the purchaser to obtain information about the
13 condition or defect that was the basis of the order for repurchase
14 or replacement.

15 (d) The department ~~[board]~~ shall maintain a toll-free
16 telephone number to provide information to a person who requests
17 information about a condition or defect that was the basis for
18 repurchase or replacement by an order issued under this chapter ~~[of~~
19 ~~the director]~~. The department ~~[board]~~ shall maintain an effective
20 method of providing information to a person who makes a request.

21 SECTION 24. Section 2301.651(d), Occupations Code, is
22 amended to read as follows:

23 (d) A license may not be denied, revoked, or suspended, and
24 disciplinary action may not be taken under this subchapter, unless
25 the respondent is given an opportunity for a hearing. The board may
26 deny, revoke, or suspend a license or take disciplinary action by
27 ~~[except on]~~ order only ~~[of the board]~~ after the department grants

1 the respondent an opportunity for a hearing.

2 SECTION 25. Section 2301.703(a), Occupations Code, is
3 amended to read as follows:

4 (a) A hearing [~~shall be conducted in any contested case~~]
5 arising under this chapter or a board rule adopted under this
6 chapter [~~. The hearing~~] must be conducted in accordance with this
7 chapter, any order, decision, or rule of the board, and Chapter
8 2001, Government Code.

9 SECTION 26. Section 2301.709, Occupations Code, is amended
10 to read as follows:

11 Sec. 2301.709. [~~PROPOSED DECISION.~~] REVIEW BY BOARD. (a)
12 [~~In a contested case, the administrative law judge shall serve on~~
13 ~~each party a copy of the administrative law judge's proposal for~~
14 ~~decision and recommended order containing findings of fact and~~
15 ~~conclusions of law. A party may file exceptions and replies to the~~
16 ~~board.~~

17 [~~(b)~~] In reviewing a [~~the~~] case under this subchapter, the
18 board or a person delegated power from the board under Section
19 2301.154 may consider only materials that are submitted timely.

20 (b) [~~(c)~~] The board or a person delegated power from the
21 board under Section 2301.154 may hear such oral argument from any
22 party as the board may allow.

23 (c) [~~(d)~~] The board or a person delegated power from the
24 board under Section 2301.154 shall take any further action
25 conducive to the issuance of a final order and shall issue a written
26 final decision or order. A majority vote of a quorum of the board is
27 required to adopt a final decision or order of the board.

1 SECTION 27. Section 2301.710, Occupations Code, is amended
2 to read as follows:

3 Sec. 2301.710. DISMISSAL OF COMPLAINT. On the motion of any
4 party, the board or other person delegated final order authority
5 under Section 2301.154, without holding a contested case hearing,
6 may issue a final order dismissing a complaint, protest, or
7 response in accordance with the terms and procedures set forth in
8 the [Rule 166a,] Texas Rules of Civil Procedure[, or its
9 successor].

10 SECTION 28. Section 2301.711, Occupations Code, is amended
11 to read as follows:

12 Sec. 2301.711. ORDERS AND DECISIONS. (a) The board or
13 other person delegated final order authority under Section 2301.154
14 shall issue final orders for the implementation and enforcement of
15 this chapter and Chapter 503, Transportation Code.

16 (b) An order or decision under this chapter [~~of the board~~]
17 must:

18 (1) include a separate finding of fact with respect to
19 each specific issue [~~the board is~~] required by law to be considered
20 [~~consider~~] in reaching a decision;

21 (2) set forth additional findings of fact and
22 conclusions of law on which the order or decision is based;

23 (3) give the reasons for the particular actions taken;
24 and

25 (4) be signed by the presiding officer or assistant
26 presiding officer for the board or other person delegated final
27 order authority under Section 2301.154[+]

1 ~~[(5) be attested to by the director, and~~

2 ~~[(6) have the seal affixed to it].~~

3 SECTION 29. Section 2301.712(b), Occupations Code, is
4 amended to read as follows:

5 (b) If a person who brings a complaint under Subchapter M
6 prevails in the case, the board or a person delegated power from the
7 board under Section 2301.154 shall order the nonprevailing party in
8 the case to reimburse the amount of the filing fee for the case.

9 SECTION 30. Section 2301.713, Occupations Code, is amended
10 to read as follows:

11 Sec. 2301.713. REHEARING. (a) Except as provided by
12 Subsection (b), a [A] party who seeks a rehearing of an order shall
13 seek the rehearing in accordance with Chapter 2001, Government
14 Code.

15 (b) The board by rule may establish a procedure to allow
16 parties to contested cases in which the final order is issued by a
17 person to whom final order authority is delegated under Section
18 2301.154 to file motions for rehearing with the board.

19 SECTION 31. Section 2301.751(a), Occupations Code, is
20 amended to read as follows:

21 (a) A party to a proceeding affected by a final order, rule,
22 or decision or other final action of the board ~~[or director under~~
23 ~~this chapter or under another law]~~ with respect to a matter arising
24 under this chapter or Chapter 503, Transportation Code, may seek
25 judicial review of the action under the substantial evidence rule
26 in:

27 (1) a district court in Travis County; or

1 (2) the court of appeals for the Third Court of Appeals
2 District.

3 SECTION 32. Section 2301.752(b), Occupations Code, is
4 amended to read as follows:

5 (b) Citation for an appeal must be served on the executive
6 director or the executive director's designee and each party of
7 record in the matter. For an appeal initiated in the court of
8 appeals, the court shall cause the citation to be issued.

9 SECTION 33. Sections 2301.802(d) and (e), Occupations Code,
10 are amended to read as follows:

11 (d) An interlocutory cease and desist order remains in
12 effect until vacated or incorporated in a final order [~~of the~~
13 ~~board~~]. An appeal of an interlocutory cease and desist order must
14 be made to the board before seeking judicial review as provided by
15 this chapter.

16 (e) A permanent cease and desist order may be issued
17 regardless of the requirements of Subsection (b) but only under the
18 procedures for a final order [~~by the board~~] under this chapter. An
19 appeal of a permanent cease and desist order is made in the same
20 manner as an appeal of a final order under this chapter.

21 SECTION 34. Section 2301.803(a), Occupations Code, is
22 amended to read as follows:

23 (a) On the initiation of a [~~board~~] proceeding under this
24 chapter or Chapter 503, Transportation Code, whether by complaint,
25 protest, or otherwise, a person who receives notice from the board
26 of a statutory stay imposed by this chapter may not allow or commit
27 any act or omission that would:

1 (1) violate this chapter, Chapter 503, Transportation
2 Code, [or] any rule, order, or decision of the board, or an order or
3 decision of a person delegated power from the board under Section
4 2301.154;

5 (2) affect a legal right, duty, or privilege of any
6 party to a proceeding under this chapter or Chapter 503,
7 Transportation Code [before the board]; or

8 (3) tend to render ineffectual an [a board] order in a
9 pending proceeding.

10 SECTION 35. Sections 2301.804(a) and (b), Occupations Code,
11 are amended to read as follows:

12 (a) If it appears that a person has violated, is violating,
13 or is threatening to violate this chapter, Chapter 503,
14 Transportation Code, [or] a board rule adopted under this chapter
15 or Chapter 503, Transportation Code, or an order issued under this
16 chapter or Chapter 503, Transportation Code, the board or the
17 executive director, if authorized by the presiding officer of the
18 board, may cause a suit to be instituted in a court for:

19 (1) injunctive relief to restrain the person from
20 committing the violation or threat of violation;

21 (2) imposition of a civil penalty; or

22 (3) both injunctive relief and a civil penalty.

23 (b) At the request of the board or the executive director,
24 if authorized by the presiding officer of the board, the attorney
25 general shall bring in the name of the state a suit for an
26 injunction or a civil penalty as described by Subsection (a).

27 SECTION 36. Section 2302.103(a), Occupations Code, is

1 amended to read as follows:

2 (a) To apply for a salvage vehicle dealer license, a person
3 must submit to the department an application on a form prescribed by
4 the department [~~The application must be signed by the applicant~~]
5 and [~~accompanied by~~] the application fee.

6 SECTION 37. Section 2305.001, Occupations Code, is amended
7 by adding Subdivisions (5) and (6) to read as follows:

8 (5) "Board" means the board of the Texas Department of
9 Motor Vehicles.

10 (6) "Department" means the Texas Department of Motor
11 Vehicles.

12 SECTION 38. Section 2305.007(a), Occupations Code, is
13 amended to read as follows:

14 (a) Except as provided by Subsection (b), for the purpose of
15 enforcing or administering this chapter, Chapter 2302 of this code,
16 or Chapter 501 or 502, Transportation Code, a member of the board
17 [~~Texas Transportation Commission~~], an employee of the department
18 [~~Texas Transportation Commission or Texas Department of~~
19 ~~Transportation~~], a member of the Public Safety Commission, an
20 officer of the Department of Public Safety, or another peace
21 officer who is interested in tracing or locating a stolen motor
22 vehicle may at a reasonable time:

23 (1) enter the premises of a business regulated under
24 one of those chapters; and

25 (2) inspect or copy any document, record, vehicle,
26 part, or other item regulated under one of those chapters.

27 SECTION 39. The heading to Subchapter L, Chapter 201,

1 Transportation Code, is amended to read as follows:

2 SUBCHAPTER L. ELECTRONIC ISSUANCE OF OUTDOOR ADVERTISING LICENSES

3 SECTION 40. Section 201.931(2), Transportation Code, is
4 amended to read as follows:

5 (2) "License" means ~~[includes:~~
6 ~~[(A) a permit issued by the department that~~
7 ~~authorizes the operation of a vehicle and its load or a combination~~
8 ~~of vehicles and load exceeding size or weight limitations; and~~
9 ~~[(B)]~~ a license or permit for outdoor advertising
10 issued under Chapter 391 or 394.

11 SECTION 41. Section 501.021(a), Transportation Code, is
12 amended to read as follows:

13 (a) A motor vehicle title issued by the department must
14 include:

15 (1) the legal name and address of each purchaser and
16 seller at the first sale or a subsequent sale;

17 (2) the make of the motor vehicle;

18 (3) the body type of the vehicle;

19 (4) the manufacturer's permanent vehicle
20 identification number of the vehicle or the vehicle's motor number
21 if the vehicle was manufactured before the date that stamping a
22 permanent identification number on a motor vehicle was universally
23 adopted;

24 (5) the serial number for the vehicle;

25 (6) the name and address of each lienholder and the
26 date of each lien on the vehicle, listed in the chronological order
27 in which the lien was recorded;

1 (7) a statement indicating rights of survivorship
2 under Section 501.031;

3 (8) if the vehicle has an odometer, the odometer
4 reading at the time of application for the title; and

5 (9) any other information required by the department.

6 SECTION 42. Sections 501.022(a) and (b), Transportation
7 Code, are amended to read as follows:

8 (a) The owner of a motor vehicle registered in this state:

9 (1) except as provided by Section 501.029, shall apply
10 for title to the vehicle; and

11 (2) may not operate or permit the operation of the
12 vehicle on a public highway until the owner [~~obtains~~]:

13 (A) applies for title and registration for the
14 vehicle; or

15 (B) obtains a receipt evidencing title for
16 registration purposes only under Section 501.029.

17 (b) A person may not operate a motor vehicle registered in
18 this state on a public highway if the person knows or has reason to
19 believe that the owner has not applied for [~~obtained~~] a title for
20 the vehicle.

21 SECTION 43. Section 501.023(a), Transportation Code, is
22 amended to read as follows:

23 (a) The owner of a motor vehicle must present identification
24 and apply for a title as prescribed by the department, unless
25 otherwise exempted by law. To obtain a title, the owner must
26 apply:

27 (1) to the county assessor-collector in the county in

1 which:

2 (A) the owner is domiciled; or

3 (B) the motor vehicle is purchased or encumbered;

4 [~~or~~]

5 (2) if the county in which the owner resides has been
6 declared by the governor as a disaster area, to the county
7 assessor-collector in one of the closest unaffected counties to a
8 county that asks for assistance and:

9 (A) continues to be declared by the governor as a
10 disaster area because the county has been rendered inoperable by
11 the disaster; and

12 (B) is inoperable for a protracted period of
13 time; or

14 (3) if the county assessor-collector's office of the
15 county in which the owner resides is closed for a protracted period
16 of time as defined by the department, to the county
17 assessor-collector of a county that borders the county in which the
18 owner resides who agrees to accept the application.

19 SECTION 44. Section 501.0234(b), Transportation Code, is
20 amended to read as follows:

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

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

24 (2) for which the title has been surrendered in
25 exchange for:

26 (A) a salvage vehicle title or salvage record of
27 title issued under this chapter;

1 (B) a nonrepairable vehicle title or
2 nonrepairable vehicle record of title issued under this chapter or
3 Subchapter D, Chapter 683; or

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

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

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

8 (A) is a [full-service] deputy authorized by
9 rules adopted under Section 520.0071;

10 (B) [520.008 and who] utilizes the dealer title
11 application process developed to provide a method to submit title
12 transactions to the county in which the commercial fleet buyer is a
13 [full-service] deputy; and

14 (C) has authority to accept an application for
15 registration and application for title transfer that the county
16 assessor-collector may accept.

17 SECTION 45. Section 501.024(d), Transportation Code, is
18 amended to read as follows:

19 (d) A title receipt with registration or permit authorizes
20 the operation of the motor vehicle on a public highway in this state
21 [for 10 days or] until the title is issued~~[, whichever period is~~
22 ~~shorter]~~.

23 SECTION 46. Sections 501.031(a) and (c), Transportation
24 Code, are amended to read as follows:

25 (a) The department shall include on each title an optional
26 rights of survivorship agreement that:

27 (1) provides that if the agreement is between two or

1 more eligible persons, the motor vehicle will be owned [~~is held~~
2 ~~jointly~~] by the surviving owners when one or more of the owners die
3 [~~those persons with the interest of a person who dies to transfer to~~
4 ~~the surviving person or persons~~]; and

5 (2) provides for the acknowledgment by signature,
6 either electronically or by hand, of the persons.

7 (c) Ownership of the vehicle may be transferred only:

8 (1) by all the persons acting jointly, if all the
9 persons are alive; or [~~and~~]

10 (2) on the death of one of the persons, by the
11 surviving person or persons by transferring ownership of the
12 vehicle, in the manner otherwise required by law, with a copy of the
13 death certificate of the deceased person.

14 SECTION 47. Section 501.032, Transportation Code, is
15 amended by amending Subsections (a) and (b) and adding Subsection
16 (d) to read as follows:

17 (a) On proper application, the department shall assign a
18 vehicle identification number to a travel trailer, a trailer or
19 semitrailer [~~that has a gross vehicle weight that exceeds 4,000~~
20 ~~pounds~~], a frame, or an item of equipment, including a tractor, farm
21 implement, unit of special mobile equipment, or unit of off-road
22 construction equipment [~~on which~~]:

23 (1) on which a vehicle identification number was not
24 die-stamped by the manufacturer; [~~or~~]

25 (2) on which a vehicle identification number
26 die-stamped by the manufacturer has been lost, removed, or
27 obliterated; or

1 (3) for which a vehicle identification number was
2 never assigned.

3 (b) The applicant shall die-stamp the assigned vehicle
4 identification number at the place designated by the department on
5 the travel trailer, trailer, semitrailer, frame, or equipment.

6 (d) Only the department may issue vehicle identification
7 numbers.

8 SECTION 48. Section 501.033(a), Transportation Code, is
9 amended to read as follows:

10 (a) A person determined by law enforcement or a court to be
11 the owner of a motor vehicle, travel trailer, semitrailer, or
12 trailer, a part of a motor vehicle, travel trailer, semitrailer, or
13 trailer, a frame, or an item of equipment including a tractor, farm
14 implement, unit of special mobile equipment, or unit of off-road
15 construction equipment may apply to the department for an assigned
16 vehicle identification number that has been removed, altered, [~~or~~]
17 obliterated, or has never been assigned.

18 SECTION 49. Subchapter B, Chapter 501, Transportation Code,
19 is amended by adding Section 501.037 to read as follows:

20 Sec. 501.037. TITLE FOR TRAILERS. (a) Notwithstanding any
21 other provision of this chapter, the department may issue a title
22 for a trailer that has a gross vehicle weight of 4,000 pounds or
23 less if all other requirements for issuance of a title are met.

24 (b) To obtain a title under this section, the owner of the
25 trailer must:

26 (1) apply for the title in the manner required by
27 Section 501.023; and

1 (2) pay the fee required by Section 501.138.

2 SECTION 50. The heading to Subchapter C, Chapter 501,
3 Transportation Code, is amended to read as follows:

4 SUBCHAPTER C. REFUSAL TO ISSUE, ~~[AND]~~ REVOCATION, ~~[OR]~~ SUSPENSION,
5 OR ALTERATION OF CERTIFICATE

6 SECTION 51. Section 501.051(b), Transportation Code, is
7 amended to read as follows:

8 (b) The department may rescind, cancel, or revoke an
9 application for a title if a notarized or county-stamped affidavit
10 is presented containing:

11 (1) a statement that the vehicle involved was a new
12 motor vehicle in the process of a first sale;

13 (2) a statement that the dealer, the applicant, and
14 any lienholder have canceled the sale;

15 (3) a statement that the vehicle:
16 (A) was never in the possession of the title
17 applicant; or

18 (B) was in the possession of the title applicant;
19 and

20 (4) the signatures of the dealer, the applicant, and
21 any lienholder.

22 SECTION 52. Section 501.052(e), Transportation Code, is
23 amended to read as follows:

24 (e) An applicant aggrieved by the determination under
25 Subsection (d) may appeal only to the county or district court of
26 the county of the applicant's residence. An applicant must file an
27 appeal not later than the fifth day after the date of the

1 assessor-collector's determination. The [~~county court~~] judge
2 shall try the appeal in the manner of other civil cases. All rights
3 and immunities granted in the trial of a civil case are available to
4 the interested parties. If the department's action is not
5 sustained, the department shall promptly issue a title for the
6 vehicle.

7 SECTION 53. Subchapter C, Chapter 501, Transportation Code,
8 is amended by adding Section 501.0521 to read as follows:

9 Sec. 501.0521. COURT ORDERED TITLE CHANGES. (a) A justice
10 of the peace or municipal court judge may not issue an order related
11 to a title except as provided by Chapter 47, Code of Criminal
12 Procedure, or Section 27.031(a)(3), Government Code.

13 (b) A county or district court judge may not order the
14 department to change the type of title for:

15 (1) a nonrepairable vehicle titled after September 1,
16 2003; or

17 (2) a vehicle for which the department has issued a
18 certificate of authority under Section 683.054.

19 SECTION 54. Section 501.053(a), Transportation Code, is
20 amended to read as follows:

21 (a) As an alternative to the procedure provided by Section
22 501.052, the person may obtain a title by filing [~~file~~] a bond with
23 the department if the vehicle is in the possession of the applicant
24 and:

25 (1) there is no security interest on the vehicle;

26 (2) any lien on the vehicle is at least 10 years old;

27 or

1 (3) the person provides a release of all liens with
2 bond. [~~On the filing of the bond the person may obtain a title.~~]

3 SECTION 55. Section 501.076(c), Transportation Code, is
4 amended to read as follows:

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

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

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

23 SECTION 56. Section 501.095(b), Transportation Code, is
24 amended to read as follows:

25 (b) A person [~~An owner~~], other than a salvage vehicle
26 dealer, a used automotive parts recycler, or an insurance company
27 licensed to do business in this state, who acquired ownership of a

1 nonrepairable or salvage motor vehicle that has not been issued a
2 nonrepairable vehicle title, nonrepairable record of title,
3 salvage vehicle title, salvage record of title, or a comparable
4 ownership document issued by another state or jurisdiction shall,
5 before selling the motor vehicle, surrender the properly assigned
6 title for the motor vehicle to the department and apply to the
7 department for the appropriate ownership document.

8 SECTION 57. Sections 501.100(a) and (d), Transportation
9 Code, are amended to read as follows:

10 (a) The owner of a motor [A] vehicle for which a
11 nonrepairable vehicle [~~certificate of~~] title issued prior to
12 September 1, 2003, or for which a salvage vehicle title or salvage
13 record of title has been issued may apply for [~~obtain~~] a title after
14 the motor vehicle has been repaired, rebuilt, or reconstructed and,
15 in addition to any other requirement of law, only if the
16 application:

17 (1) describes each major component part used to repair
18 the motor vehicle;

19 (2) states the name of each person from whom the parts
20 used in assembling the vehicle were obtained; and

21 (3) shows the identification number required by
22 federal law to be affixed to or inscribed on the part.

23 (d) In addition to the fee described by Subsection (b), the
24 applicant shall pay a \$65 rebuilder fee. The applicant shall
25 include the fee with the statement submitted under Section 502.156
26 for the vehicle.

27 SECTION 58. Section 501.138(b-2), Transportation Code, is

1 amended to read as follows:

2 (b-2) The comptroller shall establish a record of the amount
3 of the fees deposited to the credit of the Texas Mobility Fund under
4 Subsection (b-1). On or before the fifth workday of each month,
5 the Texas Department of Transportation [~~department~~] shall remit to
6 the comptroller for deposit to the credit of the Texas emissions
7 reduction plan fund an amount of money equal to the amount of the
8 fees deposited by the comptroller to the credit of the Texas
9 Mobility Fund under Subsection (b-1) in the preceding month. The
10 Texas Department of Transportation [~~department~~] shall use for
11 remittance to the comptroller as required by this subsection money
12 in the state highway fund that is not required to be used for a
13 purpose specified by Section 7-a, Article VIII, Texas Constitution,
14 and may not use for that remittance money received by this state
15 under the congestion mitigation and air quality improvement program
16 established under 23 U.S.C. Section 149.

17 SECTION 59. Subchapter G, Chapter 501, Transportation Code,
18 is amended by adding Section 501.139 to read as follows:

19 Sec. 501.139. ELECTRONIC FUNDS TRANSFER. A county
20 assessor-collector that transfers money to the department under
21 this chapter shall transfer the money electronically.

22 SECTION 60. Section 501.146, Transportation Code, is
23 amended by adding Subsection (d) to read as follows:

24 (d) A late fee imposed under this section may not exceed
25 \$250.

26 SECTION 61. Section 501.173, Transportation Code, is
27 amended by adding Subsection (c) to read as follows:

1 (c) In addition to other title fees, the board by rule may
2 set a fee to be assessed for the issuance of a paper title to cover
3 the cost of administering the electronic titling system.

4 SECTION 62. Section 502.001, Transportation Code, is
5 amended by amending Subdivision (7) and adding Subdivision (39-a)
6 to read as follows:

7 (7) "Commercial motor vehicle" means a [~~commercial~~]
8 motor vehicle, other than a motorcycle, designed or used primarily
9 to transport property. The term includes a passenger car
10 reconstructed and used primarily for delivery purposes. The term
11 does not include a passenger car used to deliver the United States
12 mail [as defined by Section 644.001].

13 (39-a) "Shipping weight" means the weight generally
14 accepted as the empty weight of a vehicle.

15 SECTION 63. Sections 502.040(b) and (d), Transportation
16 Code, are amended to read as follows:

17 (b) The application must be accompanied by personal
18 identification as determined by department rule and made in a
19 manner prescribed by the department:

20 (1) through the county assessor-collector of the
21 county in which the owner resides; [~~or~~]

22 (2) if the county in which the owner resides has been
23 declared by the governor as a disaster area, through the county
24 assessor-collector of a county that is one of the closest
25 unaffected counties to a county that asks for assistance and:

26 (A) continues to be declared by the governor as a
27 disaster area because the county has been rendered inoperable by

1 the disaster; and

2 (B) is inoperable for a protracted period of
3 time; or

4 (3) if the county assessor-collector's office in which
5 the owner resides is closed for a protracted period of time as
6 defined by the department, to the county assessor-collector of a
7 county that borders the county in which the owner resides who agrees
8 to accept the application.

9 (d) A county assessor-collector, a deputy county
10 assessor-collector, or a person acting on behalf of a county
11 assessor-collector is not liable to any person for:

12 (1) refusing to register a [~~motor~~] vehicle because of
13 the person's failure to submit evidence of residency that complies
14 with the department's rules; or

15 (2) registering a [~~motor~~] vehicle under this section.

16 SECTION 64. The heading to Section 502.043, Transportation
17 Code, is amended to read as follows:

18 Sec. 502.043. APPLICATION FOR REGISTRATION AND CERTAIN
19 PERMITS.

20 SECTION 65. Section 502.043, Transportation Code, is
21 amended by amending Subsections (a), (b), and (c) and adding
22 Subsection (c-1) to read as follows:

23 (a) An application for vehicle registration or a permit
24 described by Section 502.094 or 502.095 must:

25 (1) be made in a manner prescribed and include the
26 information required by the department by rule; and

27 (2) contain a full description of the vehicle as

1 required by department rule.

2 (b) The department shall deny the registration of or
3 permitting under Section 502.094 or 502.095 of a commercial motor
4 vehicle, truck-tractor, trailer, or semitrailer if the applicant:

5 (1) has a business operated, managed, or otherwise
6 controlled or affiliated with a person who is ineligible for
7 registration or whose privilege to operate has been suspended,
8 including the applicant entity, a relative, family member,
9 corporate officer, or shareholder;

10 (2) has a vehicle that has been prohibited from
11 operating by the Federal Motor Carrier Safety Administration for
12 safety-related reasons;

13 (3) is a carrier whose business is operated, managed,
14 or otherwise controlled or affiliated with a person who is
15 ineligible for registration, including the owner, a relative, a
16 family member, a corporate officer, or a shareholder; or

17 (4) fails to deliver to the county assessor-collector
18 proof of the weight of the vehicle, the maximum load to be carried
19 on the vehicle, and the gross weight for which the vehicle is to be
20 registered.

21 (c) In lieu of filing an application during a year as
22 provided by Subsection (a), the owner of a vehicle registered in any
23 state for that year or the preceding year may present:

24 (1) the registration receipt and transfer receipt for
25 the vehicle; or

26 (2) other evidence satisfactory to the county
27 assessor-collector that the person owns the vehicle~~[, if any]~~.

1 (c-1) A [~~The~~] county assessor-collector shall accept a
2 [~~the~~] receipt or evidence provided under Subsection (c) as an
3 application for renewal of the registration if the receipt or
4 evidence indicates the applicant owns the vehicle. This section
5 allows issuance for registration purposes only but does not
6 authorize the department to issue a title.

7 SECTION 66. The heading to Section 502.055, Transportation
8 Code, is amended to read as follows:

9 Sec. 502.055. DETERMINATION OF WEIGHT AND SEATING CAPACITY.

10 SECTION 67. Section 502.055, Transportation Code, is
11 amended by adding Subsections (c) and (d) to read as follows:

12 (c) For the purposes of this section, the seating capacity
13 of a bus is:

14 (1) the manufacturer's rated seating capacity,
15 excluding the operator's seat; or

16 (2) if the manufacturer has not rated the vehicle for
17 seating capacity, a number computed by allowing one passenger for
18 each 16 inches of seating on the bus, excluding the operator's seat.

19 (d) For registration purposes:

20 (1) the weight of a passenger car is the shipping
21 weight of the car plus 100 pounds; and

22 (2) the weight of a municipal bus or private bus is
23 calculated by adding the following and rounding to the next highest
24 100 pounds:

25 (A) the shipping weight of the bus; and

26 (B) the seating capacity multiplied by 150
27 pounds.

1 SECTION 68. Section 502.092(b), Transportation Code, is
2 amended to read as follows:

3 (b) The department shall issue a receipt for a permit issued
4 ~~[distinguishing insignia for a vehicle issued a permit]~~ under this
5 section in a manner provided by the department. The permit receipt
6 must contain the information required by this section and be
7 carried in the vehicle for which it is issued at all times during
8 which it is valid. ~~[The insignia must be attached to the vehicle in~~
9 ~~lieu of regular license plates and must show the permit expiration~~
10 ~~date.]~~ A permit issued under this section is valid until the
11 earlier of:

12 (1) the date the vehicle's registration in the owner's
13 home state or country expires; or

14 (2) the 30th day after the date the permit is issued.

15 SECTION 69. Sections 502.094(c) and (d), Transportation
16 Code, are amended to read as follows:

17 (c) A person may obtain a permit under this section by:

18 (1) applying to the county assessor-collector or [7]
19 the department[~~, or the department's wire service agent, if the~~
20 ~~department has a wire service agent~~];

21 (2) paying a fee of \$25 for a 72-hour permit or \$50 for
22 a 144-hour permit in the manner prescribed by the department that
23 may include a service charge for a credit card payment or escrow
24 account;

25 (3) furnishing to the county assessor-collector or [7]
26 the department[~~, or the department's wire service agent,~~] evidence
27 of financial responsibility for the vehicle that complies with

1 Sections 502.046(c) and 601.168(a); and

2 (4) submitting a copy of the applicable federal
3 declaration form required by the Federal Motor Carrier Safety
4 Administration or its successor in connection with the importation
5 of a motor vehicle or motor vehicle equipment subject to the federal
6 motor vehicle safety, bumper, and theft prevention standards.

7 (d) A county assessor-collector shall report and send a fee
8 collected under this section in the manner provided by Section
9 502.198. [~~Each week, a wire service agent shall send to the~~
10 ~~department a report of all permits issued by the agent during the~~
11 ~~previous week.~~] The board by rule shall prescribe the format and
12 content of a report required by this subsection.

13 SECTION 70. Section 502.168, Transportation Code, is
14 amended to read as follows:

15 Sec. 502.168. FEE: MOTOR BUS. The fee for a registration
16 year for registration of a motor bus is the fee prescribed by
17 Section 502.252 [~~502.161~~] or 502.253 [~~502.162~~], as applicable.

18 SECTION 71. Subchapter E, Chapter 502, Transportation Code,
19 is amended by adding Section 502.199 to read as follows:

20 Sec. 502.199. ELECTRONIC FUNDS TRANSFER. A county
21 assessor-collector that transfers money to the department under
22 this chapter shall transfer the money electronically.

23 SECTION 72. Section 502.433(a), Transportation Code, is
24 amended to read as follows:

25 (a) The registration fee for a commercial motor vehicle as a
26 farm vehicle is 50 percent of the applicable fee under Section
27 502.252 or 502.253, as applicable, if the vehicle's owner will use

1 the vehicle for commercial purposes only to transport:

2 (1) the person's own poultry, dairy, livestock,
3 livestock products, timber in its natural state, or farm products
4 to market or another place for sale or processing;

5 (2) laborers from their place of residence to the
6 owner's farm or ranch; or

7 (3) without charge, materials, tools, equipment, or
8 supplies from the place of purchase or storage to the owner's farm
9 or ranch exclusively for the owner's use or for use on the farm or
10 ranch.

11 SECTION 73. Section 502.473(d), Transportation Code, is
12 amended to read as follows:

13 (d) A court may dismiss a charge brought under Subsection
14 (a) if the defendant pays an administrative fee not to exceed \$10
15 and:

16 (1) remedies the defect before the defendant's first
17 court appearance; or

18 (2) shows that the motor vehicle was issued a
19 registration insignia by the department that was attached to the
20 motor vehicle, establishing that the vehicle was registered for the
21 period during which the offense was committed~~[, and~~

22 ~~[(2) pays an administrative fee not to exceed \$10].~~

23 SECTION 74. Subchapter K, Chapter 502, Transportation Code,
24 is amended by adding Section 502.4755 to read as follows:

25 Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA. (a) A person
26 commits an offense if the person:

27 (1) manufactures, sells, or possesses a registration

1 insignia deceptively similar to the registration insignia of the
2 department; or

3 (2) makes a copy or likeness of an insignia
4 deceptively similar to the registration insignia of the department
5 with intent to sell the copy or likeness.

6 (b) For the purposes of this section, an insignia is
7 deceptively similar to the registration insignia of the department
8 if the insignia is not prescribed by the department but a reasonable
9 person would presume that it was prescribed by the department.

10 (c) A district or county court, on application of the
11 attorney general or of the district attorney or prosecuting
12 attorney performing the duties of the district attorney for the
13 district in which the court is located, may enjoin a violation or
14 threatened violation of this section on a showing that a violation
15 has occurred or is likely to occur.

16 (d) It is an affirmative defense to a prosecution under this
17 section that the insignia was produced pursuant to a licensing
18 agreement with the department.

19 (e) An offense under this section is:

20 (1) a felony of the third degree if the person
21 manufactures or sells a deceptively similar registration insignia;
22 or

23 (2) a Class C misdemeanor if the person possesses a
24 deceptively similar registration insignia, except that the offense
25 is a Class B misdemeanor if the person has previously been convicted
26 of an offense under this subdivision.

27 SECTION 75. Section 502.491, Transportation Code, as

1 redesignated from Section 502.451, Transportation Code, by Chapter
2 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session,
3 2011, is reenacted to incorporate amendments to Section 502.451,
4 Transportation Code, made by Chapters 432 (S.B. 1057) and 1296
5 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011,
6 and amended to read as follows:

7 Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) On the
8 sale or transfer of a [motor] vehicle, the registration insignia
9 issued for the [motor] vehicle shall be removed. The registration
10 period remaining at the time of sale or transfer expires at the time
11 of sale or transfer.

12 ~~[(a-1) On the sale of a used motor vehicle by a dealer, the~~
13 ~~dealer shall issue to the buyer new registration documents for an~~
14 ~~entire registration year.]~~

15 (b) On a sale or transfer of a [motor] vehicle in which
16 neither party holds a general distinguishing number issued under
17 Chapter 503, the part of the registration period remaining at the
18 time of the sale or transfer shall continue with the vehicle being
19 sold or transferred and does not transfer with the license plates or
20 registration validation insignia. To continue the remainder of the
21 registration period, the purchaser or transferee must file the
22 documents required under Section 501.145.

23 (c) On the sale or transfer of a [motor] vehicle to a dealer,
24 as defined by Section 503.001, who holds a general distinguishing
25 number issued under Chapter 503, the registration period remaining
26 at the time of the sale or transfer expires at the time of the sale
27 or transfer. On the sale of a used [motor] vehicle by a dealer, the

1 dealer shall issue to the buyer new registration documents for an
2 entire registration year.

3 (d) If the transferor has paid for more than one year of
4 registration, the department may credit the transferor for any time
5 remaining on the registration in annual increments.

6 SECTION 76. Sections 503.009(a), (c), and (d),
7 Transportation Code, are amended to read as follows:

8 (a) The board [~~department's Motor Vehicle Board~~] may
9 conduct hearings in contested cases brought under this chapter
10 [~~and~~] as provided by this chapter and Chapter 2301, Occupations
11 Code.

12 (c) A decision or final order issued under this section is
13 final and may not be appealed, as a matter of right, to the board
14 [~~commission~~].

15 (d) The board [~~department's Motor Vehicle Board~~] may adopt
16 rules for the procedure, a hearing, or an enforcement proceeding
17 for an action brought under this section.

18 SECTION 77. Section 504.202(e), Transportation Code, is
19 amended to read as follows:

20 (e) Other than license plates issued under Subsection (h),
21 license plates issued under this section must include:

22 (1) the letters "DV" [~~as a prefix or suffix to any~~
23 ~~numeral~~] on the plate if the plate is issued for a vehicle other
24 than a motorcycle; and

25 (2) the words "Disabled Veteran" and "U.S. Armed
26 Forces" at the bottom of each license plate.

27 SECTION 78. Section 504.306, Transportation Code, is

1 amended to read as follows:

2 Sec. 504.306. MEMBERS AND FORMER MEMBERS OF [~~PERSONS~~
3 ~~RETIRED FROM SERVICE IN~~] MERCHANT MARINE OF THE UNITED STATES. The
4 department shall issue specialty license plates for members and
5 former members of [~~persons retired from service in~~] the merchant
6 marine of the United States. The license plates must include the
7 words "Merchant Marine."

8 SECTION 79. Section 504.610(a), Transportation Code, is
9 amended to read as follows:

10 (a) The department may [~~shall~~] issue specialty license
11 plates in recognition of the Texas Aerospace Commission. [~~including~~
12 ~~the words "Texas Aerospace Commission."~~] The department shall
13 design the license plates in consultation with the Texas Aerospace
14 Commission.

15 SECTION 80. Section 504.652(b), Transportation Code, is
16 amended to read as follows:

17 (b) After deduction of the department's administrative
18 costs, the remainder of the fee for issuance of the license plates
19 shall be deposited to the credit of an account in the general
20 revenue fund. Money in the account may be used only by Texas A&M
21 AgriLife [~~Cooperative~~] Extension for graduate student
22 assistantships within the Texas Master Gardener program and to
23 support Texas A&M AgriLife [~~Cooperative~~] Extension's activities
24 related to the Texas Master Gardener program.

25 SECTION 81. Subchapter G, Chapter 504, Transportation Code,
26 is amended by adding Section 504.663 to read as follows:

27 Sec. 504.663. BIG BROTHERS BIG SISTERS LICENSE PLATES. (a)

1 The department shall issue specialty license plates in recognition
2 of the mentoring efforts of Big Brothers Big Sisters of America
3 organizations operating in this state. The department shall design
4 the license plates in consultation with a representative from a Big
5 Brothers Big Sisters of America organization operating in this
6 state and the attorney general.

7 (b) After deduction of the department's administrative
8 costs, the remainder of the fee for issuance of the license plates
9 shall be deposited to the credit of the Specialty License Plates
10 General Account in the general revenue fund. Money deposited to the
11 credit of the Specialty License Plates General Account under this
12 section may be used only by the attorney general to provide grants
13 to benefit Big Brothers Big Sisters of America organizations
14 operating in this state.

15 SECTION 82. Section 504.901, Transportation Code, is
16 amended by adding Subsection (e) to read as follows:

17 (e) This section applies only to:

18 (1) a passenger vehicle with a gross weight of 6,000
19 pounds or less; and

20 (2) a light truck with a gross weight of 10,000 pounds
21 or less.

22 SECTION 83. Section 504.945(d), Transportation Code, is
23 amended to read as follows:

24 (d) A court may dismiss a charge brought under Subsection
25 (a)(3), (5), (6), or (7) if the defendant:

26 (1) remedies the defect before the defendant's first
27 court appearance; [~~and~~]

- 1 (2) pays an administrative fee not to exceed \$10; and
2 (3) shows that the vehicle was issued a plate by the
3 department that was attached to the vehicle, establishing that the
4 vehicle was registered for the period during which the offense was
5 committed.

6 SECTION 84. Subchapter L, Chapter 504, Transportation Code,
7 is amended by adding Sections 504.946, 504.947, and 504.948 to read
8 as follows:

9 Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) A
10 person commits an offense if the person:

11 (1) manufactures, sells, or possesses a license plate
12 deceptively similar to a license plate issued by the department; or

13 (2) makes a copy or likeness of a license plate
14 deceptively similar to a license plate issued by the department
15 with intent to sell the copy or likeness.

16 (b) For the purposes of this section, a license plate is
17 deceptively similar to a license plate issued by the department if
18 it is not prescribed by the department but a reasonable person would
19 presume that it was prescribed by the department.

20 (c) A district or county court, on application of the
21 attorney general or of the district attorney or prosecuting
22 attorney performing the duties of the district attorney for the
23 district in which the court is located, may enjoin a violation or
24 threatened violation of this section on a showing that a violation
25 has occurred or is likely to occur.

26 (d) It is an affirmative defense to a prosecution under this
27 section that the license plate was produced pursuant to a licensing

1 agreement with the department.

2 (e) An offense under this section is:

3 (1) a felony of the third degree if the person
4 manufactures or sells a deceptively similar license plate; or

5 (2) a Class C misdemeanor if the person possesses a
6 deceptively similar license plate, except that the offense is a
7 Class B misdemeanor if the person has previously been convicted of
8 an offense under this subdivision.

9 Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE. (a) In this
10 section "license plate flipper" means a manual, electric, or
11 mechanical device designed or adapted to be installed on a motor
12 vehicle and:

13 (1) switch between two or more license plates for the
14 purpose of allowing a motor vehicle operator to change the license
15 plate displayed on the operator's vehicle; or

16 (2) hide a license plate from view by flipping the
17 license plate so that the license plate number is not visible.

18 (b) A person commits an offense if the person with criminal
19 negligence uses, purchases, possesses, manufactures, sells, offers
20 to sell, or otherwise distributes a license plate flipper. An
21 offense under this subsection is a Class C misdemeanor, except that
22 the offense is a Class B misdemeanor if the person has previously
23 been convicted of an offense under this subsection.

24 Sec. 504.948. GENERAL PENALTY. (a) A person commits an
25 offense if the person violates a provision of this chapter and no
26 other penalty is prescribed for the violation.

27 (b) An offense under Subsection (a) is a misdemeanor

1 punishable by a fine of not less than \$5 or more than \$200.

2 SECTION 85. Section 520.001, Transportation Code, is
3 amended to read as follows:

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

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

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

9 SECTION 86. Section 520.003, Transportation Code, is
10 amended to read as follows:

11 Sec. 520.003. RULES; [WAIVER OF] FEES; REFUNDS. (a) The
12 department may adopt rules to administer this chapter, including
13 rules that:

14 (1) waive the payment of fees if a dealer has gone out
15 of business and the applicant can show that fees were paid to the
16 dealer; and

17 (2) allow full and partial refunds for rejected
18 titling and registration transactions.

19 (b) The department may collect from a person making a
20 transaction with the department using the state electronic Internet
21 portal project a fee set under Section 2054.2591, Government Code.
22 All fees collected under this subsection shall be allocated to the
23 department to provide for the department's costs associated with
24 administering Section 2054.2591, Government Code.

25 SECTION 87. Section 520.005, Transportation Code, is
26 amended by amending Subsection (c) and adding Subsection (d) to
27 read as follows:

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

9 (d) Each county assessor-collector shall process a
10 registration renewal through an online system designated by the
11 department.

12 SECTION 88. Section 520.006(a-1), Transportation Code, as
13 added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of the
14 82nd Legislature, Regular Session, 2011, is reenacted and amended
15 to read as follows:

16 (a-1) A county assessor-collector collecting fees on behalf
17 of a county that has been declared as a disaster area or that is
18 closed for a protracted period of time as defined by the department
19 for purposes of Section 501.023 or 502.040 may retain the
20 commission for fees collected, but shall allocate the fees to the
21 county declared as a disaster area or that is closed for a
22 protracted period of time.

23 SECTION 89. Subchapter A, Chapter 520, Transportation Code,
24 is amended by adding Section 520.0061 to read as follows:

25 Sec. 520.0061. CONTRACTS BETWEEN COUNTIES. (a) A county
26 tax assessor-collector, with approval of the commissioners court of
27 the county by order, may enter into an agreement with one or more

1 counties to perform mail-in or online registration or titling
2 duties.

3 (b) A contract entered into under Subsection (a) may be
4 terminated by a county that is a party to the contract.

5 SECTION 90. Subchapter A, Chapter 520, Transportation Code,
6 is amended by adding Section 520.0071 to read as follows:

7 Sec. 520.0071. DEPUTIES. (a) The board by rule shall
8 prescribe:

9 (1) the classification types of deputies performing
10 titling and registration duties;

11 (2) the duties and obligations of deputies;

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

15 (4) the fees that may be charged or retained by
16 deputies.

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

21 SECTION 91. The heading to Section 520.0093, Transportation
22 Code, is amended to read as follows:

23 Sec. 520.0093. LEASE OF ~~[ADDITIONAL]~~ COMPUTER EQUIPMENT.

24 SECTION 92. Section 520.0093, Transportation Code, is
25 amended by amending Subsections (a), (c), and (e) and adding
26 Subsection (b-1) to read as follows:

27 (a) The department may ~~[This section applies only to the]~~

1 lease [~~of~~] equipment and provide related services to a:

2 (1) county for the operation of the automated
3 registration and titling system in addition to the equipment
4 provided by the department at no cost to the county under a formula
5 prescribed by the department; and

6 (2) deputy appointed under Section 520.0071.

7 (b-1) On the request of a deputy appointed under Section
8 520.0071, the department may enter into an agreement under which
9 the department leases equipment to the deputy for the use of the
10 deputy in operating the automated registration and titling system.
11 The department may require the deputy to post a bond in an amount
12 equal to the value of the equipment.

13 (c) A county may install equipment leased under this section
14 at offices of the county or of an agent of the county. A deputy
15 appointed under Section 520.0071 may install equipment leased under
16 this section on the premises described in the agreement.

17 (e) Under the agreement, the department shall charge an
18 amount not less than the amount of the cost to the department to
19 provide the [~~additional~~] equipment and any related services under
20 the lease. All money collected under the lease shall be deposited
21 to the credit of the state highway fund.

22 SECTION 93. Section 520.016(c), Transportation Code, is
23 amended to read as follows:

24 (c) This section does not apply to a violation of Section
25 520.006 or a rule adopted under Section 520.0071 [~~7-520.008,~~
26 ~~520.009, 520.0091, or 520.0092~~].

27 SECTION 94. Subchapter D, Chapter 551, Transportation Code,

1 is amended by adding Section 551.304 to read as follows:

2 Sec. 551.304. LIMITED OPERATION. (a) An operator may
3 operate a neighborhood electric vehicle:

4 (1) in a master planned community:

5 (A) that has in place a uniform set of
6 restrictive covenants; and

7 (B) for which a county or municipality has
8 approved a plat;

9 (2) on a public or private beach; or

10 (3) on a public highway for which the posted speed
11 limit is not more than 35 miles per hour, if the neighborhood
12 electric vehicle is operated:

13 (A) during the daytime; and

14 (B) not more than two miles from the location
15 where the neighborhood electric vehicle is usually parked and for
16 transportation to or from a golf course.

17 (b) A person is not required to register a neighborhood
18 electric vehicle operated in compliance with this section.

19 SECTION 95. Section 551.402, Transportation Code, is
20 amended to read as follows:

21 Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas
22 Department of Motor Vehicles [~~Transportation~~] may not register a
23 golf cart for operation on a public highway regardless of whether
24 any alteration has been made to the golf cart.

25 (b) The Texas Department of Motor Vehicles [~~department~~] may
26 issue license plates for a golf cart only as authorized by Section
27 504.510.

1 SECTION 96. Section 601.052(a), Transportation Code, is
2 amended to read as follows:

3 (a) Section 601.051 does not apply to:

4 (1) the operation of a motor vehicle that:

5 (A) is a former military vehicle or is at least 25
6 years old;

7 (B) is used only for exhibitions, club
8 activities, parades, and other functions of public interest and not
9 for regular transportation; and

10 (C) for which the owner files with the department
11 an affidavit, signed by the owner, stating that the vehicle is a
12 collector's item and used only as described by Paragraph (B);

13 (2) the operation of a neighborhood electric vehicle
14 or a golf cart that is operated only as authorized by Section
15 551.304 or 551.403; or

16 (3) a volunteer fire department for the operation of a
17 motor vehicle the title of which is held in the name of a volunteer
18 fire department.

19 SECTION 97. Section 621.001(4), Transportation Code, is
20 amended to read as follows:

21 (4) "Director" means:

22 (A) the executive director of the department; or

23 (B) an employee of the department who is:

24 (i) a division or special office director
25 or holds a rank higher than division or special office director; and

26 (ii) designated by the executive director

27 [~~Texas Department of Motor Vehicles~~].

1 SECTION 98. Section 621.002(a), Transportation Code, is
2 amended to read as follows:

3 (a) A copy of the registration receipt issued under Section
4 502.057 [~~502.178~~] for a commercial motor vehicle, truck-tractor,
5 trailer, or semitrailer shall be:

6 (1) carried on the vehicle when the vehicle is on a
7 public highway; and

8 (2) presented to an officer authorized to enforce this
9 chapter on request of the officer.

10 SECTION 99. Section 621.301(b), Transportation Code, is
11 amended to read as follows:

12 (b) The commissioners court may limit the maximum weights to
13 be moved on or over a county road, bridge, or culvert by exercising
14 its authority under this subsection in the same manner and under the
15 same conditions provided by Section 621.102 for the Texas
16 Department of Transportation [~~commission~~] to limit maximum weights
17 on highways and roads to which that section applies.

18 SECTION 100. Subchapter D, Chapter 621, Transportation
19 Code, is amended by adding Section 621.304 to read as follows:

20 Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO
21 REGULATE OVERWEIGHT VEHICLES AND LOADS ON STATE HIGHWAY SYSTEM.
22 Except as expressly authorized by this subtitle, a county or
23 municipality may not require a permit, bond, fee, or license for the
24 movement of a vehicle or combination of vehicles or any load carried
25 by the vehicle or vehicles on the state highway system in the county
26 or municipality that exceeds the weight or size limits on the state
27 highway system.

1 SECTION 101. Section 621.503, Transportation Code, is
2 amended by adding Subsection (d) to read as follows:

3 (d) A violation of this section is subject to administrative
4 enforcement under Subchapter N, Chapter 623, except that
5 administrative enforcement may not be imposed on a person described
6 by Subsection (a) if the person is an entity or is owned by the same
7 entity that operated the loaded vehicle and has been assessed a
8 criminal penalty under this subtitle for a violation associated
9 with the load.

10 SECTION 102. Section 621.506, Transportation Code, is
11 amended by amending Subsections (a) and (b) and adding Subsections
12 (b-1), (b-2), (b-3), and (i) to read as follows:

13 (a) A person commits an offense if the person:

14 (1) operates a vehicle or combination of vehicles in
15 violation of Section 621.101, 622.012, 622.031, 622.041, 622.0435,
16 622.051, 622.061, 622.133, 622.953, or 623.162; or

17 (2) loads a vehicle or causes a vehicle to be loaded in
18 violation of Section 621.503.

19 (b) Except as provided by Subsections (b-1), (b-2), and
20 (b-3), an [An] offense under this section is a misdemeanor
21 punishable:

22 (1) by a fine of not less than \$100 and not more than
23 \$250 [~~\$150~~];

24 (2) on conviction of an offense involving a vehicle
25 having a single axle weight or tandem axle weight that is heavier
26 than the vehicle's allowable weight, by a fine according to the
27 following schedule:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>more than 5,000</u>	<u>\$1,000 to \$2,500; or</u>

(3) on conviction of an offense involving a vehicle having a [~~single axle weight, tandem axle weight, or~~] gross weight that is [~~more than 5,000 but not more than 10,000 pounds~~] heavier than the vehicle's allowable weight, by a fine according to the following schedule:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>5,001-10,000</u>	<u>\$1,000 to \$2,500</u>
<u>10,001-20,000</u>	<u>\$2,500 to \$5,000</u>
<u>20,001-40,000</u>	<u>\$5,000 to \$7,000</u>
<u>more than 40,000</u>	<u>\$7,000 to \$10,000.</u>

(b-1) On conviction of a third offense punishable under Subsection (b)(2) or (3), before the first anniversary of the date of a previous conviction of an offense punishable under Subsection (b)(2) or (3), the defendant shall be punished [~~of not less than \$300 or more than \$500,~~

~~[(3) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000, or~~

~~[(4) on conviction before the first anniversary of the~~

1 ~~date of a previous conviction under this section,~~] by a fine in an
2 amount not to exceed [~~that is~~] twice the maximum amount specified
3 by Subsection (b)(2) [~~Subdivision (1), (2),~~] or (3).

4 (b-2) A defendant operating a vehicle or combination of
5 vehicles at a weight for which a permit issued under this subtitle
6 would authorize the operation, but who does not hold the permit,
7 shall be punished by a fine in addition to the fine imposed under
8 Subsection (b) of not less than \$500 or more than \$1,000, except
9 that for a second or subsequent conviction under this section, the
10 offense is punishable by an additional fine of not less than \$2,500
11 or more than \$5,000.

12 (b-3) A defendant operating a vehicle or combination of
13 vehicles at a weight in excess of 84,000 pounds with a load that can
14 reasonably be dismantled shall be punished by a fine in addition to
15 the fine imposed under Subsection (b) of not less than \$500 or more
16 than \$1,000, except that for a second or subsequent conviction
17 under this section, the offense is punishable by an additional fine
18 of not less than \$2,500 or more than \$5,000.

19 (i) A fine may not be imposed under this section that
20 exceeds the minimum dollar amount that may be imposed unless the
21 vehicle's weight was determined by a portable or stationary scale
22 furnished or approved by the Department of Public Safety.

23 SECTION 103. Subchapter G, Chapter 621, Transportation
24 Code, is amended by adding Section 621.510 to read as follows:

25 Sec. 621.510. PERMIT VOID. A permit issued under this
26 chapter is void on the failure of the owner or the owner's
27 representative to comply with a rule of the board or with a

1 condition placed on the permit by the department.

2 SECTION 104. Section 622.012(b), Transportation Code, is
3 amended to read as follows:

4 (b) A truck may be operated at a weight that exceeds the
5 maximum single axle or tandem axle weight limitation by not more
6 than 10 percent if the gross weight is not heavier than 69,000
7 pounds and the department has issued a permit that authorizes the
8 operation of the vehicle under Section 623.0171.

9 SECTION 105. Section 622.074, Transportation Code, is
10 amended to read as follows:

11 Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This
12 subchapter does not apply to:

13 (1) farm equipment used for a purpose other than
14 construction;

15 (2) special mobile equipment owned by a dealer or
16 distributor;

17 (3) a vehicle used to propel special mobile equipment
18 that is registered as a farm vehicle under ~~[as defined by]~~ Section
19 502.433 ~~[502.163]~~; or

20 (4) equipment while being used by a commercial hauler
21 to transport special mobile equipment under hire of a person who
22 derives \$500 in gross receipts annually from a farming or ranching
23 enterprise.

24 SECTION 106. Section 622.901, Transportation Code, is
25 amended to read as follows:

26 Sec. 622.901. WIDTH EXCEPTIONS. The width limitation
27 provided by Section 621.201 does not apply to:

1 (1) highway building or maintenance machinery that is
2 traveling:

3 (A) during daylight on a public highway other
4 than a highway that is part of the national system of interstate and
5 defense highways; or

6 (B) for not more than 50 miles on a highway that
7 is part of the national system of interstate and defense highways;

8 (2) a vehicle traveling during daylight on a public
9 highway other than a highway that is part of the national system of
10 interstate and defense highways or traveling for not more than 50
11 miles on a highway that is part of the national system of interstate
12 and defense highways if the vehicle is:

13 (A) a farm tractor or implement of husbandry; or

14 (B) a vehicle on which a farm tractor or
15 implement of husbandry, other than a tractor or implement being
16 transported from one dealer to another, is being moved by the owner
17 of the tractor or implement or by an agent or employee of the owner:

18 (i) to deliver the tractor or implement to a
19 new owner;

20 (ii) to transport the tractor or implement
21 to or from a mechanic for maintenance or repair; or

22 (iii) in the course of an agricultural
23 operation;

24 (3) machinery that is used solely for drilling water
25 wells, including machinery that is a unit or a unit mounted on a
26 conventional vehicle or chassis, and that is traveling:

27 (A) during daylight on a public highway other

1 than a highway that is part of the national system of interstate and
2 defense highways; or

3 (B) for not more than 50 miles on a highway that
4 is part of the national system of interstate and defense highways;

5 (4) a vehicle owned or operated by a public, private,
6 or volunteer fire department;

7 (5) a vehicle registered under Section 502.431
8 [~~502.164~~]; or

9 (6) a recreational vehicle to which Section 622.903
10 applies.

11 SECTION 107. Section 623.011(b), Transportation Code, is
12 amended to read as follows:

13 (b) To qualify for a permit under this section:

14 (1) the vehicle must be registered under Chapter 502
15 for the maximum gross weight applicable to the vehicle under
16 Section 621.101, not to exceed 80,000 pounds;

17 (2) the security requirement of Section 623.012 must
18 be satisfied; and

19 (3) a base permit fee of \$90, any additional fee
20 required by Section 623.0111, and any additional fee set by the
21 board [~~department~~] under Section 623.0112 must be paid.

22 SECTION 108. Sections 623.012(a) and (b), Transportation
23 Code, are amended to read as follows:

24 (a) An applicant for a permit under Section 623.011, other
25 than a permit under that section to operate a vehicle loaded with
26 timber or pulp wood, wood chips, cotton, or agricultural products
27 in their natural state, and an applicant for a permit under Section

1 623.321 shall file with the department:

2 (1) a blanket bond; or

3 (2) an irrevocable letter of credit issued by a
4 financial institution the deposits of which are guaranteed by the
5 Federal Deposit Insurance Corporation.

6 (b) The bond or letter of credit must:

7 (1) be in the amount of \$15,000 payable to the Texas
8 Department of Transportation and the counties of this state;

9 (2) be conditioned that the applicant will pay the
10 Texas Department of Transportation for any damage to a state
11 highway, and a county for any damage to a road or bridge of the
12 county, caused by the operation of the vehicle:

13 (A) for which the permit is issued at a heavier
14 weight than the maximum weights authorized by Subchapter B of
15 Chapter 621 or Section 621.301 or 623.321; or

16 (B) that is in violation of Section 623.323; and

17 (3) provide that the issuer is to notify the Texas
18 Department of Transportation and the applicant in writing promptly
19 after a payment is made by the issuer on the bond or letter of
20 credit.

21 SECTION 109. Sections 623.014(c) and (d), Transportation
22 Code, are amended to read as follows:

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

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

26 and

27 (2) provides the department with:

1 (A) the original permit; or

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

5 (d) The fee adopted by the board [~~department~~] under
6 Subsection (c)(1) may not exceed the cost of issuing the credit.

7 SECTION 110. Subchapter B, Chapter 623, Transportation
8 Code, is amended by adding Section 623.0171 to read as follows:

9 Sec. 623.0171. PERMIT FOR READY-MIXED CONCRETE TRUCKS. (a)
10 In this section, "ready-mixed concrete truck" has the meaning
11 assigned by Section 622.011.

12 (b) The department may issue a permit that authorizes the
13 operation of a ready-mixed concrete truck with three axles.

14 (c) To qualify for a permit under this section, a base
15 permit fee of \$1,000 must be paid, except as provided by Subsection
16 (g).

17 (d) A permit issued under this section:

18 (1) is valid for one year, except as provided by
19 Subsection (g); and

20 (2) must be carried in the vehicle for which it is
21 issued.

22 (e) When the department issues a permit under this section,
23 the department shall issue a sticker to be placed on the front
24 windshield of the vehicle above the inspection certificate issued
25 to the vehicle. The department shall design the form of the sticker
26 to aid in the enforcement of weight limits for vehicles.

27 (f) The sticker must:

1 (1) indicate the expiration date of the permit; and

2 (2) be removed from the vehicle when:

3 (A) the permit for operation of the vehicle
4 expires;

5 (B) a lease of the vehicle expires; or

6 (C) the vehicle is sold.

7 (g) The department may issue a permit under this section
8 that is valid for a period of less than one year. The department
9 shall prorate the applicable fee required by Subsection (c) for a
10 permit issued under this subsection as necessary to reflect the
11 term of the permit.

12 (h) Unless otherwise provided by state or federal law, a
13 county or municipality may not require a permit, fee, or license for
14 the operation of a ready-mixed concrete truck in addition to a
15 permit, fee, or license required by state law.

16 (i) Section 622.015 does not apply to an owner of a
17 ready-mixed concrete truck who holds a permit under this section
18 for the truck.

19 (j) Unless otherwise provided by state or federal law, a
20 ready-mixed concrete truck may operate on a state, county, or
21 municipal road, including a load-zoned county road or a frontage
22 road adjacent to a federal interstate highway, if the truck
23 displays a sticker required by Subsection (e) and does not exceed
24 the maximum gross weight authorized under Section 622.012.

25 (k) For the purposes of Subsection (l), the department by
26 rule shall require an applicant to designate in the permit
27 application the counties in which the applicant intends to operate.

1 (1) Of the fee collected under this section for a permit:

2 (1) 50 percent of the amount collected shall be
3 deposited to the credit of the state highway fund; and

4 (2) the other 50 percent shall be divided among and
5 distributed to the counties designated in permit applications under
6 Subsection (k) according to department rule.

7 (m) At least once each fiscal year, the comptroller shall
8 send the amount due each county under Subsection (l) to the county
9 treasurer or officer performing the function of that office for
10 deposit to the credit of the county road and bridge fund.

11 SECTION 111. Section 623.019, Transportation Code, is
12 amended by amending Subsections (b), (c), and (d) and adding
13 Subsection (h) to read as follows:

14 (b) Except as provided by Subsections (c) and (d), an
15 offense under Subsection (a) is a misdemeanor punishable by a fine
16 of not less than \$100 or more than \$250 [~~\$150~~].

17 (c) An offense under Subsection (a) is a misdemeanor and,
18 except as provided by Subsection (d), is punishable by a fine
19 according to the following schedules if the offense involves a
20 vehicle [~~of~~]:

21 (1) having a single axle weight or tandem axle weight
22 that is heavier than the vehicle's allowable weight:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>more than 5,000</u>	<u>\$1,000 to \$2,500; or</u>

27 (2) [not less than \$300 or more than \$500 if the

1 ~~offense involves a vehicle]~~ having a gross weight that is heavier
2 than the vehicle's allowable gross weight:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>5,001-10,000</u>	<u>\$1,000 to \$2,500</u>
<u>10,001-20,000</u>	<u>\$2,500 to \$5,000</u>
<u>20,001-40,000</u>	<u>\$5,000 to \$7,000</u>
<u>more than 40,000</u>	<u>\$7,000 to \$10,000</u>

10 ~~[5,000 but not heavier than 10,000 pounds over the vehicle's~~
11 ~~allowable gross weight; or~~

12 ~~[(2) not less than \$500 or more than \$1,000 if the~~
13 ~~offense involves a vehicle having a gross weight that is at least~~
14 ~~10,000 pounds heavier than the vehicle's allowable gross weight.]~~

15 (d) On conviction of a third offense under Subsection (a),
16 before the first anniversary of the date of a previous conviction
17 under that subsection [~~Subsection (a)~~], the defendant shall be
18 punished [~~an offense is punishable~~] by a fine in an amount not to
19 exceed [~~that is~~] twice the maximum amount specified by Subsection
20 (c).

21 (h) A fine may not be imposed under this section that
22 exceeds the minimum dollar amount that may be imposed unless the
23 vehicle's weight was determined by a portable or stationary scale
24 furnished or approved by the Department of Public Safety.

25 SECTION 112. The heading to Section 623.0711,
26 Transportation Code, is amended to read as follows:

27 Sec. 623.0711. PERMITS AUTHORIZED BY BOARD [~~COMMISSION~~].

1 SECTION 113. Sections 623.0711(a), (b), (c), (d), (f), (g),
2 and (h), Transportation Code, are amended to read as follows:

3 (a) The board [~~commission~~] by rule may authorize the
4 department to issue a permit to a motor carrier, as defined by
5 Section 643.001, to transport multiple loads of the same commodity
6 over a state highway if all of the loads are traveling between the
7 same general locations.

8 (b) The board [~~commission~~] may not authorize the issuance of
9 a permit that would allow a vehicle to:

10 (1) violate federal regulations on size and weight
11 requirements; or

12 (2) transport equipment that could reasonably be
13 dismantled for transportation as separate loads.

14 (c) The board [~~commission~~] rules must require that, before
15 the department issues a permit under this section, the department:

16 (1) determine that the state will benefit from the
17 consolidated permitting process; and

18 (2) complete a route and engineering study that
19 considers:

20 (A) the estimated number of loads to be
21 transported by the motor carrier under the permit;

22 (B) the size and weight of the commodity;

23 (C) available routes that can accommodate the
24 size and weight of the vehicle and load to be transported;

25 (D) the potential roadway damage caused by
26 repeated use of the road by the permitted vehicle;

27 (E) any disruption caused by the movement of the

1 permitted vehicle; and

2 (F) the safety of the traveling public.

3 (d) The board [~~commission~~] rules may authorize the
4 department to impose on the motor carrier any condition regarding
5 routing, time of travel, axle weight, and escort vehicles necessary
6 to ensure safe operation and minimal damage to the roadway.

7 (f) The board [~~commission~~] shall require the motor carrier
8 to file a bond in an amount set by the board [~~commission~~], payable
9 to the Texas Department of Transportation [~~department~~] and
10 conditioned on the motor carrier paying to the Texas Department of
11 Transportation [~~department~~] any damage that is sustained to a state
12 highway because of the operation of a vehicle under a permit issued
13 under this section.

14 (g) An application for a permit under this section must be
15 accompanied by the permit fee established by the board [~~commission~~]
16 for the permit, not to exceed \$9,000. The department shall send each
17 fee to the comptroller for deposit to the credit of the state
18 highway fund.

19 (h) In addition to the fee established under Subsection (g),
20 the board [~~commission~~] rules must authorize the department to
21 collect a consolidated permit payment for a permit under this
22 section in an amount not to exceed 15 percent of the fee established
23 under Subsection (g), to be deposited to the credit of the state
24 highway fund.

25 SECTION 114. Section 623.078(b), Transportation Code, is
26 amended to read as follows:

27 (b) The department [~~board~~] shall send each fee collected

1 under Subsection (a) to the comptroller for deposit to the credit of
2 the state highway fund.

3 SECTION 115. Section 623.144, Transportation Code, is
4 amended to read as follows:

5 Sec. 623.144. REGISTRATION OF VEHICLE. (a) A person may
6 not operate a vehicle permitted [~~A permit~~] under this subchapter on
7 a public highway unless [~~may be issued only if~~] the vehicle is
8 registered under Chapter 502 for the maximum gross weight
9 applicable to the vehicle under Section 621.101 or has specialty
10 [~~the distinguishing~~] license plates as provided by Section 502.146
11 [~~504.504~~] if applicable to the vehicle.

12 (b) The department may not issue specialty license plates to
13 a vehicle described by Section 502.146(b)(3) unless the applicant
14 complies with the requirements of that subsection.

15 SECTION 116. Section 623.149(a), Transportation Code, is
16 amended to read as follows:

17 (a) The department may establish criteria to determine
18 whether oil well servicing, oil well clean out, or oil well drilling
19 machinery or equipment is subject to registration under Chapter 502
20 or eligible for the distinguishing license plate provided by
21 Section 502.146 [~~504.504~~].

22 SECTION 117. Section 623.194, Transportation Code, is
23 amended to read as follows:

24 Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this
25 subchapter may be issued only if the vehicle to be moved is
26 registered under Chapter 502 for the maximum gross weight
27 applicable to the vehicle under Section 621.101 or has the

1 distinguishing license plates as provided by Section 502.146
2 [~~504.504~~] if applicable to the vehicle.

3 SECTION 118. Section 623.199(a), Transportation Code, is
4 amended to read as follows:

5 (a) The department may establish criteria to determine
6 whether an unladen lift equipment motor vehicle that because of its
7 design for use as lift equipment exceeds the maximum weight and
8 width limitations prescribed by statute is subject to registration
9 under Chapter 502 or eligible for the distinguishing license plate
10 provided by Section 502.146 [~~504.504~~].

11 SECTION 119. Chapter 623, Transportation Code, is amended
12 by adding Subchapter Q to read as follows:

13 SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

14 Sec. 623.321. PERMIT. (a) The department may issue a
15 permit under this subchapter, as an alternative to a permit issued
16 under Section 623.011, authorizing a person to operate a vehicle or
17 combination of vehicles that is being used to transport unrefined
18 timber, wood chips, or woody biomass in a county identified as a
19 timber producing county in the most recent edition of the Texas A&M
20 Forest Service's Harvest Trends Report as of May 15, 2013, at the
21 weight limits prescribed by Subsection (b).

22 (b) A person may operate over a road or highway a vehicle or
23 combination of vehicles issued a permit under this section at a
24 gross weight that is not heavier than 84,000 pounds, if the gross
25 load carried on any tandem axle of the vehicle or combination of
26 vehicles does not exceed 44,000 pounds.

27 (c) Section 621.508 does not apply to a vehicle or

1 combination of vehicles operated under this section.

2 (d) The department shall annually update the number of
3 timber producing counties described by Subsection (a) based on the
4 most recent edition of the Texas A&M Forest Service's Harvest
5 Trends Report.

6 Sec. 623.322. QUALIFICATION; REQUIREMENTS. (a) To qualify
7 for a permit under this subchapter for a vehicle or combination of
8 vehicles, a person must:

9 (1) pay a permit fee of \$1,500;

10 (2) designate in the permit application the timber
11 producing counties described by Section 623.321(a) in which the
12 vehicle or combination of vehicles will be operated; and

13 (3) satisfy the security requirement of Section
14 623.012.

15 (b) A permit issued under this subchapter:

16 (1) is valid for one year; and

17 (2) must be carried in the vehicle for which it is
18 issued.

19 Sec. 623.323. NOTIFICATION. (a) For purposes of this
20 section, "financially responsible party" means the owner of the
21 vehicle or combination of vehicles, the party operating the vehicle
22 or combination of vehicles, or a person that hires, leases, rents,
23 or subcontracts the vehicle or combination of vehicles for use on a
24 road maintained by a county or a state highway.

25 (b) Before a vehicle or combination of vehicles for which a
26 permit is issued under this subchapter may be operated on a road
27 maintained by a county or a state highway, the financially

1 responsible party shall execute a notification document and agree
2 to reimburse the county or the state, as applicable, for damage to a
3 road or highway sustained as a consequence of the transportation
4 authorized by the permit. At a minimum, the notification document
5 must include:

6 (1) the name and address of the financially
7 responsible party;

8 (2) a description of each permit issued for the
9 vehicle or combination of vehicles;

10 (3) a description of the method of compliance by the
11 financially responsible party with Sections 601.051 and 623.012;

12 (4) the address or location of the geographic area in
13 which the financially responsible party wishes to operate a vehicle
14 or combination of vehicles and a designation of the specific route
15 of travel anticipated by the financially responsible party,
16 including the name or number of each road maintained by a county or
17 state highway;

18 (5) a calendar or schedule of duration that includes
19 the days and hours of operation during which the financially
20 responsible party reasonably anticipates using the county road or
21 state highway identified in Subdivision (4); and

22 (6) a list of each vehicle or combination of vehicles
23 by license plate number or other registration information, and a
24 description of the means by which financial responsibility is
25 established for each vehicle or combination of vehicles if each
26 vehicle or combination of vehicles is not covered by a single
27 insurance policy, surety bond, deposit, or other means of financial

1 assurance.

2 (c) A financially responsible party shall electronically
3 file the notification document described by Subsection (b) with the
4 department under rules adopted by the department not later than the
5 second business day before the first business day listed by the
6 financially responsible party under Subsection (b)(5). The
7 department shall immediately send an electronic copy of the
8 notification document to each county identified in the notification
9 document and the Texas Department of Transportation and an
10 electronic receipt for the notification document to the financially
11 responsible party. Not later than the first business day listed by
12 the financially responsible party under Subsection (b)(5), a county
13 or the Texas Department of Transportation may inspect a road or
14 highway identified in the notification document. If an inspection
15 is conducted under this subsection, a county or the Texas
16 Department of Transportation shall:

17 (1) document the condition of the roads or highways
18 and take photographs of the roads or highways as necessary to
19 establish a baseline for any subsequent assessment of damage
20 sustained by the financially responsible party's use of the roads
21 or highways; and

22 (2) provide a copy of the documentation to the
23 financially responsible party.

24 (d) If an inspection has been conducted under Subsection
25 (c), a county or the Texas Department of Transportation, as
26 applicable, shall, not later than the fifth business day after the
27 expiration of the calendar or schedule of duration described by

1 Subsection (b)(5):

2 (1) conduct an inspection described by Subsection
3 (c)(1) to determine any damage sustained by the financially
4 responsible party's use of the roads or highways; and

5 (2) provide a copy of the inspection documentation to
6 the financially responsible party.

7 (e) The state or a county required to be notified under this
8 section may assert a claim against any security posted under
9 Section 623.012 or insurance filed under Section 643.103 for damage
10 to a road or highway sustained as a consequence of the
11 transportation authorized by the permit.

12 (f) This section does not apply to a vehicle or combination
13 of vehicles that are being used to transport unrefined timber, wood
14 chips, or woody biomass from:

15 (1) a storage yard to the place of first processing; or

16 (2) outside this state to a place of first processing
17 in this state.

18 Sec. 623.324. DISPOSITION OF FEE. (a) Of the fee collected
19 under Section 623.322 for a permit:

20 (1) 50 percent of the amount collected shall be
21 deposited to the credit of the state highway fund; and

22 (2) the other 50 percent shall be divided equally
23 among all counties designated in the permit application under
24 Section 623.322(a)(2).

25 (b) At least once each fiscal year, the comptroller shall
26 send the amount due each county under Subsection (a) to the county
27 treasurer or officer performing the function of that office for

1 deposit to the credit of the county road and bridge fund.

2 Sec. 623.325. INTERSTATE AND DEFENSE HIGHWAYS. (a) This
3 subchapter does not authorize the operation on the national system
4 of interstate and defense highways in this state of a vehicle of a
5 size or weight greater than those permitted under 23 U.S.C. Section
6 127.

7 (b) If the United States authorizes the operation on the
8 national system of interstate and defense highways of a vehicle of a
9 size or weight greater than those permitted under 23 U.S.C. Section
10 127 on September 1, 2013, the new limit automatically takes effect
11 on the national system of interstate and defense highways in this
12 state.

13 SECTION 120. Chapter 623, Transportation Code, is amended
14 by adding Subchapter R to read as follows:

15 SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL
16 EMERGENCY

17 Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a)
18 Notwithstanding any other law, the department may issue a special
19 permit during a major disaster as declared by the president of the
20 United States under the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an
22 overweight or oversize vehicle or load that:

- 23 (1) can easily be dismantled or divided; and
24 (2) will be used only to deliver relief supplies.

25 (b) A permit issued under this section expires not later
26 than the 120th day after the date of the major disaster declaration.

27 Sec. 623.342. RULES. The board may adopt rules necessary to

1 implement this subchapter, including rules that establish the
2 requirements for obtaining a permit.

3 Sec. 623.343. PERMIT CONDITIONS. The department may impose
4 conditions on a permit holder to ensure the safe operation of a
5 permitted vehicle and minimize damage to roadways, including
6 requirements related to vehicle routing, hours of operation, weight
7 limits, and lighting and requirements for escort vehicles.

8 SECTION 121. Section 642.002(a), Transportation Code, is
9 amended to read as follows:

10 (a) A person commits an offense if:

11 (1) the person operates on a public street, road, or
12 highway:

13 (A) a commercial motor vehicle that has three or
14 more axles;

15 (B) a truck-tractor;

16 (C) a road-tractor; or

17 (D) a tow truck; and

18 (2) the vehicle does not have on each side of the power
19 unit identifying markings that comply with the identifying marking
20 requirements specified by 49 C.F.R. Section 390.21 or that:

21 (A) show the name of the owner or operator of the
22 vehicle;

23 (B) have clearly legible letters and numbers of a
24 height of at least two inches; and

25 (C) show the motor carrier registration number in
26 clearly legible letters and numbers, if the vehicle is required to
27 be registered under this chapter or Chapter 643.

1 SECTION 122. The heading to Section 643.054, Transportation
2 Code, is amended to read as follows:

3 Sec. 643.054. DEPARTMENT APPROVAL AND DENIAL; ISSUANCE OF
4 CERTIFICATE.

5 SECTION 123. Section 643.054, Transportation Code, is
6 amended by amending Subsection (a) and adding Subsections (a-1),
7 (a-2), and (a-3) to read as follows:

8 (a) The department shall register a motor carrier under this
9 subchapter if the carrier complies with Sections 643.052 and
10 643.053.

11 (a-1) The department may deny a registration if the
12 applicant has had a registration revoked under Section 643.252.

13 (a-2) The department may deny a registration if the
14 applicant's business is operated, managed, or otherwise controlled
15 by or affiliated with a person, including the applicant, a
16 relative, family member, corporate officer, or shareholder, whom
17 the Department of Public Safety has determined has:

18 (1) an unsatisfactory safety rating under 49 C.F.R.
19 Part 385; or

20 (2) multiple violations of Chapter 644, a rule adopted
21 under that chapter, or Subtitle C.

22 (a-3) The department may deny a registration if the
23 applicant is a motor carrier whose business is operated, managed,
24 or otherwise controlled by or affiliated with a person, including
25 an owner, relative, family member, corporate officer, or
26 shareholder, whom the Department of Public Safety has determined
27 has:

1 (1) an unsatisfactory safety rating under 49 C.F.R.
2 Part 385; or

3 (2) multiple violations of Chapter 644, a rule adopted
4 under that chapter, or Subtitle C.

5 SECTION 124. Section 643.064, Transportation Code, is
6 amended to read as follows:

7 Sec. 643.064. [~~ISSUANCE OF~~] UNITED STATES DEPARTMENT OF
8 TRANSPORTATION NUMBERS. (a) The department by rule shall provide
9 for the issuance to a motor carrier of an identification number
10 authorized by the Federal Motor Carrier Safety Administration. A
11 rule must conform to rules of the Federal Motor Carrier Safety
12 Administration or its successor.

13 (b) A motor carrier required to register under this
14 subchapter shall maintain an authorized identification number
15 issued to the motor carrier by the Federal Motor Carrier Safety
16 Administration, its successor, or another person authorized to
17 issue the number.

18 SECTION 125. Subchapter F, Chapter 643, Transportation
19 Code, is amended by adding Section 643.2526 to read as follows:

20 Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL,
21 OR REINSTATEMENT. (a) Notwithstanding any other law, a denial of an
22 application for registration, renewal of registration, or
23 reinstatement of registration under this chapter is not required to
24 be preceded by notice and an opportunity for hearing.

25 (b) An applicant may appeal a denial under this chapter by
26 filing an appeal with the department not later than the 26th day
27 after the date the department issues notice of the denial to the

1 applicant.

2 (c) If the appeal of the denial is successful and the
3 application is found to be compliant with this chapter, the
4 application shall be considered to have been properly filed on the
5 date the finding is entered.

6 SECTION 126. Section 648.051(b), Transportation Code, is
7 amended to read as follows:

8 (b) This subchapter supersedes that portion of any paired
9 city, paired state, or similar understanding governing foreign
10 commercial motor vehicles or motor carriers entered into under
11 Section 502.091 [~~502.054~~] or any other law.

12 SECTION 127. Section 648.102(a), Transportation Code, is
13 amended to read as follows:

14 (a) The Texas Department of Motor Vehicles [~~Transportation~~]
15 shall adopt rules that conform with 49 C.F.R. Part 387 requiring
16 motor carriers operating foreign commercial motor vehicles in this
17 state to maintain financial responsibility.

18 SECTION 128. Section 681.003(b), Transportation Code, is
19 amended to read as follows:

20 (b) An application for a disabled parking placard must be:

21 (1) on a form furnished by the department;

22 (2) submitted to the county assessor-collector of the
23 county in which the person with the disability resides or in which
24 the applicant is seeking medical treatment if the applicant is not a
25 resident of this state; and

26 (3) accompanied by a fee of \$5 if the application is
27 for a temporary placard.

1 SECTION 129. Section 681.0031, Transportation Code, is
2 amended to read as follows:

3 Sec. 681.0031. APPLICANT'S [~~DRIVER'S LICENSE OR PERSONAL~~]
4 IDENTIFICATION [~~CARD NUMBER~~]. (a) The applicant shall include on
5 the application the applicant's:

6 (1) driver's license number or the number of a personal
7 identification card issued to the applicant under Chapter 521;

8 (2) military identification number; or

9 (3) driver's license number of a driver's license
10 issued by another state or country if the applicant is not a
11 resident of this state and is seeking medical treatment in this
12 state. [~~The department shall provide for this information in~~
13 ~~prescribing the application form.~~]

14 (b) The county assessor-collector shall record on any
15 disabled parking placard issued to the applicant the following
16 information in the following order:

17 (1) the county number assigned by the comptroller to
18 the county issuing the placard;

19 (2) the first four digits of the applicant's driver's
20 license number, personal identification card number, or military
21 identification number; and

22 (3) the applicant's initials.

23 SECTION 130. Section 681.004(c), Transportation Code, is
24 amended to read as follows:

25 (c) A disabled parking placard issued to a person with a
26 permanent disability:

27 (1) is valid for:

1 (A) ~~[a period of]~~ four years for a resident of
2 this state; and

3 (B) six months for a person who is not a resident
4 of this state; and

5 (2) shall be replaced or renewed on request of the
6 person to whom the initial card was issued without presentation of
7 evidence of eligibility.

8 SECTION 131. Section 681.012, Transportation Code, is
9 amended to read as follows:

10 Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD. (a) A law
11 enforcement officer who believes that an offense under Section
12 681.011(a) or (d) has occurred in the officer's presence shall
13 seize any disabled parking placard involved in the offense. Not
14 later than 48 hours after the seizure, the officer shall determine
15 whether probable cause existed to believe that the offense was
16 committed. If the officer does not find that probable cause
17 existed, the officer shall promptly return each placard to the
18 person from whom it was seized. If the officer finds that probable
19 cause existed, the officer, not later than the fifth day after the
20 date of the seizure, shall destroy the ~~[submit each seized]~~ placard
21 and notify ~~[to]~~ the department.

22 (a-1) A peace officer may seize a disabled parking placard
23 from a person who operates a vehicle on which a disabled parking
24 placard is displayed if the peace officer determines by inspecting
25 the person's driver's license, ~~[or]~~ personal identification
26 certificate, or military identification that the disabled parking
27 placard does not contain the first four digits of the driver's

1 license number, ~~[or]~~ personal identification certificate number,
2 or military identification number and the initials of:

3 (1) the person operating the vehicle;

4 (2) the applicant on behalf of a person being
5 transported by the vehicle; or

6 (3) a person being transported by the vehicle.

7 (a-2) A peace officer shall destroy a seized ~~[submit each~~
8 ~~seized parking]~~ placard and notify ~~[to]~~ the department ~~[not later~~
9 ~~than the fifth day after the seizure]~~.

10 (b) On seizure of a placard ~~[submission to the department]~~
11 under Subsection (a) or (a-1) ~~[(a-2)]~~, a placard is revoked. On
12 request of the person from whom the placard was seized, the
13 department shall conduct a hearing and determine whether the
14 revocation should continue or the placard should be returned to the
15 person and the revocation rescinded.

16 SECTION 132. Section 728.002(d), Transportation Code, is
17 amended to read as follows:

18 (d) This section does not prohibit the quoting of a price
19 for a motor home or ~~[7]~~ tow truck~~[7, or towable recreational vehicle]~~
20 at a show or exhibition described by Section 2301.358, Occupations
21 Code.

22 SECTION 133. Section 730.007(c), Transportation Code, is
23 amended to read as follows:

24 (c) This section does not:

25 (1) prohibit the disclosure of a person's photographic
26 image to:

27 (A) a law enforcement agency, the Texas

1 Department of Motor Vehicles, a county tax assessor-collector, or a
2 criminal justice agency for an official purpose;

3 (B) an agency of this state investigating an
4 alleged violation of a state or federal law relating to the
5 obtaining, selling, or purchasing of a benefit authorized by
6 Chapter 31 or 33, Human Resources Code; or

7 (C) an agency of this state investigating an
8 alleged violation of a state or federal law under authority
9 provided by Title 4, Labor Code; or

10 (2) prevent a court from compelling by subpoena the
11 production of a person's photographic image.

12 SECTION 134. Section 1001.009(c), Transportation Code, is
13 amended to read as follows:

14 (c) The rules adopted under Subsection (a) may:

15 (1) authorize the use of electronic funds transfer or
16 a valid debit or credit card issued by a financial institution
17 chartered by a state, the United States, or a nationally recognized
18 credit organization approved by the department; ~~and~~

19 (2) require the payment of a discount or service
20 charge for a credit card payment in addition to the fee; and

21 (3) require an overpayment of a motor vehicle or
22 salvage dealer license fee of:

23 (A) less than \$10 to be credited toward a future
24 fee requirement; and

25 (B) more than \$10 to be refunded.

26 SECTION 135. Subchapter A, Chapter 1001, Transportation
27 Code, is amended by adding Section 1001.012 to read as follows:

1 Sec. 1001.012. IMMUNITY FROM LIABILITY. (a)

2 Notwithstanding any other law, the executive director, a board
3 member, or an employee is not personally liable for damages
4 resulting from an official act or omission unless the act or
5 omission constitutes intentional or malicious malfeasance.

6 (b) To the extent a person described by Subsection (a) is
7 personally liable for damages for which the state provides
8 indemnity under Chapter 104, Civil Practice and Remedies Code, this
9 section does not affect the state's liability for the indemnity.

10 SECTION 136. Subchapter A, Chapter 1001, Transportation
11 Code, is amended by adding Section 1001.013 to read as follows:

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

16 (b) The board by rule shall prescribe:

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

19 (2) the duties and obligations of an authorized
20 business;

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

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

25 SECTION 137. Section 1001.023(b), Transportation Code, is
26 amended to read as follows:

27 (b) The chair shall:

- 1 (1) preside over board meetings, make rulings on
2 motions and points of order, and determine the order of business;
- 3 (2) represent the department in dealing with the
4 governor;
- 5 (3) report to the governor on the state of affairs of
6 the department at least quarterly;
- 7 (4) report to the board the governor's suggestions for
8 department operations;
- 9 (5) report to the governor on efforts, including
10 legislative requirements, to maximize the efficiency of department
11 operations through the use of private enterprise;
- 12 (6) periodically review the department's
13 organizational structure and submit recommendations for structural
14 changes to the governor, the board, and the Legislative Budget
15 Board;
- 16 (7) designate at least one employee [~~one or more~~
17 ~~employees~~] of the department as a civil rights officer [~~division~~]
18 of the department and receive regular reports from the officer or
19 officers [~~division~~] on the department's efforts to comply with
20 civil rights legislation and administrative rules;
- 21 (8) create subcommittees, appoint board members to
22 subcommittees, and receive the reports of subcommittees to the
23 board as a whole;
- 24 (9) appoint a member of the board to act in the absence
25 of the chair and vice chair; and
- 26 (10) serve as the departmental liaison with the
27 governor and the Office of State-Federal Relations to maximize

1 federal funding for transportation.

2 SECTION 138. Section 1001.042, Transportation Code, is
3 amended to read as follows:

4 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board
5 shall develop and implement policies that clearly define the
6 respective responsibilities of the executive director and the staff
7 of the department.

8 SECTION 139. Section 1001.101(2), Transportation Code, is
9 amended to read as follows:

10 (2) "License" includes:

11 (A) a motor carrier registration issued under
12 Chapter 643;

13 (B) a motor vehicle dealer, salvage dealer,
14 manufacturer, distributor, representative, converter, or agent
15 license issued by the department;

16 (C) specially designated or specialized license
17 plates issued under Chapter 504; and

18 (D) an apportioned registration issued according
19 to the International Registration Plan under Section 502.091
20 [~~502.054~~].

21 SECTION 140. The following laws are repealed:

22 (1) Sections 2301.101, 2301.157, 2301.259(b), and
23 2301.606(a), Occupations Code;

24 (2) Sections 502.252(b), 503.009(b), 503.029(b),
25 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092,
26 622.013, 622.017, 622.018, 623.0711(k), and 623.093(f),
27 Transportation Code;

1 (3) Section 504.660(b), Transportation Code, as added
2 by Chapter 1381 (S.B. 1616), Acts of the 81st Legislature, Regular
3 Session, 2009; and

4 (4) Section 520.004, Transportation Code, as added by
5 Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular
6 Session, 2011.

7 SECTION 141. The changes in law made by this Act apply only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 142. A deputy appointed under Section 520.0091,
16 Transportation Code, on or before August 31, 2013, may continue to
17 perform the services authorized under Sections 520.008, 520.009,
18 520.0091, and 520.0092, Transportation Code, until the Texas
19 Department of Motor Vehicles Board adopts rules regarding the types
20 of deputies authorized to perform titling and registration duties
21 under Section 520.0071, Transportation Code, as added by this Act.

22 SECTION 143. To the extent of any conflict, this Act
23 prevails over another Act of the 83rd Legislature, Regular Session,
24 2013, relating to nonsubstantive additions to and corrections in
25 enacted codes.

26 SECTION 144. (a) Except as provided by Subsection (b) of
27 this section, this Act takes effect September 1, 2013.

1 (b) Sections 501.146 and 504.202, Transportation Code, as
2 amended by this Act, and Section 504.948, Transportation Code, as
3 added by this Act, take effect immediately if this Act receives a
4 vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect,
7 Sections 501.146 and 504.202, Transportation Code, as amended by
8 this Act, and Section 504.948, Transportation Code, as added by
9 this Act, take effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 2741 was passed by the House on May 4, 2013, by the following vote: Yeas 127, Nays 8, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2741 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2741 on May 26, 2013, by the following vote: Yeas 135, Nays 9, 3 present, not voting.

Chief Clerk of the House

H.B. No. 2741

I certify that H.B. No. 2741 was passed by the Senate, with amendments, on May 17, 2013, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2741 on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor