

By: Rodriguez of Travis, Harless, Anderson,
Wu, Villalba, et al.

H.B. No. 3351

Substitute the following for H.B. No. 3351:

By: Rodriguez of Travis

C.S.H.B. No. 3351

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the ownership or operation of a motor vehicle
3 dealership by a manufacturer of motor vehicles powered only by
4 electricity or battery.

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

6 SECTION 1. Section 2301.252(a), Occupations Code, is
7 amended to read as follows:

8 (a) A person may not engage in the business of buying,
9 selling, or exchanging new motor vehicles unless the person:

10 (1) holds a franchised dealer's license issued under
11 this chapter for the make of new motor vehicle being bought, sold,
12 or exchanged~~[+]~~ or

13 [~~(2)~~] is a bona fide employee of the holder of a
14 franchised dealer's license; or

15 (2) is a manufacturer authorized to own or operate a
16 dealership or act in the capacity of a dealer under Section
17 2301.476(i-1) or is a bona fide employee of the manufacturer.

18 SECTION 2. Section 2301.476, Occupations Code, is amended
19 by adding Subsection (i-1) to read as follows:

20 (i-1) Notwithstanding any other provision of this chapter,
21 a manufacturer only of motor vehicles powered only by electricity
22 or battery may own or operate a dealership, may act in the capacity
23 of a dealer at any location in this state, and may obtain a dealer
24 general distinguishing number as provided by Section 503.029(d),

1 Transportation Code, if the manufacturer:

2 (1) has its headquarters in the United States;

3 (2) has never sold its line-make in the United States
4 through an independent franchised new motor vehicle dealership; and

5 (3) does not sell more than 5,000 new motor vehicles
6 powered only by electricity or battery from all dealership
7 locations operated by the manufacturer in this state in any
8 calendar year.

9 SECTION 3. Section 503.029, Transportation Code, is amended
10 by adding Subsection (d) to read as follows:

11 (d) Notwithstanding Subsection (a), a manufacturer
12 authorized to own or operate a dealership or act in the capacity of
13 a dealer under Section 2301.476(i-1), Occupations Code, is entitled
14 to obtain a dealer general distinguishing number under this section
15 if the manufacturer submits to the department a written application
16 that:

17 (1) complies with the verification requirements of
18 Subsection (b);

19 (2) is accompanied by the appropriate fee prescribed
20 by Section 503.007;

21 (3) contains information that demonstrates that the
22 manufacturer meets the requirements prescribed by Section
23 2301.476(i-1), Occupations Code; and

24 (4) states that the manufacturer agrees to allow the
25 department to examine during working hours the ownership papers for
26 each registered or unregistered vehicle in the manufacturer's
27 possession or control being offered for sale in this state.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.