

1-1 By: Phillips (Senate Sponsor - Nichols) H.B. No. 2741
 1-2 (In the Senate - Received from the House May 6, 2013;
 1-3 May 7, 2013, read first time and referred to Committee on
 1-4 Transportation; May 14, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 14, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2741 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of motor vehicles by counties and the
 1-22 Texas Department of Motor Vehicles; authorizing a fee; creating an
 1-23 offense.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 348.005, Finance Code, is amended to
 1-26 read as follows:

1-27 Sec. 348.005. ITEMIZED CHARGE. An amount in a retail
 1-28 installment contract is an itemized charge if the amount is not
 1-29 included in the cash price and is the amount of:

1-30 (1) fees for registration, certificate of title, and
 1-31 license and any additional registration fees charged by a [~~full~~
 1-32 ~~service~~] deputy as authorized by rules adopted under Section
 1-33 520.0071 [~~502.114~~], Transportation Code;

1-34 (2) any taxes;

1-35 (3) fees or charges prescribed by law and connected
 1-36 with the sale or inspection of the motor vehicle; and

1-37 (4) charges authorized for insurance, service
 1-38 contracts, warranties, or a debt cancellation agreement by
 1-39 Subchapter C.

1-40 SECTION 2. Section 353.006, Finance Code, is amended to
 1-41 read as follows:

1-42 Sec. 353.006. ITEMIZED CHARGE. An amount in a retail
 1-43 installment contract is an itemized charge if the amount is not
 1-44 included in the cash price and is the amount of:

1-45 (1) fees for registration, certificate of title, and
 1-46 license and any additional registration fees charged by a [~~full~~
 1-47 ~~service~~] deputy as authorized by rules adopted under Section
 1-48 520.0071 [~~502.114~~], Transportation Code;

1-49 (2) any taxes;

1-50 (3) fees or charges prescribed by law and connected
 1-51 with the sale or inspection of the commercial vehicle;

1-52 (4) charges authorized for insurance, service
 1-53 contracts, and warranties by Subchapter C; and

1-54 (5) advances or payments authorized under Section
 1-55 353.402(b) or (c) made by the retail seller to or for the benefit of
 1-56 the retail buyer.

1-57 SECTION 3. Section 418.016, Government Code, is amended by
 1-58 adding Subsections (f), (g), and (h) to read as follows:

1-59 (f) The governor may suspend any of the following
 1-60 requirements in response to an emergency or disaster declaration of

2-1 another jurisdiction if strict compliance with the requirement
2-2 would prevent, hinder, or delay necessary action in assisting
2-3 another state with coping with an emergency or disaster:

2-4 (1) a registration requirement in an agreement entered
2-5 into under the International Registration Plan under Section
2-6 502.091, Transportation Code, to the extent authorized by federal
2-7 law;

2-8 (2) a temporary registration permit requirement under
2-9 Section 502.094, Transportation Code;

2-10 (3) a provision of Subtitle E, Title 7, Transportation
2-11 Code, to the extent authorized by federal law;

2-12 (4) a motor carrier registration requirement under
2-13 Chapter 643, Transportation Code;

2-14 (5) a registration requirement under Chapter 645,
2-15 Transportation Code, to the extent authorized by federal law; or

2-16 (6) a fuel tax requirement under the International
2-17 Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq., to
2-18 the extent authorized by federal law.

2-19 (g) For the purposes of Subsection (f), "emergency or
2-20 disaster declaration of another jurisdiction" means an emergency
2-21 declaration, a major disaster declaration, a state of emergency
2-22 declaration, a state of disaster declaration, or a similar
2-23 declaration made by:

2-24 (1) the president of the United States under the
2-25 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42
2-26 U.S.C. Section 5121 et seq.); or

2-27 (2) the governor of another state.

2-28 (h) To the extent federal law requires this state to issue a
2-29 special permit under 23 U.S.C. Section 127 or an executive order, a
2-30 suspension issued under Subsection (f) is a special permit or an
2-31 executive order.

2-32 SECTION 4. Section 1201.206(f), Occupations Code, is
2-33 amended to read as follows:

2-34 (f) If the owner of a manufactured home relocates the home,
2-35 the owner shall apply for the issuance of a new statement of
2-36 ownership and location not later than the 60th day after the date
2-37 the home is relocated. The department shall require that the owner
2-38 submit evidence that the home was relocated in accordance with the
2-39 requirements of the Texas Department of Motor Vehicles
2-40 [~~Transportation~~].

2-41 SECTION 5. Section 2301.002(12), Occupations Code, is
2-42 amended to read as follows:

2-43 (12) "Division" means the [~~Motor Vehicle Division of~~
2-44 ~~the~~] department division that regulates the distribution and sale
2-45 of motor vehicles.

2-46 SECTION 6. The heading to Subchapter C, Chapter 2301,
2-47 Occupations Code, is amended to read as follows:

2-48 SUBCHAPTER C. [~~DIRECTOR AND OTHER~~] DIVISION PERSONNEL

2-49 SECTION 7. Section 2301.154, Occupations Code, is amended
2-50 by amending Subsections (b) and (c) and adding Subsection (e) to
2-51 read as follows:

2-52 (b) The board by rule may delegate any power relating to a
2-53 contested case hearing brought under this chapter or Chapter 503,
2-54 Transportation Code, other than the power to issue a final order,
2-55 to:

2-56 (1) one or more of the board's members;

2-57 (2) the executive director;

2-58 (3) the director; or

2-59 (4) one or more of the department's employees.

2-60 (c) The board by rule may delegate the authority to issue a
2-61 final order in a contested case hearing brought under this chapter
2-62 or Chapter 503, Transportation Code, to:

2-63 (1) one or more of the board's members;

2-64 (2) the executive director; or

2-65 (3) the director of a division within the department
2-66 designated by the board or the executive director to carry out the
2-67 requirements of this chapter.

2-68 (e) An action taken by a person to whom a power or other
2-69 authority is delegated under Subsection (b) or (c), including the

3-1 issuance of an order, is considered an action of the board and may
3-2 not be appealed to the board.

3-3 SECTION 8. Section 2301.257(a), Occupations Code, is
3-4 amended to read as follows:

3-5 (a) An application for a dealer's license must be on a form
3-6 prescribed by the department. The application must include:

3-7 (1) the information required by Chapter 503,
3-8 Transportation Code; and

3-9 (2) information [~~relating to the applicant's financial~~
3-10 ~~resources, business integrity, business ability and experience,~~
3-11 ~~franchise if applicable, physical facilities, vehicle inventory,~~
3-12 ~~and other factors]~~ the board determines by rule is [department
3-13 ~~considers]~~ necessary to determine the applicant's qualifications
3-14 to adequately serve the public.

3-15 SECTION 9. Sections 2301.260(a) and (b), Occupations Code,
3-16 are amended to read as follows:

3-17 (a) An application for a distributor's license must
3-18 disclose:

3-19 (1) the manufacturer for whom the distributor will
3-20 act;

3-21 (2) whether the manufacturer is licensed in this
3-22 state;

3-23 (3) [~~the warranty covering the motor vehicles to be~~
3-24 ~~sold,~~

3-25 [~~(4)~~] the persons in this state who will be
3-26 responsible for compliance with the warranty covering the motor
3-27 vehicles to be sold;

3-28 (4) [~~(5)~~] the terms of the contract under which the
3-29 distributor will act for the manufacturer; and

3-30 (5) [~~(6)~~] the franchised dealers with whom the
3-31 distributor will do business.

3-32 (b) An applicant for a distributor's license that has a
3-33 responsibility under a warranty agreement must include a statement
3-34 regarding the manufacturer's compliance with Subchapter I and
3-35 Sections 2301.451-2301.476 [provide the same information relating
3-36 to the agreement as is provided by an applicant for a manufacturer's
3-37 license under Section 2301.259].

3-38 SECTION 10. Section 2301.264(d), Occupations Code, is
3-39 amended to read as follows:

3-40 (d) The department may refund [~~from funds appropriated to~~
3-41 ~~the department for that purpose]~~ a fee collected under this chapter
3-42 that is not due or that exceeds the amount due.

3-43 SECTION 11. Section 2301.301(b), Occupations Code, is
3-44 amended to read as follows:

3-45 (b) The department [board] may issue a license for a term of
3-46 less than the period prescribed under Subsection (a) to coordinate
3-47 the expiration dates of licenses held by a person that is required
3-48 to obtain more than one license to perform activities under this
3-49 chapter.

3-50 SECTION 12. Section 2301.303, Occupations Code, is amended
3-51 to read as follows:

3-52 Sec. 2301.303. RENEWAL OF DEALER'S LICENSE. A dealer shall
3-53 renew the dealer's license on an application prescribed by the
3-54 department [director]. The department [director] shall include in
3-55 the renewal application a request for disclosure of material
3-56 changes described by Section 2301.257.

3-57 SECTION 13. Section 2301.353, Occupations Code, is amended
3-58 to read as follows:

3-59 Sec. 2301.353. PROHIBITION: PERFORMANCE OF OBLIGATION
3-60 UNDER AGREEMENT WITH MANUFACTURER. A franchised dealer may not
3-61 fail to perform an obligation placed on:

3-62 (1) the selling dealer in connection with the
3-63 preparation and delivery of a new motor vehicle for retail sale as
3-64 provided in the manufacturer's preparation and delivery agreements
3-65 [~~on file with the board]~~ that are applicable to the vehicle; or

3-66 (2) the dealer in connection with the manufacturer's
3-67 warranty agreements [~~on file with the board]~~.

3-68 SECTION 14. Section 2301.358(a), Occupations Code, is
3-69 amended to read as follows:

4-1 (a) A person who holds a license issued under this chapter
4-2 may not participate in a new motor vehicle show or exhibition
4-3 unless:

4-4 (1) the person provides the department with written
4-5 notice [~~at least 30 days~~] before the date the show or exhibition
4-6 opens; and

4-7 (2) the department grants written approval.

4-8 SECTION 15. Section 2301.401, Occupations Code, is amended
4-9 to read as follows:

4-10 Sec. 2301.401. WARRANTY, PREPARATION, AND DELIVERY
4-11 [FILING] REQUIREMENTS. (a) On request, a [A] manufacturer or
4-12 distributor shall provide to [file with] the department a copy of
4-13 the current requirements the manufacturer or distributor imposes on
4-14 its dealers with respect to the dealer's:

4-15 (1) duties under the manufacturer's or distributor's
4-16 warranty; and

4-17 (2) vehicle preparation and delivery obligations.

4-18 (b) Warranty or preparation and delivery requirements
4-19 placed on a dealer by a manufacturer are not enforceable unless the
4-20 requirements are reasonable [~~and are disclosed and filed as~~
4-21 ~~required by Subsection (a)~~].

4-22 SECTION 16. Section 2301.460, Occupations Code, is amended
4-23 to read as follows:

4-24 Sec. 2301.460. WARRANTY, PREPARATION, OR DELIVERY
4-25 AGREEMENT OBLIGATIONS. Notwithstanding the terms of any franchise,
4-26 a manufacturer, distributor, or representative may not, after a
4-27 complaint and a hearing, fail or refuse to perform an obligation
4-28 placed on the manufacturer in connection with the preparation,
4-29 delivery, and warranty of a new motor vehicle as provided in the
4-30 manufacturer's warranty, preparation, and delivery agreements [~~on~~
4-31 ~~file with the board~~].

4-32 SECTION 17. Section 2301.461(a), Occupations Code, is
4-33 amended to read as follows:

4-34 (a) Notwithstanding the terms of any franchise or any other
4-35 law, a franchised dealer's preparation, delivery, and warranty
4-36 obligations [~~as filed with the board~~] are the dealer's sole
4-37 responsibility for product liability as between the dealer and a
4-38 manufacturer or distributor.

4-39 SECTION 18. Section 2301.4651(a), Occupations Code, is
4-40 amended to read as follows:

4-41 (a) This section applies to a manufacturer, distributor, or
4-42 representative that [+

4-43 [~~(1)~~] terminates or discontinues a franchise by [~~any~~
4-44 ~~means without complying with Section 2301.453, or~~

4-45 [~~(2)~~] ~~regardless of whether the manufacturer,~~
4-46 ~~distributor, or representative complies with Section 2301.453,~~
4-47 ~~terminates or discontinues a franchise by]:~~

4-48 (1) [~~(A)~~] discontinuing a line-make;

4-49 (2) [~~(B)~~] ceasing to do business in this state; or

4-50 (3) [~~(C)~~] changing the distributor or method of
4-51 distribution of its products in this state.

4-52 SECTION 19. Sections 2301.606(b) and (c), Occupations Code,
4-53 are amended to read as follows:

4-54 (b) In a hearing [~~before the director~~] under this
4-55 subchapter, a manufacturer, converter, or distributor may plead and
4-56 prove as an affirmative defense to a remedy under this subchapter
4-57 that a nonconformity:

4-58 (1) is the result of abuse, neglect, or unauthorized
4-59 modification or alteration of the motor vehicle; or

4-60 (2) does not substantially impair the use or market
4-61 value of the motor vehicle.

4-62 (c) The board or a person delegated power from the board
4-63 under Section 2301.154 [director] may not issue an order requiring
4-64 a manufacturer, converter, or distributor to make a refund or to
4-65 replace a motor vehicle unless:

4-66 (1) the owner or a person on behalf of the owner has
4-67 mailed written notice of the alleged defect or nonconformity to the
4-68 manufacturer, converter, or distributor; and

4-69 (2) the manufacturer, converter, or distributor has

5-1 been given an opportunity to cure the alleged defect or
5-2 nonconformity.

5-3 SECTION 20. Section 2301.607(c), Occupations Code, is
5-4 amended to read as follows:

5-5 (c) If [~~the administrative law judge does not issue~~] a
5-6 proposal for decision and recommendation for [~~recommend to the~~
5-7 ~~director~~] a final order are not issued before the 151st day after
5-8 the date a complaint is filed under this subchapter, the department
5-9 [~~director~~] shall provide written notice by certified mail to the
5-10 complainant and to the manufacturer, converter, or distributor of
5-11 the expiration of the 150-day period and of the complainant's right
5-12 to file a civil action. The board or a person delegated power from
5-13 the board under Section 2301.154 shall extend the 150-day period if
5-14 a delay is requested or caused by the person who filed the
5-15 complaint.

5-16 SECTION 21. Section 2301.608, Occupations Code, is amended
5-17 to read as follows:

5-18 Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR
5-19 REFUND. (a) In an order issued under this subchapter, the board or
5-20 a person delegated power from the board under Section 2301.154
5-21 [~~director~~] shall name the person responsible for paying the cost of
5-22 any refund or replacement. A manufacturer, converter, or
5-23 distributor may not cause a franchised dealer to directly or
5-24 indirectly pay any money not specifically ordered by the board or a
5-25 person delegated power from the board under Section 2301.154
5-26 [~~director~~].

5-27 (b) If the board or a person delegated power from the board
5-28 under Section 2301.154 [~~director~~] orders a manufacturer,
5-29 converter, or distributor to make a refund or replace a motor
5-30 vehicle under this subchapter, the board or person [~~director~~] may
5-31 order the franchised dealer to reimburse the owner, lienholder,
5-32 manufacturer, converter, or distributor only for an item or option
5-33 added to the vehicle by the dealer to the extent that the item or
5-34 option contributed to the defect that served as the basis for the
5-35 order.

5-36 (c) In a case involving a leased vehicle, the board or a
5-37 person delegated power from the board under Section 2301.154
5-38 [~~director~~] may terminate the lease and apportion allowances or
5-39 refunds, including the reasonable allowance for use, between the
5-40 lessee and lessor of the vehicle.

5-41 SECTION 22. Section 2301.609(a), Occupations Code, is
5-42 amended to read as follows:

5-43 (a) A party to a proceeding [~~before the director~~] under this
5-44 subchapter that is affected by a final order related to the
5-45 proceeding [~~of the director~~] is entitled to judicial review of the
5-46 order under the substantial evidence rule in a district court of
5-47 Travis County.

5-48 SECTION 23. Sections 2301.610(a) and (d), Occupations Code,
5-49 are amended to read as follows:

5-50 (a) A manufacturer, distributor, or converter that has been
5-51 ordered to repurchase or replace a vehicle shall, through its
5-52 franchised dealer, issue a disclosure statement stating that the
5-53 vehicle was repurchased or replaced by the manufacturer,
5-54 distributor, or converter under this subchapter. The statement
5-55 must accompany the vehicle through the first retail purchase
5-56 following the issuance of the statement and must include the
5-57 [~~board's~~] toll-free telephone number described by Subsection (d)
5-58 that will enable the purchaser to obtain information about the
5-59 condition or defect that was the basis of the order for repurchase
5-60 or replacement.

5-61 (d) The department [~~board~~] shall maintain a toll-free
5-62 telephone number to provide information to a person who requests
5-63 information about a condition or defect that was the basis for
5-64 repurchase or replacement by an order issued under this chapter [~~of~~
5-65 ~~the director~~]. The department [~~board~~] shall maintain an effective
5-66 method of providing information to a person who makes a request.

5-67 SECTION 24. Section 2301.651(d), Occupations Code, is
5-68 amended to read as follows:

5-69 (d) A license may not be denied, revoked, or suspended, and

6-1 disciplinary action may not be taken under this subchapter, unless
 6-2 the respondent is given an opportunity for a hearing. The board may
 6-3 deny, revoke, or suspend a license or take disciplinary action by
 6-4 [except on] order only [of the board] after the department grants
 6-5 the respondent an opportunity for a hearing.

6-6 SECTION 25. Section 2301.703(a), Occupations Code, is
 6-7 amended to read as follows:

6-8 (a) A hearing ~~[shall be conducted in any contested case]~~
 6-9 arising under this chapter or a board rule adopted under this
 6-10 chapter~~[. The hearing]~~ must be conducted in accordance with this
 6-11 chapter, any order, decision, or rule of the board, and Chapter
 6-12 2001, Government Code.

6-13 SECTION 26. Section 2301.709, Occupations Code, is amended
 6-14 to read as follows:

6-15 Sec. 2301.709. ~~[PROPOSED DECISION,]~~ REVIEW BY BOARD. (a)
 6-16 ~~[In a contested case, the administrative law judge shall serve on~~
 6-17 ~~each party a copy of the administrative law judge's proposal for~~
 6-18 ~~decision and recommended order containing findings of fact and~~
 6-19 ~~conclusions of law. A party may file exceptions and replies to the~~
 6-20 ~~board.~~

6-21 ~~[(b)]~~ In reviewing a [the] case under this subchapter, the
 6-22 board or a person delegated power from the board under Section
 6-23 2301.154 may consider only materials that are submitted timely.

6-24 (b) ~~[(c)]~~ The board or a person delegated power from the
 6-25 board under Section 2301.154 may hear such oral argument from any
 6-26 party as the board may allow.

6-27 (c) ~~[(d)]~~ The board or a person delegated power from the
 6-28 board under Section 2301.154 shall take any further action
 6-29 conducive to the issuance of a final order and shall issue a written
 6-30 final decision or order. A majority vote of a quorum of the board is
 6-31 required to adopt a final decision or order of the board.

6-32 SECTION 27. Section 2301.710, Occupations Code, is amended
 6-33 to read as follows:

6-34 Sec. 2301.710. DISMISSAL OF COMPLAINT. On the motion of any
 6-35 party, the board or other person delegated final order authority
 6-36 under Section 2301.154, without holding a contested case hearing,
 6-37 may issue a final order dismissing a complaint, protest, or
 6-38 response in accordance with the terms and procedures set forth in
 6-39 the [Rule 166a,] Texas Rules of Civil Procedure[~~, or its~~
 6-40 successor].

6-41 SECTION 28. Section 2301.711, Occupations Code, is amended
 6-42 to read as follows:

6-43 Sec. 2301.711. ORDERS AND DECISIONS. (a) The board or
 6-44 other person delegated final order authority under Section 2301.154
 6-45 shall issue final orders for the implementation and enforcement of
 6-46 this chapter and Chapter 503, Transportation Code.

6-47 (b) An order or decision under this chapter [of the board]
 6-48 must:

6-49 (1) include a separate finding of fact with respect to
 6-50 each specific issue ~~[the board is]~~ required by law to be considered
 6-51 ~~[consider]~~ in reaching a decision;

6-52 (2) set forth additional findings of fact and
 6-53 conclusions of law on which the order or decision is based;

6-54 (3) give the reasons for the particular actions taken;
 6-55 and

6-56 (4) be signed by the presiding officer or assistant
 6-57 presiding officer for the board or other person delegated final
 6-58 order authority under Section 2301.154~~[,]~~

6-59 ~~[(5) be attested to by the director, and~~

6-60 ~~[(6) have the seal affixed to it].~~

6-61 SECTION 29. Section 2301.712(b), Occupations Code, is
 6-62 amended to read as follows:

6-63 (b) If a person who brings a complaint under Subchapter M
 6-64 prevails in the case, the board or a person delegated power from the
 6-65 board under Section 2301.154 shall order the nonprevailing party in
 6-66 the case to reimburse the amount of the filing fee for the case.

6-67 SECTION 30. Section 2301.713, Occupations Code, is amended
 6-68 to read as follows:

6-69 Sec. 2301.713. REHEARING. (a) Except as provided by

7-1 Subsection (b), a [A] party who seeks a rehearing of an order shall
7-2 seek the rehearing in accordance with Chapter 2001, Government
7-3 Code.

7-4 (b) The board by rule may establish a procedure to allow
7-5 parties to contested cases in which the final order is issued by a
7-6 person to whom final order authority is delegated under Section
7-7 2301.154 to file motions for rehearing with the board.

7-8 SECTION 31. Section 2301.751(a), Occupations Code, is
7-9 amended to read as follows:

7-10 (a) A party to a proceeding affected by a final order, rule,
7-11 or decision or other final action of the board [~~or director under~~
7-12 ~~this chapter or under another law~~] with respect to a matter arising
7-13 under this chapter or Chapter 503, Transportation Code, may seek
7-14 judicial review of the action under the substantial evidence rule
7-15 in:

- 7-16 (1) a district court in Travis County; or
- 7-17 (2) the court of appeals for the Third Court of Appeals
7-18 District.

7-19 SECTION 32. Section 2301.752(b), Occupations Code, is
7-20 amended to read as follows:

7-21 (b) Citation for an appeal must be served on the executive
7-22 director or the executive director's designee and each party of
7-23 record in the matter. For an appeal initiated in the court of
7-24 appeals, the court shall cause the citation to be issued.

7-25 SECTION 33. Sections 2301.802(d) and (e), Occupations Code,
7-26 are amended to read as follows:

7-27 (d) An interlocutory cease and desist order remains in
7-28 effect until vacated or incorporated in a final order [~~of the~~
7-29 ~~board~~]. An appeal of an interlocutory cease and desist order must
7-30 be made to the board before seeking judicial review as provided by
7-31 this chapter.

7-32 (e) A permanent cease and desist order may be issued
7-33 regardless of the requirements of Subsection (b) but only under the
7-34 procedures for a final order [~~by the board~~] under this chapter. An
7-35 appeal of a permanent cease and desist order is made in the same
7-36 manner as an appeal of a final order under this chapter.

7-37 SECTION 34. Section 2301.803(a), Occupations Code, is
7-38 amended to read as follows:

7-39 (a) On the initiation of a [~~board~~] proceeding under this
7-40 chapter or Chapter 503, Transportation Code, whether by complaint,
7-41 protest, or otherwise, a person who receives notice from the board
7-42 of a statutory stay imposed by this chapter may not allow or commit
7-43 any act or omission that would:

7-44 (1) violate this chapter, Chapter 503, Transportation
7-45 Code, [~~or~~] any rule, order, or decision of the board, or an order or
7-46 decision of a person delegated power from the board under Section
7-47 2301.154;

7-48 (2) affect a legal right, duty, or privilege of any
7-49 party to a proceeding under this chapter or Chapter 503,
7-50 Transportation Code [~~before the board~~]; or

7-51 (3) tend to render ineffectual an [~~a board~~] order in a
7-52 pending proceeding.

7-53 SECTION 35. Sections 2301.804(a) and (b), Occupations Code,
7-54 are amended to read as follows:

7-55 (a) If it appears that a person has violated, is violating,
7-56 or is threatening to violate this chapter, Chapter 503,
7-57 Transportation Code, [~~or~~] a board rule adopted under this chapter
7-58 or Chapter 503, Transportation Code, or an order issued under this
7-59 chapter or Chapter 503, Transportation Code, the board or the
7-60 executive director, if authorized by the presiding officer of the
7-61 board, may cause a suit to be instituted in a court for:

7-62 (1) injunctive relief to restrain the person from
7-63 committing the violation or threat of violation;

7-64 (2) imposition of a civil penalty; or

7-65 (3) both injunctive relief and a civil penalty.

7-66 (b) At the request of the board or the executive director,
7-67 if authorized by the presiding officer of the board, the attorney
7-68 general shall bring in the name of the state a suit for an
7-69 injunction or a civil penalty as described by Subsection (a).

8-1 SECTION 36. Section 2302.103(a), Occupations Code, is
8-2 amended to read as follows:

8-3 (a) To apply for a salvage vehicle dealer license, a person
8-4 must submit to the department an application on a form prescribed by
8-5 the department [~~The application must be signed by the applicant~~]
8-6 and [~~accompanied by~~] the application fee.

8-7 SECTION 37. Section 2305.001, Occupations Code, is amended
8-8 by adding Subdivisions (5) and (6) to read as follows:

8-9 (5) "Board" means the board of the Texas Department of
8-10 Motor Vehicles.

8-11 (6) "Department" means the Texas Department of Motor
8-12 Vehicles.

8-13 SECTION 38. Section 2305.007(a), Occupations Code, is
8-14 amended to read as follows:

8-15 (a) Except as provided by Subsection (b), for the purpose of
8-16 enforcing or administering this chapter, Chapter 2302 of this code,
8-17 or Chapter 501 or 502, Transportation Code, a member of the board
8-18 [~~Texas Transportation Commission~~], an employee of the department
8-19 [~~Texas Transportation Commission or Texas Department of~~
8-20 ~~Transportation~~], a member of the Public Safety Commission, an
8-21 officer of the Department of Public Safety, or another peace
8-22 officer who is interested in tracing or locating a stolen motor
8-23 vehicle may at a reasonable time:

8-24 (1) enter the premises of a business regulated under
8-25 one of those chapters; and

8-26 (2) inspect or copy any document, record, vehicle,
8-27 part, or other item regulated under one of those chapters.

8-28 SECTION 39. The heading to Subchapter L, Chapter 201,
8-29 Transportation Code, is amended to read as follows:

8-30 SUBCHAPTER L. ELECTRONIC ISSUANCE OF OUTDOOR ADVERTISING LICENSES

8-31 SECTION 40. Section 201.931(2), Transportation Code, is
8-32 amended to read as follows:

8-33 (2) "License" means [~~includes:~~
8-34 [~~(A) a permit issued by the department that~~
8-35 ~~authorizes the operation of a vehicle and its load or a combination~~
8-36 ~~of vehicles and load exceeding size or weight limitations; and~~
8-37 [~~(B)~~] a license or permit for outdoor advertising
8-38 issued under Chapter 391 or 394.

8-39 SECTION 41. Section 501.021(a), Transportation Code, is
8-40 amended to read as follows:

8-41 (a) A motor vehicle title issued by the department must
8-42 include:

8-43 (1) the legal name and address of each purchaser and
8-44 seller at the first sale or a subsequent sale;

8-45 (2) the make of the motor vehicle;

8-46 (3) the body type of the vehicle;

8-47 (4) the manufacturer's permanent vehicle
8-48 identification number of the vehicle or the vehicle's motor number
8-49 if the vehicle was manufactured before the date that stamping a
8-50 permanent identification number on a motor vehicle was universally
8-51 adopted;

8-52 (5) the serial number for the vehicle;

8-53 (6) the name and address of each lienholder and the
8-54 date of each lien on the vehicle, listed in the chronological order
8-55 in which the lien was recorded;

8-56 (7) a statement indicating rights of survivorship
8-57 under Section 501.031;

8-58 (8) if the vehicle has an odometer, the odometer
8-59 reading at the time of application for the title; and

8-60 (9) any other information required by the department.

8-61 SECTION 42. Sections 501.022(a) and (b), Transportation
8-62 Code, are amended to read as follows:

8-63 (a) The owner of a motor vehicle registered in this state:

8-64 (1) except as provided by Section 501.029, shall apply
8-65 for title to the vehicle; and

8-66 (2) may not operate or permit the operation of the
8-67 vehicle on a public highway until the owner [~~obtains~~]:

8-68 (A) applies for title and registration for the
8-69 vehicle; or

9-1 (B) obtains a receipt evidencing title for
9-2 registration purposes only under Section 501.029.

9-3 (b) A person may not operate a motor vehicle registered in
9-4 this state on a public highway if the person knows or has reason to
9-5 believe that the owner has not applied for ~~[obtained]~~ a title for
9-6 the vehicle.

9-7 SECTION 43. Section 501.023(a), Transportation Code, is
9-8 amended to read as follows:

9-9 (a) The owner of a motor vehicle must present identification
9-10 and apply for a title as prescribed by the department, unless
9-11 otherwise exempted by law. To obtain a title, the owner must
9-12 apply:

9-13 (1) to the county assessor-collector in the county in
9-14 which:

9-15 (A) the owner is domiciled; or

9-16 (B) the motor vehicle is purchased or encumbered;

9-17 ~~[or]~~

9-18 (2) if the county in which the owner resides has been
9-19 declared by the governor as a disaster area, to the county
9-20 assessor-collector in one of the closest unaffected counties to a
9-21 county that asks for assistance and:

9-22 (A) continues to be declared by the governor as a
9-23 disaster area because the county has been rendered inoperable by
9-24 the disaster; and

9-25 (B) is inoperable for a protracted period of
9-26 time; or

9-27 (3) if the county assessor-collector's office of the
9-28 county in which the owner resides is closed for a protracted period
9-29 of time as defined by the department, to the county
9-30 assessor-collector of a county that borders the county in which the
9-31 owner resides who agrees to accept the application.

9-32 SECTION 44. Section 501.0234(b), Transportation Code, is
9-33 amended to read as follows:

9-34 (b) This section does not apply to a motor vehicle:

9-35 (1) that has been declared a total loss by an insurance
9-36 company in the settlement or adjustment of a claim;

9-37 (2) for which the title has been surrendered in
9-38 exchange for:

9-39 (A) a salvage vehicle title or salvage record of
9-40 title issued under this chapter;

9-41 (B) a nonrepairable vehicle title or
9-42 nonrepairable vehicle record of title issued under this chapter or
9-43 Subchapter D, Chapter 683; or

9-44 (C) an ownership document issued by another state
9-45 that is comparable to a document described by Paragraph (A) or (B);

9-46 (3) with a gross weight in excess of 11,000 pounds; or

9-47 (4) purchased by a commercial fleet buyer who:

9-48 (A) is a ~~[full-service]~~ deputy authorized by
9-49 rules adopted under Section 520.0071;

9-50 (B) ~~[520.008 and who]~~ utilizes the dealer title
9-51 application process developed to provide a method to submit title
9-52 transactions to the county in which the commercial fleet buyer is a
9-53 ~~[full-service]~~ deputy; and

9-54 (C) has authority to accept an application for
9-55 registration and application for title transfer that the county
9-56 assessor-collector may accept.

9-57 SECTION 45. Section 501.024(d), Transportation Code, is
9-58 amended to read as follows:

9-59 (d) A title receipt with registration or permit authorizes
9-60 the operation of the motor vehicle on a public highway in this state
9-61 ~~[for 10 days or]~~ until the title is issued~~[, whichever period is~~
9-62 ~~shorter]~~.

9-63 SECTION 46. Sections 501.031(a) and (c), Transportation
9-64 Code, are amended to read as follows:

9-65 (a) The department shall include on each title an optional
9-66 rights of survivorship agreement that:

9-67 (1) provides that if the agreement is between two or
9-68 more eligible persons, the motor vehicle will be owned ~~[is held~~
9-69 ~~jointly]~~ by the surviving owners when one or more of the owners die

10-1 [~~those persons with the interest of a person who dies to transfer to~~
10-2 ~~the surviving person or persons~~]; and

10-3 (2) provides for the acknowledgment by signature,
10-4 either electronically or by hand, of the persons.

10-5 (c) Ownership of the vehicle may be transferred only:

10-6 (1) by all the persons acting jointly, if all the
10-7 persons are alive; or [~~and~~]

10-8 (2) on the death of one of the persons, by the
10-9 surviving person or persons by transferring ownership of the
10-10 vehicle, in the manner otherwise required by law, with a copy of the
10-11 death certificate of the deceased person.

10-12 SECTION 47. Section 501.032, Transportation Code, is
10-13 amended by amending Subsections (a) and (b) and adding Subsection
10-14 (d) to read as follows:

10-15 (a) On proper application, the department shall assign a
10-16 vehicle identification number to a travel trailer, a trailer or
10-17 semitrailer [~~that has a gross vehicle weight that exceeds 4,000~~
10-18 ~~pounds~~], a frame, or an item of equipment, including a tractor, farm
10-19 implement, unit of special mobile equipment, or unit of off-road
10-20 construction equipment [~~on which~~]:

10-21 (1) on which a vehicle identification number was not
10-22 die-stamped by the manufacturer; [~~or~~]

10-23 (2) on which a vehicle identification number
10-24 die-stamped by the manufacturer has been lost, removed, or
10-25 obliterated; or

10-26 (3) for which a vehicle identification number was
10-27 never assigned.

10-28 (b) The applicant shall die-stamp the assigned vehicle
10-29 identification number at the place designated by the department on
10-30 the travel trailer, trailer, semitrailer, frame, or equipment.

10-31 (d) Only the department may issue vehicle identification
10-32 numbers.

10-33 SECTION 48. Section 501.033(a), Transportation Code, is
10-34 amended to read as follows:

10-35 (a) A person determined by law enforcement or a court to be
10-36 the owner of a motor vehicle, travel trailer, semitrailer, or
10-37 trailer, a part of a motor vehicle, travel trailer, semitrailer, or
10-38 trailer, a frame, or an item of equipment including a tractor, farm
10-39 implement, unit of special mobile equipment, or unit of off-road
10-40 construction equipment may apply to the department for an assigned
10-41 vehicle identification number that has been removed, altered, [~~or~~]
10-42 obliterated, or has never been assigned.

10-43 SECTION 49. Subchapter B, Chapter 501, Transportation Code,
10-44 is amended by adding Section 501.037 to read as follows:

10-45 Sec. 501.037. TITLE FOR TRAILERS. (a) Notwithstanding any
10-46 other provision of this chapter, the department may issue a title
10-47 for a trailer that has a gross vehicle weight of 4,000 pounds or
10-48 less if all other requirements for issuance of a title are met.

10-49 (b) To obtain a title under this section, the owner of the
10-50 trailer must:

10-51 (1) apply for the title in the manner required by
10-52 Section 501.023; and

10-53 (2) pay the fee required by Section 501.138.

10-54 SECTION 50. The heading to Subchapter C, Chapter 501,
10-55 Transportation Code, is amended to read as follows:

10-56 SUBCHAPTER C. REFUSAL TO ISSUE, [~~AND~~] REVOCATION, [~~OR~~] SUSPENSION,
10-57 OR ALTERATION OF CERTIFICATE

10-58 SECTION 51. Section 501.051(b), Transportation Code, is
10-59 amended to read as follows:

10-60 (b) The department may rescind, cancel, or revoke an
10-61 application for a title if a notarized or county-stamped affidavit
10-62 is presented containing:

10-63 (1) a statement that the vehicle involved was a new
10-64 motor vehicle in the process of a first sale;

10-65 (2) a statement that the dealer, the applicant, and
10-66 any lienholder have canceled the sale;

10-67 (3) a statement that the vehicle:

10-68 (A) was never in the possession of the title
10-69 applicant; or

(B) was in the possession of the title applicant;

and

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

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

(e) An applicant aggrieved by the determination under Subsection (d) may appeal only to the county or district court of the county of the applicant's residence. An applicant must file an appeal not later than the fifth day after the date of the assessor-collector's determination. The ~~[county court]~~ judge shall try the appeal in the manner of other civil cases. All rights and immunities granted in the trial of a civil case are available to the interested parties. If the department's action is not sustained, the department shall promptly issue a title for the vehicle.

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

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

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

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

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

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

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

(1) there is no security interest on the vehicle;
(2) any lien on the vehicle is at least 10 years old;

or

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

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

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

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

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

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

(b) A person [An owner], other than a salvage vehicle dealer, a used automotive parts recycler, or an insurance company licensed to do business in this state, who acquired ownership of a nonrepairable or salvage motor vehicle that has not been issued a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, salvage record of title, or a comparable ownership document issued by another state or jurisdiction shall, before selling the motor vehicle, surrender the properly assigned

12-1 title for the motor vehicle to the department and apply to the
12-2 department for the appropriate ownership document.

12-3 SECTION 57. Sections 501.100(a) and (d), Transportation
12-4 Code, are amended to read as follows:

12-5 (a) The owner of a motor [A] vehicle for which a
12-6 nonrepairable vehicle [~~certificate of~~] title issued prior to
12-7 September 1, 2003, or for which a salvage vehicle title or salvage
12-8 record of title has been issued may apply for [~~obtain~~] a title after
12-9 the motor vehicle has been repaired, rebuilt, or reconstructed and,
12-10 in addition to any other requirement of law, only if the
12-11 application:

12-12 (1) describes each major component part used to repair
12-13 the motor vehicle;

12-14 (2) states the name of each person from whom the parts
12-15 used in assembling the vehicle were obtained; and

12-16 (3) shows the identification number required by
12-17 federal law to be affixed to or inscribed on the part.

12-18 (d) In addition to the fee described by Subsection (b), the
12-19 applicant shall pay a \$65 rebuilder fee. The applicant shall
12-20 include the fee with the statement submitted under Section 502.156
12-21 for the vehicle.

12-22 SECTION 58. Section 501.138(b-2), Transportation Code, is
12-23 amended to read as follows:

12-24 (b-2) The comptroller shall establish a record of the amount
12-25 of the fees deposited to the credit of the Texas Mobility Fund under
12-26 Subsection (b-1). On or before the fifth workday of each month,
12-27 the Texas Department of Transportation [~~department~~] shall remit to
12-28 the comptroller for deposit to the credit of the Texas emissions
12-29 reduction plan fund an amount of money equal to the amount of the
12-30 fees deposited by the comptroller to the credit of the Texas
12-31 Mobility Fund under Subsection (b-1) in the preceding month. The
12-32 Texas Department of Transportation [~~department~~] shall use for
12-33 remittance to the comptroller as required by this subsection money
12-34 in the state highway fund that is not required to be used for a
12-35 purpose specified by Section 7-a, Article VIII, Texas Constitution,
12-36 and may not use for that remittance money received by this state
12-37 under the congestion mitigation and air quality improvement program
12-38 established under 23 U.S.C. Section 149.

12-39 SECTION 59. Subchapter G, Chapter 501, Transportation Code,
12-40 is amended by adding Section 501.139 to read as follows:

12-41 Sec. 501.139. ELECTRONIC FUNDS TRANSFER. A county
12-42 assessor-collector that transfers money to the department under
12-43 this chapter shall transfer the money electronically.

12-44 SECTION 60. Section 501.146, Transportation Code, is
12-45 amended by adding Subsection (d) to read as follows:

12-46 (d) A late fee imposed under this section may not exceed
12-47 \$250.

12-48 SECTION 61. Section 501.173, Transportation Code, is
12-49 amended by adding Subsection (c) to read as follows:

12-50 (c) In addition to other title fees, the board by rule may
12-51 set a fee to be assessed for the issuance of a paper title to cover
12-52 the cost of administering the electronic titling system.

12-53 SECTION 62. Section 502.001, Transportation Code, is
12-54 amended by amending Subdivision (7) and adding Subdivision (39-a)
12-55 to read as follows:

12-56 (7) "Commercial motor vehicle" means a [~~commercial~~]
12-57 motor vehicle, other than a motorcycle, designed or used primarily
12-58 to transport property. The term includes a passenger car
12-59 reconstructed and used primarily for delivery purposes. The term
12-60 does not include a passenger car used to deliver the United States
12-61 mail [~~as defined by Section 644.001~~].

12-62 (39-a) "Shipping weight" means the weight generally
12-63 accepted as the empty weight of a vehicle.

12-64 SECTION 63. Sections 502.040(b) and (d), Transportation
12-65 Code, are amended to read as follows:

12-66 (b) The application must be accompanied by personal
12-67 identification as determined by department rule and made in a
12-68 manner prescribed by the department:

12-69 (1) through the county assessor-collector of the

13-1 county in which the owner resides; ~~or~~

13-2 (2) if the county in which the owner resides has been

13-3 declared by the governor as a disaster area, through the county

13-4 assessor-collector of a county that is one of the closest

13-5 unaffected counties to a county that asks for assistance and:

13-6 (A) continues to be declared by the governor as a

13-7 disaster area because the county has been rendered inoperable by

13-8 the disaster; and

13-9 (B) is inoperable for a protracted period of

13-10 time; or

13-11 (3) if the county assessor-collector's office in which

13-12 the owner resides is closed for a protracted period of time as

13-13 defined by the department, to the county assessor-collector of a

13-14 county that borders the county in which the owner resides who agrees

13-15 to accept the application.

13-16 (d) A county assessor-collector, a deputy county

13-17 assessor-collector, or a person acting on behalf of a county

13-18 assessor-collector is not liable to any person for:

13-19 (1) refusing to register a ~~motor~~ vehicle because of

13-20 the person's failure to submit evidence of residency that complies

13-21 with the department's rules; or

13-22 (2) registering a ~~motor~~ vehicle under this section.

13-23 SECTION 64. The heading to Section 502.043, Transportation

13-24 Code, is amended to read as follows:

13-25 Sec. 502.043. APPLICATION FOR REGISTRATION AND CERTAIN

13-26 PERMITS.

13-27 SECTION 65. Section 502.043, Transportation Code, is

13-28 amended by amending Subsections (a), (b), and (c) and adding

13-29 Subsection (c-1) to read as follows:

13-30 (a) An application for vehicle registration or a permit

13-31 described by Section 502.094 or 502.095 must:

13-32 (1) be made in a manner prescribed and include the

13-33 information required by the department by rule; and

13-34 (2) contain a full description of the vehicle as

13-35 required by department rule.

13-36 (b) The department shall deny the registration of or

13-37 permitting under Section 502.094 or 502.095 of a commercial motor

13-38 vehicle, truck-tractor, trailer, or semitrailer if the applicant:

13-39 (1) has a business operated, managed, or otherwise

13-40 controlled or affiliated with a person who is ineligible for

13-41 registration or whose privilege to operate has been suspended,

13-42 including the applicant entity, a relative, family member,

13-43 corporate officer, or shareholder;

13-44 (2) has a vehicle that has been prohibited from

13-45 operating by the Federal Motor Carrier Safety Administration for

13-46 safety-related reasons;

13-47 (3) is a carrier whose business is operated, managed,

13-48 or otherwise controlled or affiliated with a person who is

13-49 ineligible for registration, including the owner, a relative, a

13-50 family member, a corporate officer, or a shareholder; or

13-51 (4) fails to deliver to the county assessor-collector

13-52 proof of the weight of the vehicle, the maximum load to be carried

13-53 on the vehicle, and the gross weight for which the vehicle is to be

13-54 registered.

13-55 (c) In lieu of filing an application during a year as

13-56 provided by Subsection (a), the owner of a vehicle registered in any

13-57 state for that year or the preceding year may present:

13-58 (1) the registration receipt and transfer receipt for

13-59 the vehicle; or

13-60 (2) other evidence satisfactory to the county

13-61 assessor-collector that the person owns the vehicle~~, if any~~.

13-62 (c-1) A ~~The~~ county assessor-collector shall accept a

13-63 ~~the~~ receipt or evidence provided under Subsection (c) as an

13-64 application for renewal of the registration if the receipt or

13-65 evidence indicates the applicant owns the vehicle. This section

13-66 allows issuance for registration purposes only but does not

13-67 authorize the department to issue a title.

13-68 SECTION 66. The heading to Section 502.055, Transportation

13-69 Code, is amended to read as follows:

14-1 Sec. 502.055. DETERMINATION OF WEIGHT AND SEATING CAPACITY.
14-2 SECTION 67. Section 502.055, Transportation Code, is
14-3 amended by adding Subsections (c) and (d) to read as follows:

14-4 (c) For the purposes of this section, the seating capacity
14-5 of a bus is:

14-6 (1) the manufacturer's rated seating capacity,
14-7 excluding the operator's seat; or

14-8 (2) if the manufacturer has not rated the vehicle for
14-9 seating capacity, a number computed by allowing one passenger for
14-10 each 16 inches of seating on the bus, excluding the operator's seat,
14-11 multiplied by 150 pounds.

14-12 (d) For registration purposes:

14-13 (1) the weight of a passenger car is the shipping
14-14 weight of the car plus 100 pounds; and

14-15 (2) the weight of a municipal bus or private bus is
14-16 calculated by adding the following and rounding to the next highest
14-17 100 pounds:

14-18 (A) the shipping weight of the bus; and

14-19 (B) the seating capacity multiplied by 150
14-20 pounds.

14-21 SECTION 68. Section 502.092(b), Transportation Code, is
14-22 amended to read as follows:

14-23 (b) The department shall issue a receipt for a permit issued
14-24 [~~distinguishing insignia for a vehicle issued a permit~~] under this
14-25 section in a manner provided by the department. The permit receipt
14-26 must contain the information required by this section and be
14-27 carried in the vehicle for which it is issued at all times during
14-28 which it is valid. [~~The insignia must be attached to the vehicle in~~
14-29 lieu of regular license plates and must show the permit expiration
14-30 date.] A permit issued under this section is valid until the
14-31 earlier of:

14-32 (1) the date the vehicle's registration in the owner's
14-33 home state or country expires; or

14-34 (2) the 30th day after the date the permit is issued.

14-35 SECTION 69. Sections 502.094(c) and (d), Transportation
14-36 Code, are amended to read as follows:

14-37 (c) A person may obtain a permit under this section by:

14-38 (1) applying to the county assessor-collector or [7]
14-39 the department[~~, or the department's wire service agent, if the~~
14-40 department has a wire service agent];

14-41 (2) paying a fee of \$25 for a 72-hour permit or \$50 for
14-42 a 144-hour permit in the manner prescribed by the department that
14-43 may include a service charge for a credit card payment or escrow
14-44 account;

14-45 (3) furnishing to the county assessor-collector or [7]
14-46 the department[~~, or the department's wire service agent,~~] evidence
14-47 of financial responsibility for the vehicle that complies with
14-48 Sections 502.046(c) and 601.168(a); and

14-49 (4) submitting a copy of the applicable federal
14-50 declaration form required by the Federal Motor Carrier Safety
14-51 Administration or its successor in connection with the importation
14-52 of a motor vehicle or motor vehicle equipment subject to the federal
14-53 motor vehicle safety, bumper, and theft prevention standards.

14-54 (d) A county assessor-collector shall report and send a fee
14-55 collected under this section in the manner provided by Section
14-56 502.198. [~~Each week, a wire service agent shall send to the~~
14-57 department a report of all permits issued by the agent during the
14-58 previous week.] The board by rule shall prescribe the format and
14-59 content of a report required by this subsection.

14-60 SECTION 70. Section 502.168, Transportation Code, is
14-61 amended to read as follows:

14-62 Sec. 502.168. FEE: MOTOR BUS. The fee for a registration
14-63 year for registration of a motor bus is the fee prescribed by
14-64 Section 502.252 [502.161] or 502.253 [502.162], as applicable.

14-65 SECTION 71. Subchapter E, Chapter 502, Transportation Code,
14-66 is amended by adding Section 502.199 to read as follows:

14-67 Sec. 502.199. ELECTRONIC FUNDS TRANSFER. A county
14-68 assessor-collector that transfers money to the department under
14-69 this chapter shall transfer the money electronically.

15-1 SECTION 72. Section 502.433(a), Transportation Code, is
15-2 amended to read as follows:

15-3 (a) The registration fee for a commercial motor vehicle as a
15-4 farm vehicle is 50 percent of the applicable fee under Section
15-5 502.252 or 502.253, as applicable, if the vehicle's owner will use
15-6 the vehicle for commercial purposes only to transport:

15-7 (1) the person's own poultry, dairy, livestock,
15-8 livestock products, timber in its natural state, or farm products
15-9 to market or another place for sale or processing;

15-10 (2) laborers from their place of residence to the
15-11 owner's farm or ranch; or

15-12 (3) without charge, materials, tools, equipment, or
15-13 supplies from the place of purchase or storage to the owner's farm
15-14 or ranch exclusively for the owner's use or for use on the farm or
15-15 ranch.

15-16 SECTION 73. Section 502.473(d), Transportation Code, is
15-17 amended to read as follows:

15-18 (d) A court may dismiss a charge brought under Subsection
15-19 (a) if the defendant pays an administrative fee not to exceed \$10
15-20 and:

15-21 (1) remedies the defect before the defendant's first
15-22 court appearance; or

15-23 (2) shows that the motor vehicle was issued a
15-24 registration insignia by the department that was attached to the
15-25 motor vehicle, establishing that the vehicle was registered for the
15-26 period during which the offense was committed[~~, and~~

15-27 [~~(2) pays an administrative fee not to exceed \$10~~].

15-28 SECTION 74. Subchapter K, Chapter 502, Transportation Code,
15-29 is amended by adding Section 502.4755 to read as follows:

15-30 Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA. (a) A person
15-31 commits an offense if the person:

15-32 (1) manufactures, sells, or possesses a registration
15-33 insignia deceptively similar to the registration insignia of the
15-34 department; or

15-35 (2) makes a copy or likeness of an insignia
15-36 deceptively similar to the registration insignia of the department
15-37 with intent to sell the copy or likeness.

15-38 (b) For the purposes of this section, an insignia is
15-39 deceptively similar to the registration insignia of the department
15-40 if the insignia is not prescribed by the department but a reasonable
15-41 person would presume that it was prescribed by the department.

15-42 (c) A district or county court, on application of the
15-43 attorney general or of the district attorney or prosecuting
15-44 attorney performing the duties of the district attorney for the
15-45 district in which the court is located, may enjoin a violation or
15-46 threatened violation of this section on a showing that a violation
15-47 has occurred or is likely to occur.

15-48 (d) It is an affirmative defense to a prosecution under this
15-49 section that the insignia was produced pursuant to a licensing
15-50 agreement with the department.

15-51 (e) An offense under this section is a felony of the third
15-52 degree.

15-53 SECTION 75. Section 502.491, Transportation Code, as
15-54 redesignated from Section 502.451, Transportation Code, by Chapter
15-55 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session,
15-56 2011, is reenacted to incorporate amendments to Section 502.451,
15-57 Transportation Code, made by Chapters 432 (S.B. 1057) and 1296
15-58 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011,
15-59 and amended to read as follows:

15-60 Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) On the
15-61 sale or transfer of a [~~motor~~] vehicle, the registration insignia
15-62 issued for the [~~motor~~] vehicle shall be removed. The registration
15-63 period remaining at the time of sale or transfer expires at the time
15-64 of sale or transfer.

15-65 [~~(a-1) On the sale of a used motor vehicle by a dealer, the~~
15-66 ~~dealer shall issue to the buyer new registration documents for an~~
15-67 ~~entire registration year.]~~

15-68 (b) On a sale or transfer of a [~~motor~~] vehicle in which
15-69 neither party holds a general distinguishing number issued under

16-1 Chapter 503, the part of the registration period remaining at the
 16-2 time of the sale or transfer shall continue with the vehicle being
 16-3 sold or transferred and does not transfer with the license plates or
 16-4 registration validation insignia. To continue the remainder of the
 16-5 registration period, the purchaser or transferee must file the
 16-6 documents required under Section 501.145.

16-7 (c) On the sale or transfer of a [~~motor~~] vehicle to a dealer,
 16-8 as defined by Section 503.001, who holds a general distinguishing
 16-9 number issued under Chapter 503, the registration period remaining
 16-10 at the time of the sale or transfer expires at the time of the sale
 16-11 or transfer. On the sale of a used [~~motor~~] vehicle by a dealer, the
 16-12 dealer shall issue to the buyer new registration documents for an
 16-13 entire registration year.

16-14 (d) If the transferor has paid for more than one year of
 16-15 registration, the department may credit the transferor for any time
 16-16 remaining on the registration in annual increments.

16-17 SECTION 76. Sections 503.009(a), (c), and (d),
 16-18 Transportation Code, are amended to read as follows:

16-19 (a) The board [~~department's Motor Vehicle Board~~] may
 16-20 conduct hearings in contested cases brought under this chapter
 16-21 [~~and~~] as provided by this chapter and Chapter 2301, Occupations
 16-22 Code.

16-23 (c) A decision or final order issued under this section is
 16-24 final and may not be appealed, as a matter of right, to the board
 16-25 [~~commission~~].

16-26 (d) The board [~~department's Motor Vehicle Board~~] may adopt
 16-27 rules for the procedure, a hearing, or an enforcement proceeding
 16-28 for an action brought under this section.

16-29 SECTION 77. Section 504.202(e), Transportation Code, is
 16-30 amended to read as follows:

16-31 (e) Other than license plates issued under Subsection (h),
 16-32 license plates issued under this section must include:

16-33 (1) the letters "DV" [~~as a prefix or suffix to any~~
 16-34 ~~numeral~~] on the plate if the plate is issued for a vehicle other
 16-35 than a motorcycle; and

16-36 (2) the words "Disabled Veteran" and "U.S. Armed
 16-37 Forces" at the bottom of each license plate.

16-38 SECTION 78. Section 504.306, Transportation Code, is
 16-39 amended to read as follows:

16-40 Sec. 504.306. MEMBERS AND FORMER MEMBERS OF [~~PERSONS~~
 16-41 ~~RETIRED FROM SERVICE IN~~] MERCHANT MARINE OF THE UNITED STATES. The
 16-42 department shall issue specialty license plates for members and
 16-43 former members of [~~persons retired from service in~~] the merchant
 16-44 marine of the United States. The license plates must include the
 16-45 words "Merchant Marine."

16-46 SECTION 79. Section 504.610(a), Transportation Code, is
 16-47 amended to read as follows:

16-48 (a) The department may [~~shall~~] issue specialty license
 16-49 plates in recognition of the Texas Aerospace Commission. [~~including~~
 16-50 ~~the words "Texas Aerospace Commission."~~] The department shall
 16-51 design the license plates in consultation with the Texas Aerospace
 16-52 Commission.

16-53 SECTION 80. Section 504.652(b), Transportation Code, is
 16-54 amended to read as follows:

16-55 (b) After deduction of the department's administrative
 16-56 costs, the remainder of the fee for issuance of the license plates
 16-57 shall be deposited to the credit of an account in the general
 16-58 revenue fund. Money in the account may be used only by Texas A&M
 16-59 AgriLife [~~Cooperative~~] Extension for graduate student
 16-60 assistantships within the Texas Master Gardener program and to
 16-61 support Texas A&M AgriLife [~~Cooperative~~] Extension's activities
 16-62 related to the Texas Master Gardener program.

16-63 SECTION 81. Section 504.901, Transportation Code, is
 16-64 amended by adding Subsection (e) to read as follows:

16-65 (e) This section applies only to:

16-66 (1) a passenger vehicle with a gross weight of 6,000
 16-67 pounds or less; and

16-68 (2) a light truck with a gross weight of 10,000 pounds
 16-69 or less.

17-1 SECTION 82. Section 504.945(d), Transportation Code, is
 17-2 amended to read as follows:

17-3 (d) A court may dismiss a charge brought under Subsection
 17-4 (a)(3), (5), (6), or (7) if the defendant:

17-5 (1) remedies the defect before the defendant's first
 17-6 court appearance; ~~and~~

17-7 (2) pays an administrative fee not to exceed \$10; and

17-8 (3) shows that the vehicle was issued a plate by the
 17-9 department that was attached to the vehicle, establishing that the
 17-10 vehicle was registered for the period during which the offense was
 17-11 committed.

17-12 SECTION 83. Subchapter L, Chapter 504, Transportation Code,
 17-13 is amended by adding Sections 504.946, 504.947, and 504.948 to read
 17-14 as follows:

17-15 Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) A
 17-16 person commits an offense if the person:

17-17 (1) manufactures, sells, or possesses a license plate
 17-18 deceptively similar to a license plate issued by the department; or

17-19 (2) makes a copy or likeness of a license plate
 17-20 deceptively similar to a license plate issued by the department
 17-21 with intent to sell the copy or likeness.

17-22 (b) For the purposes of this section, a license plate is
 17-23 deceptively similar to a license plate issued by the department if
 17-24 it is not prescribed by the department but a reasonable person would
 17-25 presume that it was prescribed by the department.

17-26 (c) A district or county court, on application of the
 17-27 attorney general or of the district attorney or prosecuting
 17-28 attorney performing the duties of the district attorney for the
 17-29 district in which the court is located, may enjoin a violation or
 17-30 threatened violation of this section on a showing that a violation
 17-31 has occurred or is likely to occur.

17-32 (d) It is an affirmative defense to a prosecution under this
 17-33 section that the license plate was produced pursuant to a licensing
 17-34 agreement with the department.

17-35 (e) An offense under this section is a felony of the third
 17-36 degree.

17-37 Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE. (a) In this
 17-38 section "license plate flipper" means a manual, electric, or
 17-39 mechanical device designed or adapted to be installed on a motor
 17-40 vehicle and:

17-41 (1) switch between two or more license plates for the
 17-42 purpose of allowing a motor vehicle operator to change the license
 17-43 plate displayed on the operator's vehicle; or

17-44 (2) hide a license plate from view by flipping the
 17-45 license plate so that the license plate number is not visible.

17-46 (b) A person commits an offense if the person with criminal
 17-47 negligence uses, purchases, or possesses a license plate flipper.
 17-48 An offense under this subsection is a Class B misdemeanor.

17-49 (c) A person commits an offense if the person with criminal
 17-50 negligence manufactures, sells, offers to sell, or otherwise
 17-51 distributes a license plate flipper. An offense under this
 17-52 subsection is a Class A misdemeanor.

17-53 Sec. 504.948. GENERAL PENALTY. (a) A person commits an
 17-54 offense if the person violates a provision of this chapter and no
 17-55 other penalty is prescribed for the violation.

17-56 (b) An offense under Subsection (a) is a misdemeanor
 17-57 punishable by a fine of not less than \$5 or more than \$200.

17-58 SECTION 84. Section 520.001, Transportation Code, is
 17-59 amended to read as follows:

17-60 Sec. 520.001. DEFINITIONS ~~[DEFINITION]~~. In this chapter:

17-61 (1) "Board" means the board of the Texas Department of
 17-62 Motor Vehicles.

17-63 (2) "Department" ~~[, "department"]~~ means the Texas
 17-64 Department of Motor Vehicles.

17-65 SECTION 85. Section 520.003, Transportation Code, is
 17-66 amended to read as follows:

17-67 Sec. 520.003. RULES; [WAIVER OF] FEES; REFUNDS. (a) The
 17-68 department may adopt rules to administer this chapter, including
 17-69 rules that:

18-1 (1) waive the payment of fees if a dealer has gone out
18-2 of business and the applicant can show that fees were paid to the
18-3 dealer; and

18-4 (2) allow full and partial refunds for rejected
18-5 titling and registration transactions.

18-6 (b) The department may collect from a person making a
18-7 transaction with the department using the state electronic Internet
18-8 portal project a fee set under Section 2054.2591, Government Code.
18-9 All fees collected under this subsection shall be allocated to the
18-10 department to provide for the department's costs associated with
18-11 administering Section 2054.2591, Government Code.

18-12 SECTION 86. Section 520.005, Transportation Code, is
18-13 amended by amending Subsection (c) and adding Subsection (d) to
18-14 read as follows:

18-15 (c) Notwithstanding the requirements of Section 520.0071
18-16 [~~Sections 520.008 and 520.0091~~], the assessor-collector may
18-17 license franchised and non-franchised motor vehicle dealers to
18-18 title and register motor vehicles in accordance with rules adopted
18-19 under Section 520.004. The county assessor-collector may pay a fee
18-20 to a motor vehicle dealer independent of or as part of the portion
18-21 of the fees that would be collected by the county for each title and
18-22 registration receipt issued.

18-23 (d) Each county assessor-collector shall process a
18-24 registration renewal through an online system designated by the
18-25 department.

18-26 SECTION 87. Section 520.006(a-1), Transportation Code, as
18-27 added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of the
18-28 82nd Legislature, Regular Session, 2011, is reenacted and amended
18-29 to read as follows:

18-30 (a-1) A county assessor-collector collecting fees on behalf
18-31 of a county that has been declared as a disaster area or that is
18-32 closed for a protracted period of time as defined by the department
18-33 for purposes of Section 501.023 or 502.040 may retain the
18-34 commission for fees collected, but shall allocate the fees to the
18-35 county declared as a disaster area or that is closed for a
18-36 protracted period of time.

18-37 SECTION 88. Subchapter A, Chapter 520, Transportation Code,
18-38 is amended by adding Section 520.0061 to read as follows:

18-39 Sec. 520.0061. CONTRACTS BETWEEN COUNTIES. (a) A county
18-40 tax assessor-collector, with approval of the commissioners court of
18-41 the county by order, may enter into an agreement with one or more
18-42 counties to perform mail-in or online registration or titling
18-43 duties.

18-44 (b) A contract entered into under Subsection (a) may be
18-45 terminated by a county that is a party to the contract.

18-46 SECTION 89. Subchapter A, Chapter 520, Transportation Code,
18-47 is amended by adding Section 520.0071 to read as follows:

18-48 Sec. 520.0071. DEPUTIES. (a) The board by rule shall
18-49 prescribe:

18-50 (1) the classification types of deputies performing
18-51 titling and registration duties;

18-52 (2) the duties and obligations of deputies;

18-53 (3) the type and amount of any bonds that may be
18-54 required by a county assessor-collector for a deputy to perform
18-55 titling and registration duties; and

18-56 (4) the fees that may be charged or retained by
18-57 deputies.

18-58 (b) A county assessor-collector, with the approval of the
18-59 commissioners court of the county, may deputize an individual or
18-60 business entity to perform titling and registration services in
18-61 accordance with rules adopted under Subsection (a).

18-62 SECTION 90. The heading to Section 520.0093, Transportation
18-63 Code, is amended to read as follows:

18-64 Sec. 520.0093. LEASE OF ~~[ADDITIONAL]~~ COMPUTER EQUIPMENT.

18-65 SECTION 91. Section 520.0093, Transportation Code, is
18-66 amended by amending Subsections (a), (c), and (e) and adding
18-67 Subsection (b-1) to read as follows:

18-68 (a) The department may ~~[This section applies only to the]~~
18-69 lease ~~[of]~~ equipment and provide related services to a:

19-1 (1) county for the operation of the automated
19-2 registration and titling system in addition to the equipment
19-3 provided by the department at no cost to the county under a formula
19-4 prescribed by the department; and

19-5 (2) deputy appointed under Section 520.0071.

19-6 (b-1) On the request of a deputy appointed under Section
19-7 520.0071, the department may enter into an agreement under which
19-8 the department leases equipment to the deputy for the use of the
19-9 deputy in operating the automated registration and titling system.
19-10 The department may require the deputy to post a bond in an amount
19-11 equal to the value of the equipment.

19-12 (c) A county may install equipment leased under this section
19-13 at offices of the county or of an agent of the county. A deputy
19-14 appointed under Section 520.0071 may install equipment leased under
19-15 this section on the premises described in the agreement.

19-16 (e) Under the agreement, the department shall charge an
19-17 amount not less than the amount of the cost to the department to
19-18 provide the [additional] equipment and any related services under
19-19 the lease. All money collected under the lease shall be deposited
19-20 to the credit of the state highway fund.

19-21 SECTION 92. Section 520.016(c), Transportation Code, is
19-22 amended to read as follows:

19-23 (c) This section does not apply to a violation of Section
19-24 520.006 or a rule adopted under Section 520.0071 [~~520.008,~~
19-25 ~~520.009, 520.0091, or 520.0092~~].

19-26 SECTION 93. Subchapter D, Chapter 551, Transportation Code,
19-27 is amended by adding Section 551.304 to read as follows:

19-28 Sec. 551.304. LIMITED OPERATION. (a) An operator may
19-29 operate a neighborhood electric vehicle:

19-30 (1) in a master planned community:

19-31 (A) that has in place a uniform set of
19-32 restrictive covenants; and

19-33 (B) for which a county or municipality has
19-34 approved a plat;

19-35 (2) on a public or private beach; or

19-36 (3) on a public highway for which the posted speed
19-37 limit is not more than 35 miles per hour, if the neighborhood
19-38 electric vehicle is operated:

19-39 (A) during the daytime; and

19-40 (B) not more than two miles from the location
19-41 where the neighborhood electric vehicle is usually parked and for
19-42 transportation to or from a golf course.

19-43 (b) A person is not required to register a neighborhood
19-44 electric vehicle operated in compliance with this section.

19-45 SECTION 94. Section 551.402, Transportation Code, is
19-46 amended to read as follows:

19-47 Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas
19-48 Department of Motor Vehicles [~~Transportation~~] may not register a
19-49 golf cart for operation on a public highway regardless of whether
19-50 any alteration has been made to the golf cart.

19-51 (b) The Texas Department of Motor Vehicles [~~department~~] may
19-52 issue license plates for a golf cart only as authorized by Section
19-53 504.510.

19-54 SECTION 95. Section 601.052(a), Transportation Code, is
19-55 amended to read as follows:

19-56 (a) Section 601.051 does not apply to:

19-57 (1) the operation of a motor vehicle that:

19-58 (A) is a former military vehicle or is at least 25
19-59 years old;

19-60 (B) is used only for exhibitions, club
19-61 activities, parades, and other functions of public interest and not
19-62 for regular transportation; and

19-63 (C) for which the owner files with the department
19-64 an affidavit, signed by the owner, stating that the vehicle is a
19-65 collector's item and used only as described by Paragraph (B);

19-66 (2) the operation of a neighborhood electric vehicle
19-67 or a golf cart that is operated only as authorized by Section
19-68 551.304 or 551.403; or

19-69 (3) a volunteer fire department for the operation of a

20-1 motor vehicle the title of which is held in the name of a volunteer
20-2 fire department.

20-3 SECTION 96. Section 621.001(4), Transportation Code, is
20-4 amended to read as follows:

- 20-5 (4) "Director" means:
- 20-6 (A) the executive director of the department; or
- 20-7 (B) an employee of the department who is:
- 20-8 (i) a division or special office director
- 20-9 or holds a rank higher than division or special office director; and
- 20-10 (ii) designated by the executive director
- 20-11 [~~Texas Department of Motor Vehicles~~].

20-12 SECTION 97. Section 621.002(a), Transportation Code, is
20-13 amended to read as follows:

20-14 (a) A copy of the registration receipt issued under Section
20-15 502.057 [~~502.178~~] for a commercial motor vehicle, truck-tractor,
20-16 trailer, or semitrailer shall be:

- 20-17 (1) carried on the vehicle when the vehicle is on a
- 20-18 public highway; and
- 20-19 (2) presented to an officer authorized to enforce this
- 20-20 chapter on request of the officer.

20-21 SECTION 98. Section 621.301(b), Transportation Code, is
20-22 amended to read as follows:

20-23 (b) The commissioners court may limit the maximum weights to
20-24 be moved on or over a county road, bridge, or culvert by exercising
20-25 its authority under this subsection in the same manner and under the
20-26 same conditions provided by Section 621.102 for the Texas
20-27 Department of Transportation [~~commission~~] to limit maximum weights
20-28 on highways and roads to which that section applies.

20-29 SECTION 99. Subchapter D, Chapter 621, Transportation Code,
20-30 is amended by adding Section 621.304 to read as follows:

20-31 Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO
20-32 REGULATE OVERWEIGHT VEHICLES AND LOADS ON STATE HIGHWAY SYSTEM.
20-33 Except as expressly authorized by this subtitle, a county or
20-34 municipality may not require a permit, bond, fee, or license for the
20-35 movement of a vehicle or combination of vehicles or any load carried
20-36 by the vehicle or vehicles on the state highway system in the county
20-37 or municipality that exceeds the weight or size limits on the state
20-38 highway system.

20-39 SECTION 100. Subchapter G, Chapter 621, Transportation
20-40 Code, is amended by adding Section 621.510 to read as follows:

20-41 Sec. 621.510. PERMIT VOID. A permit issued under this
20-42 chapter is void on the failure of the owner or the owner's
20-43 representative to comply with a rule of the board or with a
20-44 condition placed on the permit by the department.

20-45 SECTION 101. Section 622.074, Transportation Code, is
20-46 amended to read as follows:

20-47 Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This
20-48 subchapter does not apply to:

- 20-49 (1) farm equipment used for a purpose other than
- 20-50 construction;
- 20-51 (2) special mobile equipment owned by a dealer or
- 20-52 distributor;
- 20-53 (3) a vehicle used to propel special mobile equipment
- 20-54 that is registered as a farm vehicle under [~~as defined by~~] Section
- 20-55 502.433 [~~502.163~~]; or
- 20-56 (4) equipment while being used by a commercial hauler
- 20-57 to transport special mobile equipment under hire of a person who
- 20-58 derives \$500 in gross receipts annually from a farming or ranching
- 20-59 enterprise.

20-60 SECTION 102. Section 622.901, Transportation Code, is
20-61 amended to read as follows:

20-62 Sec. 622.901. WIDTH EXCEPTIONS. The width limitation
20-63 provided by Section 621.201 does not apply to:

- 20-64 (1) highway building or maintenance machinery that is
- 20-65 traveling:
- 20-66 (A) during daylight on a public highway other
- 20-67 than a highway that is part of the national system of interstate and
- 20-68 defense highways; or
- 20-69 (B) for not more than 50 miles on a highway that

21-1 is part of the national system of interstate and defense highways;
 21-2 (2) a vehicle traveling during daylight on a public
 21-3 highway other than a highway that is part of the national system of
 21-4 interstate and defense highways or traveling for not more than 50
 21-5 miles on a highway that is part of the national system of interstate
 21-6 and defense highways if the vehicle is:
 21-7 (A) a farm tractor or implement of husbandry; or
 21-8 (B) a vehicle on which a farm tractor or
 21-9 implement of husbandry, other than a tractor or implement being
 21-10 transported from one dealer to another, is being moved by the owner
 21-11 of the tractor or implement or by an agent or employee of the owner:
 21-12 (i) to deliver the tractor or implement to a
 21-13 new owner;
 21-14 (ii) to transport the tractor or implement
 21-15 to or from a mechanic for maintenance or repair; or
 21-16 (iii) in the course of an agricultural
 21-17 operation;
 21-18 (3) machinery that is used solely for drilling water
 21-19 wells, including machinery that is a unit or a unit mounted on a
 21-20 conventional vehicle or chassis, and that is traveling:
 21-21 (A) during daylight on a public highway other
 21-22 than a highway that is part of the national system of interstate and
 21-23 defense highways; or
 21-24 (B) for not more than 50 miles on a highway that
 21-25 is part of the national system of interstate and defense highways;
 21-26 (4) a vehicle owned or operated by a public, private,
 21-27 or volunteer fire department;
 21-28 (5) a vehicle registered under Section 502.431
 21-29 [~~502.164~~]; or
 21-30 (6) a recreational vehicle to which Section 622.903
 21-31 applies.
 21-32 SECTION 103. Section 623.011(b), Transportation Code, is
 21-33 amended to read as follows:
 21-34 (b) To qualify for a permit under this section:
 21-35 (1) the vehicle must be registered under Chapter 502
 21-36 for the maximum gross weight applicable to the vehicle under
 21-37 Section 621.101, not to exceed 80,000 pounds;
 21-38 (2) the security requirement of Section 623.012 must
 21-39 be satisfied; and
 21-40 (3) a base permit fee of \$90, any additional fee
 21-41 required by Section 623.0111, and any additional fee set by the
 21-42 board [~~department~~] under Section 623.0112 must be paid.
 21-43 SECTION 104. Sections 623.014(c) and (d), Transportation
 21-44 Code, are amended to read as follows:
 21-45 (c) The department shall issue the prorated credit if the
 21-46 person:
 21-47 (1) pays the fee adopted by the board [~~department~~];
 21-48 and
 21-49 (2) provides the department with:
 21-50 (A) the original permit; or
 21-51 (B) if the original permit does not exist,
 21-52 written evidence in a form approved by the department that the
 21-53 vehicle has been destroyed or is permanently inoperable.
 21-54 (d) The fee adopted by the board [~~department~~] under
 21-55 Subsection (c)(1) may not exceed the cost of issuing the credit.
 21-56 SECTION 105. The heading to Section 623.0711,
 21-57 Transportation Code, is amended to read as follows:
 21-58 Sec. 623.0711. PERMITS AUTHORIZED BY BOARD [~~COMMISSION~~].
 21-59 SECTION 106. Sections 623.0711(a), (b), (c), (d), (f), (g),
 21-60 and (h), Transportation Code, are amended to read as follows:
 21-61 (a) The board [~~commission~~] by rule may authorize the
 21-62 department to issue a permit to a motor carrier, as defined by
 21-63 Section 643.001, to transport multiple loads of the same commodity
 21-64 over a state highway if all of the loads are traveling between the
 21-65 same general locations.
 21-66 (b) The board [~~commission~~] may not authorize the issuance of
 21-67 a permit that would allow a vehicle to:
 21-68 (1) violate federal regulations on size and weight
 21-69 requirements; or

22-1 (2) transport equipment that could reasonably be
22-2 dismantled for transportation as separate loads.

22-3 (c) The board [~~commission~~] rules must require that, before
22-4 the department issues a permit under this section, the department:

22-5 (1) determine that the state will benefit from the
22-6 consolidated permitting process; and

22-7 (2) complete a route and engineering study that
22-8 considers:

22-9 (A) the estimated number of loads to be
22-10 transported by the motor carrier under the permit;

22-11 (B) the size and weight of the commodity;

22-12 (C) available routes that can accommodate the
22-13 size and weight of the vehicle and load to be transported;

22-14 (D) the potential roadway damage caused by
22-15 repeated use of the road by the permitted vehicle;

22-16 (E) any disruption caused by the movement of the
22-17 permitted vehicle; and

22-18 (F) the safety of the traveling public.

22-19 (d) The board [~~commission~~] rules may authorize the
22-20 department to impose on the motor carrier any condition regarding
22-21 routing, time of travel, axle weight, and escort vehicles necessary
22-22 to ensure safe operation and minimal damage to the roadway.

22-23 (f) The board [~~commission~~] shall require the motor carrier
22-24 to file a bond in an amount set by the board [~~commission~~], payable
22-25 to the Texas Department of Transportation [~~department~~] and
22-26 conditioned on the motor carrier paying to the Texas Department of
22-27 Transportation [~~department~~] any damage that is sustained to a state
22-28 highway because of the operation of a vehicle under a permit issued
22-29 under this section.

22-30 (g) An application for a permit under this section must be
22-31 accompanied by the permit fee established by the board [~~commission~~]
22-32 for the permit, not to exceed \$9,000. The department shall send each
22-33 fee to the comptroller for deposit to the credit of the state
22-34 highway fund.

22-35 (h) In addition to the fee established under Subsection (g),
22-36 the board [~~commission~~] rules must authorize the department to
22-37 collect a consolidated permit payment for a permit under this
22-38 section in an amount not to exceed 15 percent of the fee established
22-39 under Subsection (g), to be deposited to the credit of the state
22-40 highway fund.

22-41 SECTION 107. Section 623.078(b), Transportation Code, is
22-42 amended to read as follows:

22-43 (b) The department [~~board~~] shall send each fee collected
22-44 under Subsection (a) to the comptroller for deposit to the credit of
22-45 the state highway fund.

22-46 SECTION 108. Section 623.144, Transportation Code, is
22-47 amended to read as follows:

22-48 Sec. 623.144. REGISTRATION OF VEHICLE. (a) A person may
22-49 not operate a vehicle permitted [~~A permit~~] under this subchapter on
22-50 a public highway unless [~~may be issued only if~~] the vehicle is
22-51 registered under Chapter 502 for the maximum gross weight
22-52 applicable to the vehicle under Section 621.101 or has specialty
22-53 [the distinguishing] license plates as provided by Section 502.146
22-54 [504.504] if applicable to the vehicle.

22-55 (b) The department may not issue specialty license plates to
22-56 a vehicle described by Section 502.146(b)(3) unless the applicant
22-57 complies with the requirements of that subsection.

22-58 SECTION 109. Section 623.149(a), Transportation Code, is
22-59 amended to read as follows:

22-60 (a) The department may establish criteria to determine
22-61 whether oil well servicing, oil well clean out, or oil well drilling
22-62 machinery or equipment is subject to registration under Chapter 502
22-63 or eligible for the distinguishing license plate provided by
22-64 Section 502.146 [~~504.504~~].

22-65 SECTION 110. Section 623.194, Transportation Code, is
22-66 amended to read as follows:

22-67 Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this
22-68 subchapter may be issued only if the vehicle to be moved is
22-69 registered under Chapter 502 for the maximum gross weight

23-1 applicable to the vehicle under Section 621.101 or has the
23-2 distinguishing license plates as provided by Section 502.146
23-3 [~~504.504~~] if applicable to the vehicle.

23-4 SECTION 111. Section 623.199(a), Transportation Code, is
23-5 amended to read as follows:

23-6 (a) The department may establish criteria to determine
23-7 whether an unladen lift equipment motor vehicle that because of its
23-8 design for use as lift equipment exceeds the maximum weight and
23-9 width limitations prescribed by statute is subject to registration
23-10 under Chapter 502 or eligible for the distinguishing license plate
23-11 provided by Section 502.146 [~~504.504~~].

23-12 SECTION 112. Chapter 623, Transportation Code, is amended
23-13 by adding Subchapter R to read as follows:

23-14 SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL
23-15 EMERGENCY

23-16 Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a)
23-17 Notwithstanding any other law, the department may issue a special
23-18 permit during a major disaster as declared by the president of the
23-19 United States under the Robert T. Stafford Disaster Relief and
23-20 Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an
23-21 overweight or oversize vehicle or load that:

- 23-22 (1) can easily be dismantled or divided; and
- 23-23 (2) will be used only to deliver relief supplies.

23-24 (b) A permit issued under this section expires not later
23-25 than the 120th day after the date of the major disaster declaration.

23-26 Sec. 623.342. RULES. The board may adopt rules necessary to
23-27 implement this subchapter, including rules that establish the
23-28 requirements for obtaining a permit.

23-29 Sec. 623.343. PERMIT CONDITIONS. The department may impose
23-30 conditions on a permit holder to ensure the safe operation of a
23-31 permitted vehicle and minimize damage to roadways, including
23-32 requirements related to vehicle routing, hours of operation, weight
23-33 limits, and lighting and requirements for escort vehicles.

23-34 SECTION 113. Section 642.002(a), Transportation Code, is
23-35 amended to read as follows:

23-36 (a) A person commits an offense if:

23-37 (1) the person operates on a public street, road, or
23-38 highway:

- 23-39 (A) a commercial motor vehicle that has three or
23-40 more axles;
- 23-41 (B) a truck-tractor;
- 23-42 (C) a road-tractor; or
- 23-43 (D) a tow truck; and

23-44 (2) the vehicle does not have on each side of the power
23-45 unit identifying markings that comply with the identifying marking
23-46 requirements specified by 49 C.F.R. Section 390.21 or that:

- 23-47 (A) show the name of the owner or operator of the
23-48 vehicle;
- 23-49 (B) have clearly legible letters and numbers of a
23-50 height of at least two inches; and
- 23-51 (C) show the motor carrier registration number in
23-52 clearly legible letters and numbers, if the vehicle is required to
23-53 be registered under this chapter or Chapter 643.

23-54 SECTION 114. The heading to Section ~~643.054~~, Transportation
23-55 Code, is amended to read as follows:

23-56 Sec. 643.054. DEPARTMENT APPROVAL AND DENIAL; ISSUANCE OF
23-57 CERTIFICATE.

23-58 SECTION 115. Section 643.054, Transportation Code, is
23-59 amended by amending Subsection (a) and adding Subsections (a-1),
23-60 (a-2), and (a-3) to read as follows:

23-61 (a) The department shall register a motor carrier under this
23-62 subchapter if the carrier complies with Sections 643.052 and
23-63 643.053.

23-64 (a-1) The department may deny a registration if the
23-65 applicant has had a registration revoked under Section 643.252.

23-66 (a-2) The department may deny a registration if the
23-67 applicant's business is operated, managed, or otherwise controlled
23-68 by or affiliated with a person, including the applicant, a
23-69 relative, family member, corporate officer, or shareholder, whom

24-1 the Department of Public Safety has determined has:
 24-2 (1) an unsatisfactory safety rating under 49 C.F.R.
 24-3 Part 385; or
 24-4 (2) multiple violations of Chapter 644, a rule adopted
 24-5 under that chapter, or Subtitle C.
 24-6 (a-3) The department may deny a registration if the
 24-7 applicant is a motor carrier whose business is operated, managed,
 24-8 or otherwise controlled by or affiliated with a person, including
 24-9 an owner, relative, family member, corporate officer, or
 24-10 shareholder, whom the Department of Public Safety has determined
 24-11 has:
 24-12 (1) an unsatisfactory safety rating under 49 C.F.R.
 24-13 Part 385; or
 24-14 (2) multiple violations of Chapter 644, a rule adopted
 24-15 under that chapter, or Subtitle C.
 24-16 SECTION 116. Section 643.064, Transportation Code, is
 24-17 amended to read as follows:
 24-18 Sec. 643.064. [~~ISSUANCE OF~~] UNITED STATES DEPARTMENT OF
 24-19 TRANSPORTATION NUMBERS. (a) The department by rule shall provide
 24-20 for the issuance to a motor carrier of an identification number
 24-21 authorized by the Federal Motor Carrier Safety Administration. A
 24-22 rule must conform to rules of the Federal Motor Carrier Safety
 24-23 Administration or its successor.
 24-24 (b) A motor carrier required to register under this
 24-25 subchapter shall maintain an authorized identification number
 24-26 issued to the motor carrier by the Federal Motor Carrier Safety
 24-27 Administration, its successor, or another person authorized to
 24-28 issue the number.
 24-29 SECTION 117. Subchapter F, Chapter 643, Transportation
 24-30 Code, is amended by adding Section 643.2526 to read as follows:
 24-31 Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL,
 24-32 OR REINSTATEMENT. (a) Notwithstanding any other law, a denial of an
 24-33 application for registration, renewal of registration, or
 24-34 reinstatement of registration under this chapter is not required to
 24-35 be preceded by notice and an opportunity for hearing.
 24-36 (b) An applicant may appeal a denial under this chapter by
 24-37 filing an appeal with the department not later than the 26th day
 24-38 after the date the department issues notice of the denial to the
 24-39 applicant.
 24-40 (c) If the appeal of the denial is successful and the
 24-41 application is found to be compliant with this chapter, the
 24-42 application shall be considered to have been properly filed on the
 24-43 date the finding is entered.
 24-44 SECTION 118. Section 648.051(b), Transportation Code, is
 24-45 amended to read as follows:
 24-46 (b) This subchapter supersedes that portion of any paired
 24-47 city, paired state, or similar understanding governing foreign
 24-48 commercial motor vehicles or motor carriers entered into under
 24-49 Section 502.091 [~~502.054~~] or any other law.
 24-50 SECTION 119. Section 648.102(a), Transportation Code, is
 24-51 amended to read as follows:
 24-52 (a) The Texas Department of Motor Vehicles [~~Transportation~~]
 24-53 shall adopt rules that conform with 49 C.F.R. Part 387 requiring
 24-54 motor carriers operating foreign commercial motor vehicles in this
 24-55 state to maintain financial responsibility.
 24-56 SECTION 120. Section 681.003(b), Transportation Code, is
 24-57 amended to read as follows:
 24-58 (b) An application for a disabled parking placard must be:
 24-59 (1) on a form furnished by the department;
 24-60 (2) submitted to the county assessor-collector of the
 24-61 county in which the person with the disability resides or in which
 24-62 the applicant is seeking medical treatment if the applicant is not a
 24-63 resident of this state; and
 24-64 (3) accompanied by a fee of \$5 if the application is
 24-65 for a temporary placard.
 24-66 SECTION 121. Section 681.0031, Transportation Code, is
 24-67 amended to read as follows:
 24-68 Sec. 681.0031. APPLICANT'S [~~DRIVER'S LICENSE OR PERSONAL~~]
 24-69 IDENTIFICATION [~~CARD NUMBER~~]. (a) The applicant shall include on

25-1 the application the applicant's:
 25-2 (1) driver's license number or the number of a personal
 25-3 identification card issued to the applicant under Chapter 521;
 25-4 (2) military identification number; or
 25-5 (3) driver's license number of a driver's license
 25-6 issued by another state or country if the applicant is not a
 25-7 resident of this state and is seeking medical treatment in this
 25-8 state. [The department shall provide for this information in
 25-9 prescribing the application form.]

25-10 (b) The county assessor-collector shall record on any
 25-11 disabled parking placard issued to the applicant the following
 25-12 information in the following order:

25-13 (1) the county number assigned by the comptroller to
 25-14 the county issuing the placard;

25-15 (2) the first four digits of the applicant's driver's
 25-16 license number, personal identification card number, or military
 25-17 identification number; and

25-18 (3) the applicant's initials.

25-19 SECTION 122. Section 681.004(c), Transportation Code, is
 25-20 amended to read as follows:

25-21 (c) A disabled parking placard issued to a person with a
 25-22 permanent disability:

25-23 (1) is valid for:

25-24 (A) [a period of] four years for a resident of
 25-25 this state; and

25-26 (B) six months for a person who is not a resident
 25-27 of this state; and

25-28 (2) shall be replaced or renewed on request of the
 25-29 person to whom the initial card was issued without presentation of
 25-30 evidence of eligibility.

25-31 SECTION 123. Section 681.012, Transportation Code, is
 25-32 amended to read as follows:

25-33 Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD. (a) A law
 25-34 enforcement officer who believes that an offense under Section
 25-35 681.011(a) or (d) has occurred in the officer's presence shall
 25-36 seize any disabled parking placard involved in the offense. Not
 25-37 later than 48 hours after the seizure, the officer shall determine
 25-38 whether probable cause existed to believe that the offense was
 25-39 committed. If the officer does not find that probable cause
 25-40 existed, the officer shall promptly return each placard to the
 25-41 person from whom it was seized. If the officer finds that probable
 25-42 cause existed, the officer, not later than the fifth day after the
 25-43 date of the seizure, shall destroy the [submit each seized] placard
 25-44 and notify [to] the department.

25-45 (a-1) A peace officer may seize a disabled parking placard
 25-46 from a person who operates a vehicle on which a disabled parking
 25-47 placard is displayed if the peace officer determines by inspecting
 25-48 the person's driver's license, ~~[or]~~ personal identification
 25-49 certificate, or military identification that the disabled parking
 25-50 placard does not contain the first four digits of the driver's
 25-51 license number, [or] personal identification certificate number,
 25-52 or military identification number and the initials of:

25-53 (1) the person operating the vehicle;

25-54 (2) the applicant on behalf of a person being
 25-55 transported by the vehicle; or

25-56 (3) a person being transported by the vehicle.

25-57 (a-2) A peace officer shall destroy a seized [submit each
 25-58 seized parking] placard and notify [to] the department [not later
 25-59 than the fifth day after the seizure].

25-60 (b) On seizure of a placard [submission to the department]
 25-61 under Subsection (a) or (a-1) [(a-2)], a placard is revoked. On
 25-62 request of the person from whom the placard was seized, the
 25-63 department shall conduct a hearing and determine whether the
 25-64 revocation should continue or the placard should be returned to the
 25-65 person and the revocation rescinded.

25-66 SECTION 124. Section 728.002(d), Transportation Code, is
 25-67 amended to read as follows:

25-68 (d) This section does not prohibit the quoting of a price
 25-69 for a motor home or [7] tow truck [7, or towable recreational vehicle]

26-1 at a show or exhibition described by Section 2301.358, Occupations
 26-2 Code.

26-3 SECTION 125. Section 730.007(c), Transportation Code, is
 26-4 amended to read as follows:

26-5 (c) This section does not:

26-6 (1) prohibit the disclosure of a person's photographic
 26-7 image to:

26-8 (A) a law enforcement agency, the Texas
 26-9 Department of Motor Vehicles, a county tax assessor-collector, or a
 26-10 criminal justice agency for an official purpose;

26-11 (B) an agency of this state investigating an
 26-12 alleged violation of a state or federal law relating to the
 26-13 obtaining, selling, or purchasing of a benefit authorized by
 26-14 Chapter 31 or 33, Human Resources Code; or

26-15 (C) an agency of this state investigating an
 26-16 alleged violation of a state or federal law under authority
 26-17 provided by Title 4, Labor Code; or

26-18 (2) prevent a court from compelling by subpoena the
 26-19 production of a person's photographic image.

26-20 SECTION 126. Section 1001.009(c), Transportation Code, is
 26-21 amended to read as follows:

26-22 (c) The rules adopted under Subsection (a) may:

26-23 (1) authorize the use of electronic funds transfer or
 26-24 a valid debit or credit card issued by a financial institution
 26-25 chartered by a state, the United States, or a nationally recognized
 26-26 credit organization approved by the department; ~~and~~

26-27 (2) require the payment of a discount or service
 26-28 charge for a credit card payment in addition to the fee; and

26-29 (3) require an overpayment of a motor vehicle or
 26-30 salvage dealer license fee of:

26-31 (A) less than \$10 to be credited toward a future
 26-32 fee requirement; and

26-33 (B) more than \$10 to be refunded.

26-34 SECTION 127. Subchapter A, Chapter 1001, Transportation
 26-35 Code, is amended by adding Section 1001.012 to read as follows:

26-36 Sec. 1001.012. IMMUNITY FROM LIABILITY. (a)
 26-37 Notwithstanding any other law, the executive director, a board
 26-38 member, or an employee is not personally liable for damages
 26-39 resulting from an official act or omission unless the act or
 26-40 omission constitutes intentional or malicious malfeasance.

26-41 (b) To the extent a person described by Subsection (a) is
 26-42 personally liable for damages for which the state provides
 26-43 indemnity under Chapter 104, Civil Practice and Remedies Code, this
 26-44 section does not affect the state's liability for the indemnity.

26-45 SECTION 128. Subchapter A, Chapter 1001, Transportation
 26-46 Code, is amended by adding Section 1001.013 to read as follows:

26-47 Sec. 1001.013. PERFORMANCE OF CERTAIN DEPARTMENT FUNCTIONS
 26-48 BY AUTHORIZED BUSINESS. (a) The executive director of the
 26-49 department may authorize a business entity to perform a department
 26-50 function in accordance with rules adopted under Subsection (b).

26-51 (b) The board by rule shall prescribe:

26-52 (1) the classification types of businesses that are
 26-53 authorized to perform certain department functions;

26-54 (2) the duties and obligations of an authorized
 26-55 business;

26-56 (3) the type and amount of any bonds that may be
 26-57 required for a business to perform certain functions; and

26-58 (4) the fees that may be charged or retained by a
 26-59 business authorized under this section.

26-60 SECTION 129. Section 1001.023(b), Transportation Code, is
 26-61 amended to read as follows:

26-62 (b) The chair shall:

26-63 (1) preside over board meetings, make rulings on
 26-64 motions and points of order, and determine the order of business;

26-65 (2) represent the department in dealing with the
 26-66 governor;

26-67 (3) report to the governor on the state of affairs of
 26-68 the department at least quarterly;

26-69 (4) report to the board the governor's suggestions for

27-1 department operations;

27-2 (5) report to the governor on efforts, including
27-3 legislative requirements, to maximize the efficiency of department
27-4 operations through the use of private enterprise;

27-5 (6) periodically review the department's
27-6 organizational structure and submit recommendations for structural
27-7 changes to the governor, the board, and the Legislative Budget
27-8 Board;

27-9 (7) designate at least one employee [~~one or more~~
27-10 ~~employees~~] of the department as a civil rights officer [~~division~~]
27-11 of the department and receive regular reports from the officer or
27-12 officers [~~division~~] on the department's efforts to comply with
27-13 civil rights legislation and administrative rules;

27-14 (8) create subcommittees, appoint board members to
27-15 subcommittees, and receive the reports of subcommittees to the
27-16 board as a whole;

27-17 (9) appoint a member of the board to act in the absence
27-18 of the chair and vice chair; and

27-19 (10) serve as the departmental liaison with the
27-20 governor and the Office of State-Federal Relations to maximize
27-21 federal funding for transportation.

27-22 SECTION 130. Section 1001.042, Transportation Code, is
27-23 amended to read as follows:

27-24 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board
27-25 shall develop and implement policies that clearly define the
27-26 respective responsibilities of the executive director and the staff
27-27 of the department.

27-28 SECTION 131. Section 1001.101(2), Transportation Code, is
27-29 amended to read as follows:

27-30 (2) "License" includes:

27-31 (A) a motor carrier registration issued under
27-32 Chapter 643;

27-33 (B) a motor vehicle dealer, salvage dealer,
27-34 manufacturer, distributor, representative, converter, or agent
27-35 license issued by the department;

27-36 (C) specially designated or specialized license
27-37 plates issued under Chapter 504; and

27-38 (D) an apportioned registration issued according
27-39 to the International Registration Plan under Section 502.091
27-40 [~~502.054~~].

27-41 SECTION 132. The following laws are repealed:

27-42 (1) Sections 2301.101, 2301.157, 2301.259(b), and
27-43 2301.606(a), Occupations Code;

27-44 (2) Sections 502.252(b), 503.009(b), 503.029(b),
27-45 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092,
27-46 623.0711(k), and 623.093(f), Transportation Code; and

27-47 (3) Section 520.004, Transportation Code, as added by
27-48 Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular
27-49 Session, 2011.

27-50 SECTION 133. The changes in law made by this Act apply only
27-51 to an offense committed on or after the effective date of this Act.
27-52 An offense committed before the effective date of this Act is
27-53 governed by the law in effect on the date the offense was committed,
27-54 and the former law is continued in effect for that purpose. For
27-55 purposes of this section, an offense was committed before the
27-56 effective date of this Act if any element of the offense occurred
27-57 before that date.

27-58 SECTION 134. A deputy appointed under Section 520.0091,
27-59 Transportation Code, on or before August 31, 2013, may continue to
27-60 perform the services authorized under Sections 520.008, 520.009,
27-61 520.0091, and 520.0092, Transportation Code, until the Texas
27-62 Department of Motor Vehicles Board adopts rules regarding the types
27-63 of deputies authorized to perform titling and registration duties
27-64 under Section 520.0071, Transportation Code, as added by this Act.

27-65 SECTION 135. To the extent of any conflict, this Act
27-66 prevails over another Act of the 83rd Legislature, Regular Session,
27-67 2013, relating to nonsubstantive additions to and corrections in
27-68 enacted codes.

27-69 SECTION 136. (a) Except as provided by Subsection (b) of

28-1 this section, this Act takes effect September 1, 2013.
28-2 (b) Sections 501.146 and 504.202, Transportation Code, as
28-3 amended by this Act, and Section 504.948, Transportation Code, as
28-4 added by this Act, take effect immediately if this Act receives a
28-5 vote of two-thirds of all the members elected to each house, as
28-6 provided by Section 39, Article III, Texas Constitution. If this
28-7 Act does not receive the vote necessary for immediate effect,
28-8 Sections 501.146 and 504.202, Transportation Code, as amended by
28-9 this Act, and Section 504.948, Transportation Code, as added by
28-10 this Act, take effect September 1, 2013.

28-11

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