| **House Bill 2741**Senate AmendmentsSection-by-Section Analysis |
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| HOUSE VERSION | SENATE VERSION (IE) | CONFERENCE |
| SECTION 1. Section 348.005, Finance Code, is amended to read as follows:Sec. 348.005. ITEMIZED CHARGE. An amount in a retail installment contract is an itemized charge if the amount is not included in the cash price and is the amount of:(1) fees for registration, certificate of title, and license and any additional registration fees charged by a [~~full service~~] deputy as authorized by rules adopted under Section 520.0071 [~~502.114~~], Transportation Code;(2) any taxes;(3) fees or charges prescribed by law and connected with the sale or inspection of the motor vehicle; and(4) charges authorized for insurance, service contracts, warranties, or a debt cancellation agreement by Subchapter C. | SECTION 1. Same as House version. |  |
| SECTION 2. Section 353.006, Finance Code, is amended to read as follows:Sec. 353.006. ITEMIZED CHARGE. An amount in a retail installment contract is an itemized charge if the amount is not included in the cash price and is the amount of:(1) fees for registration, certificate of title, and license and any additional registration fees charged by a [~~full service~~] deputy as authorized by rules adopted under Section 520.0071 [~~502.114~~], Transportation Code;(2) any taxes;(3) fees or charges prescribed by law and connected with the sale or inspection of the commercial vehicle;(4) charges authorized for insurance, service contracts, and warranties by Subchapter C; and(5) advances or payments authorized under Section 353.402(b) or (c) made by the retail seller to or for the benefit of the retail buyer. | SECTION 2. Same as House version. |  |
| SECTION 3. Section 418.016, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:(f) The governor may suspend any of the following requirements in response to an emergency or disaster declaration of another jurisdiction if strict compliance with the requirement would prevent, hinder, or delay necessary action in assisting another state with coping with an emergency or disaster:(1) a registration requirement in an agreement entered into under the International Registration Plan under Section 502.091, Transportation Code, to the extent authorized by federal law;(2) a temporary registration permit requirement under Section 502.094, Transportation Code;(3) a provision of Subtitle E, Title 7, Transportation Code, to the extent authorized by federal law;(4) a motor carrier registration requirement under Chapter 643, Transportation Code;(5) a registration requirement under Chapter 645, Transportation Code, to the extent authorized by federal law; or(6) a fuel tax requirement under the International Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq., to the extent authorized by federal law.(g) For the purposes of Subsection (f), "emergency or disaster declaration of another jurisdiction" means an emergency declaration, a major disaster declaration, a state of emergency declaration, a state of disaster declaration, or a similar declaration made by:(1) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.); or(2) the governor of another state.(h) To the extent federal law requires this state to issue a special permit under 23 U.S.C. Section 127 or an executive order, a suspension issued under Subsection (f) is a special permit or an executive order. | SECTION 3. Same as House version. |  |
| SECTION 4. Section 1201.206(f), Occupations Code, is amended to read as follows:(f) If the owner of a manufactured home relocates the home, the owner shall apply for the issuance of a new statement of ownership and location not later than the 60th day after the date the home is relocated. The department shall require that the owner submit evidence that the home was relocated in accordance with the requirements of the Texas Department of Motor Vehicles [~~Transportation~~]. | SECTION 4. Same as House version. |  |
| SECTION 5. Section 2301.002(12), Occupations Code, is amended to read as follows:(12) "Division" means the [~~Motor Vehicle Division of the~~] department division that regulates the distribution and sale of motor vehicles. | SECTION 5. Same as House version. |  |
| SECTION 6. The heading to Subchapter C, Chapter 2301, Occupations Code, is amended to read as follows:SUBCHAPTER C. [~~DIRECTOR AND OTHER~~] DIVISION PERSONNEL | SECTION 6. Same as House version. |  |
| SECTION 7. Section 2301.154, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:(b) The board by rule may delegate any power relating to a contested case hearing brought under this chapter or Chapter 503, Transportation Code, other than the power to issue a final order, to:(1) one or more of the board's members;(2) the executive director;(3) the director; or(4) one or more of the department's employees.(c) The board by rule may delegate the authority to issue a final order in a contested case hearing brought under this chapter or Chapter 503, Transportation Code, to:(1) one or more of the board's members;(2) the executive director; or(3) the director of a division within the department designated by the board or the executive director to carry out the requirements of this chapter.(e) An action taken by a person to whom a power or other authority is delegated under Subsection (b) or (c), including the issuance of an order, is considered an action of the board and may not be appealed to the board. | SECTION 7. Same as House version. |  |
| SECTION 8. Section 2301.257(a), Occupations Code, is amended to read as follows:(a) An application for a dealer's license must be on a form prescribed by the department. The application must include:(1) the information required by Chapter 503, Transportation Code; and(2) information [~~relating to the applicant's financial resources, business integrity, business ability and experience, franchise if applicable, physical facilities, vehicle inventory, and other factors~~] the board determines by rule is [~~department considers~~] necessary to determine the applicant's qualifications to adequately serve the public. | SECTION 8. Same as House version. |  |
| SECTION 9. Sections 2301.260(a) and (b), Occupations Code, are amended to read as follows:(a) An application for a distributor's license must disclose:(1) the manufacturer for whom the distributor will act;(2) whether the manufacturer is licensed in this state;(3) [~~the warranty covering the motor vehicles to be sold;~~[~~(4)~~] the persons in this state who will be responsible for compliance with the warranty covering the motor vehicles to be sold;(4) [~~(5)~~] the terms of the contract under which the distributor will act for the manufacturer; and(5) [~~(6)~~] the franchised dealers with whom the distributor will do business.(b) An applicant for a distributor's license that has a responsibility under a warranty agreement must include a statement regarding the manufacturer's compliance with Subchapter I and Sections 2301.451-2301.476 [~~provide the same information relating to the agreement as is provided by an applicant for a manufacturer's license under Section 2301.259~~]. | SECTION 9. Same as House version. |  |
| SECTION 10. Section 2301.264(d), Occupations Code, is amended to read as follows:(d) The department may refund [~~from funds appropriated to the department for that purpose~~] a fee collected under this chapter that is not due or that exceeds the amount due. | SECTION 10. Same as House version. |  |
| SECTION 11. Section 2301.301(b), Occupations Code, is amended to read as follows:(b) The department [~~board~~] may issue a license for a term of less than the period prescribed under Subsection (a) to coordinate the expiration dates of licenses held by a person that is required to obtain more than one license to perform activities under this chapter. | SECTION 11. Same as House version. |  |
| SECTION 12. Section 2301.303, Occupations Code, is amended to read as follows:Sec. 2301.303. RENEWAL OF DEALER'S LICENSE. A dealer shall renew the dealer's license on an application prescribed by the department [~~director~~]. The department [~~director~~] shall include in the renewal application a request for disclosure of material changes described by Section 2301.257. | SECTION 12. Same as House version. |  |
| SECTION 13. Section 2301.353, Occupations Code, is amended to read as follows:Sec. 2301.353. PROHIBITION: PERFORMANCE OF OBLIGATION UNDER AGREEMENT WITH MANUFACTURER. A franchised dealer may not fail to perform an obligation placed on:(1) the selling dealer in connection with the preparation and delivery of a new motor vehicle for retail sale as provided in the manufacturer's preparation and delivery agreements [~~on file with the board~~] that are applicable to the vehicle; or(2) the dealer in connection with the manufacturer's warranty agreements [~~on file with the board~~]. | SECTION 13. Same as House version. |  |
| SECTION 14. Section 2301.358(a), Occupations Code, is amended to read as follows:(a) A person who holds a license issued under this chapter may not participate in a new motor vehicle show or exhibition unless:(1) the person provides the department with written notice [~~at least 30 days~~] before the date the show or exhibition opens; and(2) the department grants written approval. | SECTION 14. Same as House version. |  |
| SECTION 15. Section 2301.401, Occupations Code, is amended to read as follows:Sec. 2301.401. WARRANTY, PREPARATION, AND DELIVERY [~~FILING~~] REQUIREMENTS. (a) On request, a [~~A~~] manufacturer or distributor shall provide to [~~file with~~] the department a copy of the current requirements the manufacturer or distributor imposes on its dealers with respect to the dealer's:(1) duties under the manufacturer's or distributor's warranty; and(2) vehicle preparation and delivery obligations.(b) Warranty or preparation and delivery requirements placed on a dealer by a manufacturer are not enforceable unless the requirements are reasonable [~~and are disclosed and filed as required by Subsection (a)~~]. | SECTION 15. Same as House version. |  |
| SECTION 16. Section 2301.460, Occupations Code, is amended to read as follows:Sec. 2301.460. WARRANTY, PREPARATION, OR DELIVERY AGREEMENT OBLIGATIONS. Notwithstanding the terms of any franchise, a manufacturer, distributor, or representative may not, after a complaint and a hearing, fail or refuse to perform an obligation placed on the manufacturer in connection with the preparation, delivery, and warranty of a new motor vehicle as provided in the manufacturer's warranty, preparation, and delivery agreements [~~on file with the board~~]. | SECTION 16. Same as House version. |  |
| SECTION 17. Section 2301.461(a), Occupations Code, is amended to read as follows:(a) Notwithstanding the terms of any franchise or any other law, a franchised dealer's preparation, delivery, and warranty obligations [~~as filed with the board~~] are the dealer's sole responsibility for product liability as between the dealer and a manufacturer or distributor. | SECTION 17. Same as House version. |  |
| SECTION 18. Section 2301.4651(a), Occupations Code, is amended to read as follows:(a) This section applies to a manufacturer, distributor, or representative that[~~:~~[~~(1)~~] terminates or discontinues a franchise by [~~any means without complying with Section 2301.453; or~~[~~(2) regardless of whether the manufacturer, distributor, or representative complies with Section 2301.453, terminates or discontinues a franchise by~~]:(1) [~~(A)~~] discontinuing a line-make;(2) [~~(B)~~] ceasing to do business in this state; or(3) [~~(C)~~] changing the distributor or method of distribution of its products in this state. | SECTION 18. Same as House version. |  |
| SECTION 19. Sections 2301.606(b) and (c), Occupations Code, are amended to read as follows:(b) In a hearing [~~before the director~~] under this subchapter, a manufacturer, converter, or distributor may plead and prove as an affirmative defense to a remedy under this subchapter that a nonconformity:(1) is the result of abuse, neglect, or unauthorized modification or alteration of the motor vehicle; or(2) does not substantially impair the use or market value of the motor vehicle.(c) The board or a person delegated power from the board under Section 2301.154 [~~director~~] may not issue an order requiring a manufacturer, converter, or distributor to make a refund or to replace a motor vehicle unless:(1) the owner or a person on behalf of the owner has mailed written notice of the alleged defect or nonconformity to the manufacturer, converter, or distributor; and(2) the manufacturer, converter, or distributor has been given an opportunity to cure the alleged defect or nonconformity. | SECTION 19. Same as House version. |  |
| SECTION 20. Section 2301.607(c), Occupations Code, is amended to read as follows:(c) If [~~the administrative law judge does not issue~~] a proposal for decision and recommendation for [~~recommend to the director~~] a final order are not issued before the 151st day after the date a complaint is filed under this subchapter, the department [~~director~~] shall provide written notice by certified mail to the complainant and to the manufacturer, converter, or distributor of the expiration of the 150-day period and of the complainant's right to file a civil action. The board or a person delegated power from the board under Section 2301.154 shall extend the 150-day period if a delay is requested or caused by the person who filed the complaint. | SECTION 20. Same as House version. |  |
| SECTION 21. Section 2301.608, Occupations Code, is amended to read as follows:Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR REFUND. (a) In an order issued under this subchapter, the board or a person delegated power from the board under Section 2301.154 [~~director~~] shall name the person responsible for paying the cost of any refund or replacement. A manufacturer, converter, or distributor may not cause a franchised dealer to directly or indirectly pay any money not specifically ordered by the board or a person delegated power from the board under Section 2301.154 [~~director~~].(b) If the board or a person delegated power from the board under Section 2301.154 [~~director~~] orders a manufacturer, converter, or distributor to make a refund or replace a motor vehicle under this subchapter, the board or person [~~director~~] may order the franchised dealer to reimburse the owner, lienholder, manufacturer, converter, or distributor only for an item or option added to the vehicle by the dealer to the extent that the item or option contributed to the defect that served as the basis for the order.(c) In a case involving a leased vehicle, the board or a person delegated power from the board under Section 2301.154 [~~director~~] may terminate the lease and apportion allowances or refunds, including the reasonable allowance for use, between the lessee and lessor of the vehicle. | SECTION 21. Same as House version. |  |
| SECTION 22. Section 2301.609(a), Occupations Code, is amended to read as follows:(a) A party to a proceeding [~~before the director~~] under this subchapter that is affected by a final order related to the proceeding [~~of the director~~] is entitled to judicial review of the order under the substantial evidence rule in a district court of Travis County. | SECTION 22. Same as House version. |  |
| SECTION 23. Sections 2301.610(a) and (d), Occupations Code, are amended to read as follows:(a) A manufacturer, distributor, or converter that has been ordered to repurchase or replace a vehicle shall, through its franchised dealer, issue a disclosure statement stating that the vehicle was repurchased or replaced by the manufacturer, distributor, or converter under this subchapter. The statement must accompany the vehicle through the first retail purchase following the issuance of the statement and must include the [~~board's~~] toll-free telephone number described by Subsection (d) that will enable the purchaser to obtain information about the condition or defect that was the basis of the order for repurchase or replacement.(d) The department [~~board~~] shall maintain a toll-free telephone number to provide information to a person who requests information about a condition or defect that was the basis for repurchase or replacement by an order issued under this chapter [~~of the director~~]. The department [~~board~~] shall maintain an effective method of providing information to a person who makes a request. | SECTION 23. Same as House version. |  |
| SECTION 24. Section 2301.651(d), Occupations Code, is amended to read as follows:(d) A license may not be denied, revoked, or suspended, and disciplinary action may not be taken under this subchapter, unless the respondent is given an opportunity for a hearing. The board may deny, revoke, or suspend a license or take disciplinary action by [~~except on~~] order only [~~of the board~~] after the department grants the respondent an opportunity for a hearing. | SECTION 24. Same as House version. |  |
| SECTION 25. Section 2301.703(a), Occupations Code, is amended to read as follows:(a) A hearing [~~shall be conducted in any contested case~~] arising under this chapter or a board rule adopted under this chapter[~~. The hearing~~] must be conducted in accordance with this chapter, any order, decision, or rule of the board, and Chapter 2001, Government Code. | SECTION 25. Same as House version. |  |
| SECTION 26. Section 2301.709, Occupations Code, is amended to read as follows:Sec. 2301.709. [~~PROPOSED DECISION;~~] REVIEW BY BOARD. (a) [~~In a contested case, the administrative law judge shall serve on each party a copy of the administrative law judge's proposal for decision and recommended order containing findings of fact and conclusions of law. A party may file exceptions and replies to the board.~~[~~(b)~~] In reviewing a [~~the~~] case under this subchapter, the board or a person delegated power from the board under Section 2301.154 may consider only materials that are submitted timely.(b) [~~(c)~~] The board or a person delegated power from the board under Section 2301.154 may hear such oral argument from any party as the board may allow.(c) [~~(d)~~] The board or a person delegated power from the board under Section 2301.154 shall take any further action conducive to the issuance of a final order and shall issue a written final decision or order. A majority vote of a quorum of the board is required to adopt a final decision or order of the board. | SECTION 26. Same as House version. |  |
| SECTION 27. Section 2301.710, Occupations Code, is amended to read as follows:Sec. 2301.710. DISMISSAL OF COMPLAINT. On the motion of any party, the board or other person delegated final order authority under Section 2301.154, without holding a contested case hearing, may issue a final order dismissing a complaint, protest, or response in accordance with the terms and procedures set forth in the [~~Rule 166a,~~] Texas Rules of Civil Procedure[~~, or its successor~~]. | SECTION 27. Same as House version. |  |
| SECTION 28. Section 2301.711, Occupations Code, is amended to read as follows:Sec. 2301.711. ORDERS AND DECISIONS. (a) The board or other person delegated final order authority under Section 2301.154 shall issue final orders for the implementation and enforcement of this chapter and Chapter 503, Transportation Code.(b) An order or decision under this chapter [~~of the board~~] must:(1) include a separate finding of fact with respect to each specific issue [~~the board is~~] required by law to be considered [~~consider~~] in reaching a decision;(2) set forth additional findings of fact and conclusions of law on which the order or decision is based;(3) give the reasons for the particular actions taken; and(4) be signed by the presiding officer or assistant presiding officer for the board or other person delegated final order authority under Section 2301.154[~~;~~[~~(5) be attested to by the director; and~~[~~(6) have the seal affixed to it~~]. | SECTION 28. Same as House version. |  |
| SECTION 29. Section 2301.712(b), Occupations Code, is amended to read as follows:(b) If a person who brings a complaint under Subchapter M prevails in the case, the board or a person delegated power from the board under Section 2301.154 shall order the nonprevailing party in the case to reimburse the amount of the filing fee for the case. | SECTION 29. Same as House version. |  |
| SECTION 30. Section 2301.713, Occupations Code, is amended to read as follows:Sec. 2301.713. REHEARING. (a) Except as provided by Subsection (b), a [~~A~~] party who seeks a rehearing of an order shall seek the rehearing in accordance with Chapter 2001, Government Code.(b) The board by rule may establish a procedure to allow parties to contested cases in which the final order is issued by a person to whom final order authority is delegated under Section 2301.154 to file motions for rehearing with the board. | SECTION 30. Same as House version. |  |
| SECTION 31. Section 2301.751(a), Occupations Code, is amended to read as follows:(a) A party to a proceeding affected by a final order, rule, or decision or other final action of the board [~~or director under this chapter or under another law~~] with respect to a matter arising under this chapter or Chapter 503, Transportation Code, may seek judicial review of the action under the substantial evidence rule in:(1) a district court in Travis County; or(2) the court of appeals for the Third Court of Appeals District. | SECTION 31. Same as House version. |  |
| SECTION 32. Section 2301.752(b), Occupations Code, is amended to read as follows:(b) Citation for an appeal must be served on the executive director or the executive director's designee and each party of record in the matter. For an appeal initiated in the court of appeals, the court shall cause the citation to be issued. | SECTION 32. Same as House version. |  |
| SECTION 33. Sections 2301.802(d) and (e), Occupations Code, are amended to read as follows:(d) An interlocutory cease and desist order remains in effect until vacated or incorporated in a final order [~~of the board~~]. An appeal of an interlocutory cease and desist order must be made to the board before seeking judicial review as provided by this chapter.(e) A permanent cease and desist order may be issued regardless of the requirements of Subsection (b) but only under the procedures for a final order [~~by the board~~] under this chapter. An appeal of a permanent cease and desist order is made in the same manner as an appeal of a final order under this chapter. | SECTION 33. Same as House version. |  |
| SECTION 34. Section 2301.803(a), Occupations Code, is amended to read as follows:(a) On the initiation of a [~~board~~] proceeding under this chapter or Chapter 503, Transportation Code, whether by complaint, protest, or otherwise, a person who receives notice from the board of a statutory stay imposed by this chapter may not allow or commit any act or omission that would:(1) violate this chapter, Chapter 503, Transportation Code, [~~or~~] any rule, order, or decision of the board, or an order or decision of a person delegated power from the board under Section 2301.154;(2) affect a legal right, duty, or privilege of any party to a proceeding under this chapter or Chapter 503, Transportation Code [~~before the board~~]; or(3) tend to render ineffectual an [~~a board~~] order in a pending proceeding. | SECTION 34. Same as House version. |  |
| SECTION 35. Sections 2301.804(a) and (b), Occupations Code, are amended to read as follows:(a) If it appears that a person has violated, is violating, or is threatening to violate this chapter, Chapter 503, Transportation Code, [~~or~~] a board rule adopted under this chapter or Chapter 503, Transportation Code, or an order issued under this chapter or Chapter 503, Transportation Code, the board or the executive director, if authorized by the presiding officer of the board, may cause a suit to be instituted in a court for:(1) injunctive relief to restrain the person from committing the violation or threat of violation;(2) imposition of a civil penalty; or(3) both injunctive relief and a civil penalty.(b) At the request of the board or the executive director, if authorized by the presiding officer of the board, the attorney general shall bring in the name of the state a suit for an injunction or a civil penalty as described by Subsection (a). | SECTION 35. Same as House version. |  |
| SECTION 36. Section 2302.103(a), Occupations Code, is amended to read as follows:(a) To apply for a salvage vehicle dealer license, a person must submit to the department an application on a form prescribed by the department[~~. The application must be signed by the applicant~~] and [~~accompanied by~~] the application fee. | SECTION 36. Same as House version. |  |
| SECTION 37. Section 2305.001, Occupations Code, is amended by adding Subdivisions (5) and (6) to read as follows:(5) "Board" means the board of the Texas Department of Motor Vehicles.(6) "Department" means the Texas Department of Motor Vehicles. | SECTION 37. Same as House version. |  |
| SECTION 38. Section 2305.007(a), Occupations Code, is amended to read as follows:(a) Except as provided by Subsection (b), for the purpose of enforcing or administering this chapter, Chapter 2302 of this code, or Chapter 501 or 502, Transportation Code, a member of the board [~~Texas Transportation Commission~~], an employee of the department [~~Texas Transportation Commission or Texas Department of Transportation~~], a member of the Public Safety Commission, an officer of the Department of Public Safety, or another peace officer who is interested in tracing or locating a stolen motor vehicle may at a reasonable time:(1) enter the premises of a business regulated under one of those chapters; and(2) inspect or copy any document, record, vehicle, part, or other item regulated under one of those chapters. | SECTION 38. Same as House version. |  |
| SECTION 39. The heading to Subchapter L, Chapter 201, Transportation Code, is amended to read as follows:SUBCHAPTER L. ELECTRONIC ISSUANCE OF OUTDOOR ADVERTISING LICENSES | SECTION 39. Same as House version. |  |
| SECTION 40. Section 201.931(2), Transportation Code, is amended to read as follows:(2) "License" means [~~includes:~~[~~(A) a permit issued by the department that authorizes the operation of a vehicle and its load or a combination of vehicles and load exceeding size or weight limitations; and~~[~~(B)~~] a license or permit for outdoor advertising issued under Chapter 391 or 394. | SECTION 40. Same as House version. |  |
| SECTION 41. Section 501.021(a), Transportation Code, is amended to read as follows:(a) A motor vehicle title issued by the department must include:(1) the legal name and address of each purchaser and seller at the first sale or a subsequent sale;(2) the make of the motor vehicle;(3) the body type of the vehicle;(4) the manufacturer's permanent vehicle identification number of the vehicle or the vehicle's motor number if the vehicle was manufactured before the date that stamping a permanent identification number on a motor vehicle was universally adopted;(5) the serial number for the vehicle;(6) the name and address of each lienholder and the date of each lien on the vehicle, listed in the chronological order in which the lien was recorded;(7) a statement indicating rights of survivorship under Section 501.031;(8) if the vehicle has an odometer, the odometer reading at the time of application for the title; and(9) any other information required by the department. | SECTION 41. Same as House version. |  |
| SECTION 42. Sections 501.022(a) and (b), Transportation Code, are amended to read as follows:(a) The owner of a motor vehicle registered in this state:(1) except as provided by Section 501.029, shall apply for title to the vehicle; and(2) may not operate or permit the operation of the vehicle on a public highway until the owner [~~obtains~~]:(A) applies for title and registration for the vehicle; or(B) obtains a receipt evidencing title for registration purposes only under Section 501.029.(b) A person may not operate a motor vehicle registered in this state on a public highway if the person knows or has reason to believe that the owner has not applied for [~~obtained~~] a title for the vehicle. | SECTION 42. Same as House version. |  |
| SECTION 43. Section 501.023(a), Transportation Code, is amended to read as follows:(a) The owner of a motor vehicle must present identification and apply for a title as prescribed by the department, unless otherwise exempted by law. To obtain a title, the owner must apply:(1) to the county assessor-collector in the county in which:(A) the owner is domiciled; or(B) the motor vehicle is purchased or encumbered; [~~or~~](2) if the county in which the owner resides has been declared by the governor as a disaster area, to the county assessor-collector in one of the closest unaffected counties to a county that asks for assistance and:(A) continues to be declared by the governor as a disaster area because the county has been rendered inoperable by the disaster; and(B) is inoperable for a protracted period of time; or(3) if the county assessor-collector's office of the county in which the owner resides is closed for a protracted period of time as defined by the department, to the county assessor-collector of a county that borders the county in which the owner resides who agrees to accept the application. | SECTION 43. Same as House version. |  |
| SECTION 44. Section 501.0234(b), Transportation Code, is amended to read as follows:(b) This section does not apply to a motor vehicle:(1) that has been declared a total loss by an insurance company in the settlement or adjustment of a claim;(2) for which the title has been surrendered in exchange for:(A) a salvage vehicle title or salvage record of title issued under this chapter;(B) a nonrepairable vehicle title or nonrepairable vehicle record of title issued under this chapter or Subchapter D, Chapter 683; or(C) an ownership document issued by another state that is comparable to a document described by Paragraph (A) or (B);(3) with a gross weight in excess of 11,000 pounds; or(4) purchased by a commercial fleet buyer who:(A) is a [~~full-service~~] deputy authorized by rules adopted under Section 520.0071;(B) [~~520.008 and who~~] utilizes the dealer title application process developed to provide a method to submit title transactions to the county in which the commercial fleet buyer is a [~~full-service~~] deputy; and(C) has authority to accept an application for registration and application for title transfer that the county assessor-collector may accept. | SECTION 44. Same as House version. |  |
| SECTION 45. Section 501.024(d), Transportation Code, is amended to read as follows:(d) A title receipt with registration or permit authorizes the operation of the motor vehicle on a public highway in this state [~~for 10 days or~~] until the title is issued[~~, whichever period is shorter~~]. | SECTION 45. Same as House version. |  |
| SECTION 46. Sections 501.031(a) and (c), Transportation Code, are amended to read as follows:(a) The department shall include on each title an optional rights of survivorship agreement that:(1) provides that if the agreement is between two or more eligible persons, the motor vehicle will be owned [~~is held jointly~~] by the surviving owners when one or more of the owners die [~~those persons with the interest of a person who dies to transfer to the surviving person or persons~~]; and(2) provides for the acknowledgment by signature, either electronically or by hand, of the persons.(c) Ownership of the vehicle may be transferred only:(1) by all the persons acting jointly, if all the persons are alive; or [~~and~~](2) on the death of one of the persons, by the surviving person or persons by transferring ownership of the vehicle, in the manner otherwise required by law, with a copy of the death certificate of the deceased person. | SECTION 46. Same as House version. |  |
| SECTION 47. Section 501.032, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:(a) On proper application, the department shall assign a vehicle identification number to a travel trailer, a trailer or semitrailer [~~that has a gross vehicle weight that exceeds 4,000 pounds~~], a frame, or an item of equipment, including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment [~~on which~~]:(1) on which a vehicle identification number was not die-stamped by the manufacturer; [~~or~~](2) on which a vehicle identification number die-stamped by the manufacturer has been lost, removed, or obliterated; or(3) for which a vehicle identification number was never assigned.(b) The applicant shall die-stamp the assigned vehicle identification number at the place designated by the department on the travel trailer, trailer, semitrailer, frame, or equipment.(d) Only the department may issue vehicle identification numbers. | SECTION 47. Same as House version. |  |
| SECTION 48. Section 501.033(a), Transportation Code, is amended to read as follows:(a) A person determined by law enforcement or a court to be the owner of a motor vehicle, travel trailer, semitrailer, or trailer, a part of a motor vehicle, travel trailer, semitrailer, or trailer, a frame, or an item of equipment including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment may apply to the department for an assigned vehicle identification number that has been removed, altered, [~~or~~] obliterated, or has never been assigned. | SECTION 48. Same as House version. |  |
| SECTION 49. Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.037 to read as follows:Sec. 501.037. TITLE FOR TRAILERS. (a) Notwithstanding any other provision of this chapter, the department may issue a title for a trailer that has a gross vehicle weight of 4,000 pounds or less if all other requirements for issuance of a title are met.(b) To obtain a title under this section, the owner of the trailer must:(1) apply for the title in the manner required by Section 501.023; and(2) pay the fee required by Section 501.138. | SECTION 49. Same as House version. |  |
| SECTION 50. The heading to Subchapter C, Chapter 501, Transportation Code, is amended to read as follows:SUBCHAPTER C. REFUSAL TO ISSUE, [~~AND~~] REVOCATION, [~~OR~~] SUSPENSION, OR ALTERATION OF CERTIFICATE | SECTION 50. Same as House version. |  |
| SECTION 51. Section 501.051(b), Transportation Code, is amended to read as follows:(b) The department may rescind, cancel, or revoke an application for a title if a notarized or county-stamped affidavit is presented containing:(1) a statement that the vehicle involved was a new motor vehicle in the process of a first sale;(2) a statement that the dealer, the applicant, and any lienholder have canceled the sale;(3) a statement that the vehicle:(A) was never in the possession of the title applicant; or(B) was in the possession of the title applicant; and(4) the signatures of the dealer, the applicant, and any lienholder. | SECTION 51. Same as House version. |  |
| 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 52. Same as House version. |  |
| 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 53. Same as House version. |  |
| 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 54. Same as House version. |  |
| 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 55. Same as House version. |  |
| 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 title for the motor vehicle to the department and apply to the department for the appropriate ownership document. | SECTION 56. Same as House version. |  |
| SECTION 57. Sections 501.100(a) and (d), Transportation Code, are amended to read as follows:(a) The owner of a motor [~~A~~] vehicle for which a nonrepairable vehicle [~~certificate of~~] title issued prior to September 1, 2003, or for which a salvage vehicle title or salvage record of title has been issued may apply for [~~obtain~~] a title after the motor vehicle has been repaired, rebuilt, or reconstructed and, in addition to any other requirement of law, only if the application:(1) describes each major component part used to repair the motor vehicle;(2) states the name of each person from whom the parts used in assembling the vehicle were obtained; and(3) shows the identification number required by federal law to be affixed to or inscribed on the part.(d) In addition to the fee described by Subsection (b), the applicant shall pay a $65 rebuilder fee. The applicant shall include the fee with the statement submitted under Section 502.156 for the vehicle. | SECTION 57. Same as House version. |  |
| SECTION 58. Section 501.138(b-2), Transportation Code, is amended to read as follows:(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation [~~department~~] shall remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month. The Texas Department of Transportation [~~department~~] shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149. | SECTION 58. Same as House version. |  |
| SECTION 59. Subchapter G, Chapter 501, Transportation Code, is amended by adding Section 501.139 to read as follows:Sec. 501.139. ELECTRONIC FUNDS TRANSFER. A county assessor-collector that transfers money to the department under this chapter shall transfer the money electronically. | SECTION 59. Same as House version. |  |
| SECTION 60. Section 501.146, Transportation Code, is amended by adding Subsection (d) to read as follows:(d) A late fee imposed under this section may not exceed $250. | SECTION 60. Same as House version. |  |
| SECTION 61. Section 501.173, Transportation Code, is amended by adding Subsection (c) to read as follows:(c) In addition to other title fees, the board by rule may set a fee to be assessed for the issuance of a paper title to cover the cost of administering the electronic titling system. | SECTION 61. Same as House version. |  |
| SECTION 62. Section 502.001, Transportation Code, is amended by amending Subdivision (7) and adding Subdivision (39-a) to read as follows:(7) "Commercial motor vehicle" means a [~~commercial~~] motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail [~~as defined by Section 644.001~~].(39-a) "Shipping weight" means the weight generally accepted as the empty weight of a vehicle. | SECTION 62. Same as House version. |  |
| SECTION 63. Sections 502.040(b) and (d), Transportation Code, are amended to read as follows:(b) The application must be accompanied by personal identification as determined by department rule and made in a manner prescribed by the department:(1) through the county assessor-collector of the county in which the owner resides; [~~or~~](2) if the county in which the owner resides has been declared by the governor as a disaster area, through the county assessor-collector of a county that is one of the closest unaffected counties to a county that asks for assistance and:(A) continues to be declared by the governor as a disaster area because the county has been rendered inoperable by the disaster; and(B) is inoperable for a protracted period of time; or(3) if the county assessor-collector's office in which the owner resides is closed for a protracted period of time as defined by the department, to the county assessor-collector of a county that borders the county in which the owner resides who agrees to accept the application.(d) A county assessor-collector, a deputy county assessor-collector, or a person acting on behalf of a county assessor-collector is not liable to any person for:(1) refusing to register a [~~motor~~] vehicle because of the person's failure to submit evidence of residency that complies with the department's rules; or(2) registering a [~~motor~~] vehicle under this section. | SECTION 63. Same as House version. |  |
| SECTION 64. The heading to Section 502.043, Transportation Code, is amended to read as follows:Sec. 502.043. APPLICATION FOR REGISTRATION AND CERTAIN PERMITS. | SECTION 64. Same as House version. |  |
| SECTION 65. Section 502.043, Transportation Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (c-1) to read as follows:(a) An application for vehicle registration or a permit described by Section 502.094 or 502.095 must:(1) be made in a manner prescribed and include the information required by the department by rule; and(2) contain a full description of the vehicle as required by department rule.(b) The department shall deny the registration of or permitting under Section 502.094 or 502.095 of a commercial motor vehicle, truck-tractor, trailer, or semitrailer if the applicant:(1) has a business operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration or whose privilege to operate has been suspended, including the applicant entity, a relative, family member, corporate officer, or shareholder;(2) has a vehicle that has been prohibited from operating by the Federal Motor Carrier Safety Administration for safety-related reasons;(3) is a carrier whose business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the owner, a relative, a family member, a corporate officer, or a shareholder; or(4) fails to deliver to the county assessor-collector proof of the weight of the vehicle, the maximum load to be carried on the vehicle, and the gross weight for which the vehicle is to be registered.(c) In lieu of filing an application during a year as provided by Subsection (a), the owner of a vehicle registered in any state for that year or the preceding year may present:(1) the registration receipt and transfer receipt for the vehicle; or(2) other evidence satisfactory to the county assessor-collector that the person owns the vehicle[~~, if any~~].(c-1) A [~~The~~] county assessor-collector shall accept a [~~the~~] receipt or evidence provided under Subsection (c) as an application for renewal of the registration if the receipt or evidence indicates the applicant owns the vehicle. This section allows issuance for registration purposes only but does not authorize the department to issue a title. | SECTION 65. Same as House version. |  |
| SECTION 66. The heading to Section 502.055, Transportation Code, is amended to read as follows:Sec. 502.055. DETERMINATION OF WEIGHT AND SEATING CAPACITY. | SECTION 66. Same as House version. |  |
| SECTION 67. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:(c) For the purposes of this section, the seating capacity of a bus is:(1) the manufacturer's rated seating capacity, excluding the operator's seat; or(2) if the manufacturer has not rated the vehicle for seating capacity, a number computed by allowing one passenger for each 16 inches of seating on the bus, excluding the operator's seat.(d) For registration purposes:(1) the weight of a passenger car is the shipping weight of the car plus 100 pounds; and(2) the weight of a municipal bus or private bus is calculated by adding the following and rounding to the next highest 100 pounds:(A) the shipping weight of the bus; and(B) the seating capacity multiplied by 150 pounds. | SECTION 67. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:(c) For the purposes of this section, the seating capacity of a bus is:(1) the manufacturer's rated seating capacity, excluding the operator's seat; or(2) if the manufacturer has not rated the vehicle for seating capacity, a number computed by allowing one passenger for each 16 inches of seating on the bus, excluding the operator's seat, multiplied by 150 pounds.(d) For registration purposes:(1) the weight of a passenger car is the shipping weight of the car plus 100 pounds; and(2) the weight of a municipal bus or private bus is calculated by adding the following and rounding to the next highest 100 pounds:(A) the shipping weight of the bus; and(B) the seating capacity multiplied by 150 pounds. |  |
| SECTION 68. Section 502.092(b), Transportation Code, is amended to read as follows:(b) The department shall issue a receipt for a permit issued [~~distinguishing insignia for a vehicle issued a permit~~] under this section in a manner provided by the department. The permit receipt must contain the information required by this section and be carried in the vehicle for which it is issued at all times during which it is valid. [~~The insignia must be attached to the vehicle in lieu of regular license plates and must show the permit expiration date.~~] A permit issued under this section is valid until the earlier of:(1) the date the vehicle's registration in the owner's home state or country expires; or(2) the 30th day after the date the permit is issued. | SECTION 68. Same as House version. |  |
| SECTION 69. Sections 502.094(c) and (d), Transportation Code, are amended to read as follows:(c) A person may obtain a permit under this section by:(1) applying to the county assessor-collector or [~~,~~] the department[~~, or the department's wire service agent, if the department has a wire service agent~~];(2) paying a fee of $25 for a 72-hour permit or $50 for a 144-hour permit in the manner prescribed by the department that may include a service charge for a credit card payment or escrow account;(3) furnishing to the county assessor-collector or [~~,~~] the department[~~, or the department's wire service agent,~~] evidence of financial responsibility for the vehicle that complies with Sections 502.046(c) and 601.168(a); and(4) submitting a copy of the applicable federal declaration form required by the Federal Motor Carrier Safety Administration or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards.(d) A county assessor-collector shall report and send a fee collected under this section in the manner provided by Section 502.198. [~~Each week, a wire service agent shall send to the department a report of all permits issued by the agent during the previous week.~~] The board by rule shall prescribe the format and content of a report required by this subsection. | SECTION 69. Same as House version. |  |
| SECTION 70. Section 502.168, Transportation Code, is amended to read as follows:Sec. 502.168. FEE: MOTOR BUS. The fee for a registration year for registration of a motor bus is the fee prescribed by Section 502.252 [~~502.161~~] or 502.253 [~~502.162~~], as applicable. | SECTION 70. Same as House version. |  |
| SECTION 71. Subchapter E, Chapter 502, Transportation Code, is amended by adding Section 502.199 to read as follows:Sec. 502.199. ELECTRONIC FUNDS TRANSFER. A county assessor-collector that transfers money to the department under this chapter shall transfer the money electronically. | SECTION 71. Same as House version. |  |
| SECTION 72. Section 502.433(a), Transportation Code, is amended to read as follows:(a) The registration fee for a commercial motor vehicle as a farm vehicle is 50 percent of the applicable fee under Section 502.252 or 502.253, as applicable, if the vehicle's owner will use the vehicle for commercial purposes only to transport:(1) the person's own poultry, dairy, livestock, livestock products, timber in its natural state, or farm products to market or another place for sale or processing;(2) laborers from their place of residence to the owner's farm or ranch; or(3) without charge, materials, tools, equipment, or supplies from the place of purchase or storage to the owner's farm or ranch exclusively for the owner's use or for use on the farm or ranch. | SECTION 72. Same as House version. |  |
| SECTION 73. Section 502.473(d), Transportation Code, is amended to read as follows:(d) A court may dismiss a charge brought under Subsection (a) if the defendant pays an administrative fee not to exceed $10 and:(1) remedies the defect before the defendant's first court appearance; or(2) shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed[~~; and~~[~~(2) pays an administrative fee not to exceed $10~~]. | SECTION 73. Same as House version. |  |
| SECTION 74. Subchapter K, Chapter 502, Transportation Code, is amended by adding Section 502.4755 to read as follows:Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA. (a) A person commits an offense if the person:(1) manufactures, sells, or possesses a registration insignia deceptively similar to the registration insignia of the department; or(2) makes a copy or likeness of an insignia deceptively similar to the registration insignia of the department with intent to sell the copy or likeness.(b) For the purposes of this section, an insignia is deceptively similar to the registration insignia of the department if the insignia is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.(d) It is an affirmative defense to a prosecution under this section that the insignia was produced pursuant to a licensing agreement with the department.(e) An offense under this section is:(1) a felony of the third degree if the person manufactures or sells a deceptively similar registration insignia; or(2) a Class C misdemeanor if the person possesses a deceptively similar registration insignia, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision. | SECTION 74. Subchapter K, Chapter 502, Transportation Code, is amended by adding Section 502.4755 to read as follows:Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA. (a) A person commits an offense if the person:(1) manufactures, sells, or possesses a registration insignia deceptively similar to the registration insignia of the department; or(2) makes a copy or likeness of an insignia deceptively similar to the registration insignia of the department with intent to sell the copy or likeness.(b) For the purposes of this section, an insignia is deceptively similar to the registration insignia of the department if the insignia is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.(d) It is an affirmative defense to a prosecution under this section that the insignia was produced pursuant to a licensing agreement with the department.(e) An offense under this section is a felony of the third degree. |  |
| SECTION 75. Section 502.491, Transportation Code, as redesignated from Section 502.451, Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to incorporate amendments to Section 502.451, Transportation Code, made by Chapters 432 (S.B. 1057) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amended to read as follows:Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) On the sale or transfer of a [~~motor~~] vehicle, the registration insignia issued for the [~~motor~~] vehicle shall be removed. The registration period remaining at the time of sale or transfer expires at the time of sale or transfer.[~~(a-1) On the sale of a used motor vehicle by a dealer, the dealer shall issue to the buyer new registration documents for an entire registration year.~~](b) On a sale or transfer of a [~~motor~~] vehicle in which neither party holds a general distinguishing number issued under Chapter 503, the part of the registration period remaining at the time of the sale or transfer shall continue with the vehicle being sold or transferred and does not transfer with the license plates or registration validation insignia. To continue the remainder of the registration period, the purchaser or transferee must file the documents required under Section 501.145.(c) On the sale or transfer of a [~~motor~~] vehicle to a dealer, as defined by Section 503.001, who holds a general distinguishing number issued under Chapter 503, the registration period remaining at the time of the sale or transfer expires at the time of the sale or transfer. On the sale of a used [~~motor~~] vehicle by a dealer, the dealer shall issue to the buyer new registration documents for an entire registration year.(d) If the transferor has paid for more than one year of registration, the department may credit the transferor for any time remaining on the registration in annual increments. | SECTION 75. Same as House version. |  |
| SECTION 76. Sections 503.009(a), (c), and (d), Transportation Code, are amended to read as follows:(a) The board [~~department's Motor Vehicle Board~~] may conduct hearings in contested cases brought under this chapter [~~and~~] as provided by this chapter and Chapter 2301, Occupations Code.(c) A decision or final order issued under this section is final and may not be appealed, as a matter of right, to the board [~~commission~~].(d) The board [~~department's Motor Vehicle Board~~] may adopt rules for the procedure, a hearing, or an enforcement proceeding for an action brought under this section. | SECTION 76. Same as House version. |  |
| SECTION 77. Section 504.202(e), Transportation Code, is amended to read as follows:(e) Other than license plates issued under Subsection (h), license plates issued under this section must include:(1) the letters "DV" [~~as a prefix or suffix to any numeral~~] on the plate if the plate is issued for a vehicle other than a motorcycle; and(2) the words "Disabled Veteran" and "U.S. Armed Forces" at the bottom of each license plate. | SECTION 77. Same as House version. |  |
| SECTION 78. Section 504.306, Transportation Code, is amended to read as follows:Sec. 504.306. MEMBERS AND FORMER MEMBERS OF [~~PERSONS RETIRED FROM SERVICE IN~~] MERCHANT MARINE OF THE UNITED STATES. The department shall issue specialty license plates for members and former members of [~~persons retired from service in~~] the merchant marine of the United States. The license plates must include the words "Merchant Marine." | SECTION 78. Same as House version. |  |
| SECTION 79. Section 504.610(a), Transportation Code, is amended to read as follows:(a) The department may [~~shall~~] issue specialty license plates in recognition of the Texas Aerospace Commission. [~~including the words "Texas Aerospace Commission."~~] The department shall design the license plates in consultation with the Texas Aerospace Commission. | SECTION 79. Same as House version. |  |
| SECTION 80. Section 504.652(b), Transportation Code, is amended to read as follows:(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account in the general revenue fund. Money in the account may be used only by Texas A&M AgriLife [~~Cooperative~~] Extension for graduate student assistantships within the Texas Master Gardener program and to support Texas A&M AgriLife [~~Cooperative~~] Extension's activities related to the Texas Master Gardener program. | SECTION 80. Same as House version. |  |
| SECTION 81. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.663 to read as follows:Sec. 504.663. BIG BROTHERS BIG SISTERS LICENSE PLATES. (a) The department shall issue specialty license plates in recognition of the mentoring efforts of Big Brothers Big Sisters of America organizations operating in this state. The department shall design the license plates in consultation with a representative from a Big Brothers Big Sisters of America organization operating in this state and the attorney general.(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of the Specialty License Plates General Account in the general revenue fund. Money deposited to the credit of the Specialty License Plates General Account under this section may be used only by the attorney general to provide grants to benefit Big Brothers Big Sisters of America organizations operating in this state. | No equivalent provision. |  |
| SECTION 82. Section 504.901, Transportation Code, is amended by adding Subsection (e) to read as follows:(e) This section applies only to:(1) a passenger vehicle with a gross weight of 6,000 pounds or less; and(2) a light truck with a gross weight of 10,000 pounds or less. | SECTION 81. Same as House version. |  |
| SECTION 83. Section 504.945(d), Transportation Code, is amended to read as follows:(d) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:(1) remedies the defect before the defendant's first court appearance; [~~and~~](2) pays an administrative fee not to exceed $10; and(3) shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed. | SECTION 82. Same as House version. |  |
| SECTION 84. Subchapter L, Chapter 504, Transportation Code, is amended by adding Sections 504.946, 504.947, and 504.948 to read as follows:Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) A person commits an offense if the person:(1) manufactures, sells, or possesses a license plate deceptively similar to a license plate issued by the department; or(2) makes a copy or likeness of a license plate deceptively similar to a license plate issued by the department with intent to sell the copy or likeness.(b) For the purposes of this section, a license plate is deceptively similar to a license plate issued by the department if it is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.(d) It is an affirmative defense to a prosecution under this section that the license plate was produced pursuant to a licensing agreement with the department.(e) An offense under this section is:(1) a felony of the third degree if the person manufactures or sells a deceptively similar license plate; or(2) a Class C misdemeanor if the person possesses a deceptively similar license plate, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision.Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE. (a) In this section "license plate flipper" means a manual, electric, or mechanical device designed or adapted to be installed on a motor vehicle and:(1) switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator's vehicle; or(2) hide a license plate from view by flipping the license plate so that the license plate number is not visible.(b) A person commits an offense if the person with criminal negligence uses, purchases, possesses, manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. An offense under this subsection is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subsection.Sec. 504.948. GENERAL PENALTY. (a) A person commits an offense if the person violates a provision of this chapter and no other penalty is prescribed for the violation.(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than $5 or more than $200. | SECTION 83. Subchapter L, Chapter 504, Transportation Code, is amended by adding Sections 504.946, 504.947, and 504.948 to read as follows:Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) A person commits an offense if the person:(1) manufactures, sells, or possesses a license plate deceptively similar to a license plate issued by the department; or(2) makes a copy or likeness of a license plate deceptively similar to a license plate issued by the department with intent to sell the copy or likeness.(b) For the purposes of this section, a license plate is deceptively similar to a license plate issued by the department if it is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.(d) It is an affirmative defense to a prosecution under this section that the license plate was produced pursuant to a licensing agreement with the department.(e) An offense under this section is a felony of the third degree.Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE. (a) In this section "license plate flipper" means a manual, electric, or mechanical device designed or adapted to be installed on a motor vehicle and:(1) switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator's vehicle; or(2) hide a license plate from view by flipping the license plate so that the license plate number is not visible.(b) A person commits an offense if the person with criminal negligence uses, purchases, or possesses a license plate flipper. An offense under this subsection is a Class B misdemeanor.(c) A person commits an offense if the person with criminal negligence manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. An offense under this subsection is a Class A misdemeanor.Sec. 504.948. GENERAL PENALTY. (a) A person commits an offense if the person violates a provision of this chapter and no other penalty is prescribed for the violation.(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than $5 or more than $200. |  |
| SECTION 85. Section 520.001, Transportation Code, is amended to read as follows:Sec. 520.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:(1) "Board" means the board of the Texas Department of Motor Vehicles.(2) "Department"[~~, "department"~~] means the Texas Department of Motor Vehicles. | SECTION 84. Same as House version. |  |
| SECTION 86. Section 520.003, Transportation Code, is amended to read as follows:Sec. 520.003. RULES; [~~WAIVER OF~~] FEES; REFUNDS. (a) The department may adopt rules to administer this chapter, including rules that:(1) waive the payment of fees if a dealer has gone out of business and the applicant can show that fees were paid to the dealer; and(2) allow full and partial refunds for rejected titling and registration transactions.(b) The department may collect from a person making a transaction with the department using the state electronic Internet portal project a fee set under Section 2054.2591, Government Code. All fees collected under this subsection shall be allocated to the department to provide for the department's costs associated with administering Section 2054.2591, Government Code. | SECTION 85. Same as House version. |  |
| SECTION 87. Section 520.005, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:(c) Notwithstanding the requirements of Section 520.0071 [~~Sections 520.008 and 520.0091~~], the assessor-collector may license franchised and non-franchised motor vehicle dealers to title and register motor vehicles in accordance with rules adopted under Section 520.004. The county assessor-collector may pay a fee to a motor vehicle dealer independent of or as part of the portion of the fees that would be collected by the county for each title and registration receipt issued.(d) Each county assessor-collector shall process a registration renewal through an online system designated by the department. | SECTION 86. Same as House version. |  |
| SECTION 88. Section 520.006(a-1), Transportation Code, as added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:(a-1) A county assessor-collector collecting fees on behalf of a county that has been declared as a disaster area or that is closed for a protracted period of time as defined by the department for purposes of Section 501.023 or 502.040 may retain the commission for fees collected, but shall allocate the fees to the county declared as a disaster area or that is closed for a protracted period of time. | SECTION 87. Same as House version. |  |
| SECTION 89. Subchapter A, Chapter 520, Transportation Code, is amended by adding Section 520.0061 to read as follows:Sec. 520.0061. CONTRACTS BETWEEN COUNTIES. (a) A county tax assessor-collector, with approval of the commissioners court of the county by order, may enter into an agreement with one or more counties to perform mail-in or online registration or titling duties.(b) A contract entered into under Subsection (a) may be terminated by a county that is a party to the contract. | SECTION 88. Same as House version. |  |
| SECTION 90. Subchapter A, Chapter 520, Transportation Code, is amended by adding Section 520.0071 to read as follows:Sec. 520.0071. DEPUTIES. (a) The board by rule shall prescribe:(1) the classification types of deputies performing titling and registration duties;(2) the duties and obligations of deputies;(3) the type and amount of any bonds that may be required by a county assessor-collector for a deputy to perform titling and registration duties; and(4) the fees that may be charged or retained by deputies.(b) A county assessor-collector, with the approval of the commissioners court of the county, may deputize an individual or business entity to perform titling and registration services in accordance with rules adopted under Subsection (a). | SECTION 89. Same as House version. |  |
| SECTION 91. The heading to Section 520.0093, Transportation Code, is amended to read as follows:Sec. 520.0093. LEASE OF [~~ADDITIONAL~~] COMPUTER EQUIPMENT. | SECTION 90. Same as House version. |  |
| SECTION 92. Section 520.0093, Transportation Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (b-1) to read as follows:(a) The department may [~~This section applies only to the~~] lease [~~of~~] equipment and provide related services to a:(1) county for the operation of the automated registration and titling system in addition to the equipment provided by the department at no cost to the county under a formula prescribed by the department; and(2) deputy appointed under Section 520.0071.(b-1) On the request of a deputy appointed under Section 520.0071, the department may enter into an agreement under which the department leases equipment to the deputy for the use of the deputy in operating the automated registration and titling system. The department may require the deputy to post a bond in an amount equal to the value of the equipment.(c) A county may install equipment leased under this section at offices of the county or of an agent of the county. A deputy appointed under Section 520.0071 may install equipment leased under this section on the premises described in the agreement.(e) Under the agreement, the department shall charge an amount not less than the amount of the cost to the department to provide the [~~additional~~] equipment and any related services under the lease. All money collected under the lease shall be deposited to the credit of the state highway fund. | SECTION 91. Same as House version. |  |
| SECTION 93. Section 520.016(c), Transportation Code, is amended to read as follows:(c) This section does not apply to a violation of Section 520.006 or a rule adopted under Section 520.0071 [~~, 520.008, 520.009, 520.0091, or 520.0092~~]. | SECTION 92. Same as House version. |  |
| SECTION 94. Subchapter D, Chapter 551, Transportation Code, is amended by adding Section 551.304 to read as follows:Sec. 551.304. LIMITED OPERATION. (a) An operator may operate a neighborhood electric vehicle:(1) in a master planned community:(A) that has in place a uniform set of restrictive covenants; and(B) for which a county or municipality has approved a plat;(2) on a public or private beach; or(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle is operated:(A) during the daytime; and(B) not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.(b) A person is not required to register a neighborhood electric vehicle operated in compliance with this section. | SECTION 93. Same as House version. |  |
| SECTION 95. Section 551.402, Transportation Code, is amended to read as follows:Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles [~~Transportation~~] may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.(b) The Texas Department of Motor Vehicles [~~department~~] may issue license plates for a golf cart [~~only~~] as authorized by Subsection (c) [~~Section 504.510~~].(c) The department shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.(d) The department may charge a fee for the cost of the license plate. | SECTION 94. Section 551.402, Transportation Code, is amended to read as follows:Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles [~~Transportation~~] may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.(b) The Texas Department of Motor Vehicles [~~department~~] may issue license plates for a golf cart only as authorized by Section 504.510. |  |
| SECTION 96. Section 551.404, Transportation Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) [~~that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico~~] may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:(1) is located in the unincorporated area of the county; and(2) has a speed limit of not more than 35 miles per hour.(a-2) Subsection (a-1) applies only to a county that:(1) borders or contains a portion of the Red River;(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or(3) is adjacent to a county described by Subdivision (2) and:(A) has a population of less than 30,000; and(B) contains a part of a barrier island that borders the Gulf of Mexico. | No equivalent provision. |  |
| SECTION 97. Section 601.052(a), Transportation Code, is amended to read as follows:(a) Section 601.051 does not apply to:(1) the operation of a motor vehicle that:(A) is a former military vehicle or is at least 25 years old;(B) is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and(C) for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as described by Paragraph (B);(2) the operation of a neighborhood electric vehicle or a golf cart that is operated only as authorized by Section 551.304 or 551.403; or(3) a volunteer fire department for the operation of a motor vehicle the title of which is held in the name of a volunteer fire department. | SECTION 95. Same as House version. |  |
| SECTION 98. Section 621.001(4), Transportation Code, is amended to read as follows:(4) "Director" means:(A) the executive director of the department; or(B) an employee of the department who is:(i) a division or special office director or holds a rank higher than division or special office director; and(ii) designated by the executive director [~~Texas Department of Motor Vehicles~~]. | SECTION 96. Same as House version. |  |
| SECTION 99. Section 621.002(a), Transportation Code, is amended to read as follows:(a) A copy of the registration receipt issued under Section 502.057 [~~502.178~~] for a commercial motor vehicle, truck-tractor, trailer, or semitrailer shall be:(1) carried on the vehicle when the vehicle is on a public highway; and(2) presented to an officer authorized to enforce this chapter on request of the officer. | SECTION 97. Same as House version. |  |
| SECTION 100. Section 621.301(b), Transportation Code, is amended to read as follows:(b) The commissioners court may limit the maximum weights to be moved on or over a county road, bridge, or culvert by exercising its authority under this subsection in the same manner and under the same conditions provided by Section 621.102 for the Texas Department of Transportation [~~commission~~] to limit maximum weights on highways and roads to which that section applies. | SECTION 98. Same as House version. |  |
| SECTION 101. Subchapter D, Chapter 621, Transportation Code, is amended by adding Section 621.304 to read as follows:Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO REGULATE OVERWEIGHT VEHICLES AND LOADS ON STATE HIGHWAY SYSTEM. Except as expressly authorized by this subtitle, a county or municipality may not require a permit, bond, fee, or license for the movement of a vehicle or combination of vehicles or any load carried by the vehicle or vehicles on the state highway system in the county or municipality that exceeds the weight or size limits on the state highway system. | SECTION 99. Same as House version. |  |
| No equivalent provision. | SECTION \_\_. Subsection (a), Section 621.353, Transportation Code, is amended to read as follows:(a) The comptroller shall send $140 [~~$50~~] of each base fee collected under Section 623.011 for an excess weight permit to the counties of the state, with each county receiving an amount determined according to the ratio of the total number of miles of county roads maintained by the county to the total number of miles of county roads maintained by all of the counties of this state. The comptroller shall deposit $40 of each base fee, plus each fee collected under Section 623.0112, to the credit of the state highway fund. Money deposited to the credit of that fund under this subsection may be appropriated only to the department to administer this section and Sections 623.011, 623.0111, and 623.0112. [FA1(4)] |  |
| No equivalent provision. | SECTION \_\_. Section 621.502, Transportation Code, is amended by adding Subsections (e), (f), and (g) to read as follows:(e) Intent to operate a vehicle at a weight that is heavier than the weight authorized by a permit issued under Chapter 623, except for a permit issued under Section 623.011, is presumed if:(1) the vehicle is operated at a weight that is seven percent heavier than the applicable weight allowed under Chapter 623; and(2) a permit to operate at that weight has not been issued for the vehicle.(f) A person commits an offense if:(1) the person operates a vehicle at a weight for which a permit is required by Chapter 623, other than a permit issued under Section 623.011, plus a tolerance allowance equal to seven percent of that weight; and(2) the person has failed to obtain the permit.(g) An offense under Subsection (f) is punishable by a fine of $5,000. Half of the amount of each fine collected under this subsection shall be deposited to the credit of the state highway fund. The remaining portion of the fine may be retained by the county in which the violation occurred to be used solely for the purposes of road maintenance on county roads and enforcement of traffic laws in the county. [FA2(2)] |  |
| No equivalent provision. | SECTION \_\_. Section 621.503, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:(a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds the weight limitations for operation of that vehicle provided by Section 621.101 or Chapter 623.(b) Intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by seven [~~15~~] percent or more.(d) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623, except that administrative enforcement may not be imposed on a shipper of crude oil, natural gas liquids, gasoline, diesel fuel, or aviation fuel, as those terms are defined by Section 162.001, Tax Code, for a violation of this section. [FA2(2)] |  |
| No equivalent provision. | SECTION \_\_. Section 621.506, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (i) to read as follows:(a) A person commits an offense if the person:(1) operates a vehicle or combination of vehicles in violation of Section 621.101, [~~622.012,~~] 622.031, 622.041, 622.0435, 622.051, 622.061, 622.133, 622.953, or 623.162; or(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.(b) An offense under this section is a misdemeanor punishable:(1) by a fine of not less than $500 [~~$100~~] and not more than $1,250 [~~$150~~];(2) on conviction of an offense involving:(A) a Class 1 weight violation, by a fine of not less than $2,500 or more than $4,500;(B) a Class 2 weight violation, by a fine of not less than $4,500 or more than $8,000; or(C) a Class 3 weight violation, by a fine of not less than $9,250 or more than $18,000 [~~a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than $300 or more than $500~~]; and(3) [~~on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than $500 or more than $1,000; or~~[~~(4)~~] on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:(A) a Class 1 weight violation, by a fine of not less than $4,000 or more than $5,500;(B) a Class 2 weight violation, by a fine of not less than $6,000 or more than $9,000; or(C) a Class 3 weight violation, by a fine of not less than $12,500 or more than $22,000 [~~by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3)~~].(b-1) For purposes of Subsection (b)(2), (3), or (4), a previous offense under this section includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.(b-2) In this section:(1) a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is a Class 1 weight violation, if the excess weight is more than 5,000 pounds; and(2) a vehicle having a gross weight that is more than the vehicle's allowable weight is:(A) a Class 1 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;(B) a Class 2 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and(C) a Class 3 weight violation, if the excess weight is more than 20,000 pounds.(i) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623. [FA2(2)] |  |
| No equivalent provision. | SECTION \_\_. Subchapter G, Chapter 621, Transportation Code, is amended by adding Section 621.5061 to read as follows:Sec. 621.5061. OFFENSE OF OPERATING OVERWEIGHT READY-MIXED CONCRETE TRUCK; PENALTY; DEFENSE. (a) In this section, "ready-mixed concrete truck" has the meaning assigned by Section 622.011.(b) A person commits an offense if the person operates a ready-mixed concrete truck in violation of Section 622.012.(c) An offense under this section is a misdemeanor punishable:(1) by a fine of not less than $100 and not more than $150;(2) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 pounds but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than $300 or more than $500;(3) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than $500 or more than $1,000; or(4) on conviction before the first anniversary of the date of a previous conviction under this section, by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3).(d) On conviction of a violation of an axle weight limitation, the court may assess a fine less than the applicable minimum amount prescribed by Subsection (c) if the court finds that when the violation occurred:(1) the vehicle was registered to carry the maximum gross weight authorized for that vehicle under Section 622.012; and(2) the gross weight of the vehicle did not exceed that maximum gross weight.(e) A judge or justice shall promptly report to the Department of Public Safety each conviction obtained in the judge's or the justice's court under this section. The Department of Public Safety shall keep a record of each conviction reported to it under this subsection.(f) If a corporation fails to pay the fine assessed on conviction of an offense under this section, the district or county attorney in the county in which the conviction occurs may file suit against the corporation to collect the fine.(g) A justice or municipal court has jurisdiction of an offense under this section.(h) Except as provided by Subsection (i), a governmental entity that collects a fine under this section for an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 pounds heavier than the vehicle's allowable weight shall send an amount equal to 50 percent of the fine to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.(i) If the offense described by Subsection (h) occurred within 20 miles of an international border, the entire amount of the fine shall be deposited for the purposes of road maintenance in:(1) the municipal treasury, if the fine was imposed by a municipal court; or(2) the county treasury, if the fine was imposed by a justice court. [FA2(2)] |  |
| No equivalent provision. | SECTION \_\_. Section 621.507(b), Transportation Code, is amended to read as follows:(b) An offense under this section is a misdemeanor punishable:(1) by a fine of:(A) not less than $500 and not more than $1,250; or(B) $5,000, if the convicted person is a corporation [~~not to exceed $200~~];(2) on conviction before the first anniversary of the date of a previous conviction under this section:(A) by a fine of not less than $1,500 and not more than $3,000 [~~to exceed $500~~], by confinement in a county jail for not more than 60 days, or by both the fine and confinement; or(B) if the convicted person is a corporation, by a fine of $8,000 [~~not to exceed $1,000~~]; or(3) on a conviction after [~~before~~] the first anniversary of the date of a previous conviction under this section that was punishable under Subdivision (1) [~~(2) or this subdivision~~]:(A) by a fine of not less than $750 and not more than $1,500 [~~to exceed $1,000~~], by confinement in the county jail for not more than 30 days [~~six months~~], or by both the fine and confinement; or(B) if the convicted person is a corporation, by a fine not to exceed $6,500 [~~$2,000~~]. [FA2(2)] |  |
| SECTION 102. Subchapter G, Chapter 621, Transportation Code, is amended by adding Section 621.510 to read as follows:Sec. 621.510. PERMIT VOID. A permit issued under this chapter is void on the failure of the owner or the owner's representative to comply with a rule of the board or with a condition placed on the permit by the department. | SECTION 100. Same as House version. |  |
| SECTION 103. Section 622.074, Transportation Code, is amended to read as follows:Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to:(1) farm equipment used for a purpose other than construction;(2) special mobile equipment owned by a dealer or distributor;(3) a vehicle used to propel special mobile equipment that is registered as a farm vehicle under [~~as defined by~~] Section 502.433 [~~502.163~~]; or(4) equipment while being used by a commercial hauler to transport special mobile equipment under hire of a person who derives $500 in gross receipts annually from a farming or ranching enterprise. | SECTION 101. Same as House version. |  |
| SECTION 104. Section 622.901, Transportation Code, is amended to read as follows:Sec. 622.901. WIDTH EXCEPTIONS. The width limitation provided by Section 621.201 does not apply to:(1) highway building or maintenance machinery that is traveling:(A) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or(B) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;(2) a vehicle traveling during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways or traveling for not more than 50 miles on a highway that is part of the national system of interstate and defense highways if the vehicle is:(A) a farm tractor or implement of husbandry; or(B) a vehicle on which a farm tractor or implement of husbandry, other than a tractor or implement being transported from one dealer to another, is being moved by the owner of the tractor or implement or by an agent or employee of the owner:(i) to deliver the tractor or implement to a new owner;(ii) to transport the tractor or implement to or from a mechanic for maintenance or repair; or(iii) in the course of an agricultural operation;(3) machinery that is used solely for drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or chassis, and that is traveling:(A) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or(B) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;(4) a vehicle owned or operated by a public, private, or volunteer fire department;(5) a vehicle registered under Section 502.431 [~~502.164~~]; or(6) a recreational vehicle to which Section 622.903 applies. | SECTION 102. Same as House version. |  |
| SECTION 105. Section 623.011(b), Transportation Code, is amended to read as follows:(b) To qualify for a permit under this section:(1) the vehicle must be registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101, not to exceed 80,000 pounds;(2) the security requirement of Section 623.012 must be satisfied; and(3) a base permit fee of $90, any additional fee required by Section 623.0111, and any additional fee set by the board [~~department~~] under Section 623.0112 must be paid. | SECTION 103. Section 623.011(b), Transportation Code, is amended to read as follows:(b) To qualify for a permit under this section:(1) the vehicle must be registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101, not to exceed 80,000 pounds;(2) the security requirement of Section 623.012 must be satisfied; and(3) a base permit fee of $180 [~~$90~~], any additional fee required by Section 623.0111, and any additional fee set by the board [~~department~~] under Section 623.0112 must be paid. [FA1(1)] |  |
| No equivalent provision. | SECTION \_\_. Subsections (a) and (c), Section 623.0111, Transportation Code, are amended to read as follows:(a) When a person applies for a permit under Section 623.011, the person must:(1) designate in the application each county in which the vehicle will be operated; and(2) pay in addition to other fees an annual fee in an amount determined according to the following table:Number of Counties DesignatedFee1-5 $250 [~~$175~~]6-20 $400 [~~$250~~]21-40 $690 [~~$450~~]41-60 $1,130 [~~$625~~]61-80 $1,570 [~~$800~~]81-100 $1,800 [~~$900~~]101-150 [~~101-254~~] $2,400 [~~$1,000~~]151-200 $2,700201-254 $3,000(c) Of the fees collected under Subsection (a) the following amounts shall be deposited to the general revenue fund and the remainder shall be deposited to the credit of the state highway fund:Number of CountiesAmount Allocated toDesignatedGeneral Revenue Fund1-5 $1256-20 $200 [~~$125~~]21-40 $34541-60 $56561-80 $78581-100 $900101-150 [~~101-254~~] $1,200 [~~$1,000~~]151-200 $1,350201-254 $1,500 [FA1(4)] |  |
| SECTION 106. Sections 623.014(c) and (d), Transportation Code, are amended to read as follows:(c) The department shall issue the prorated credit if the person:(1) pays the fee adopted by the board [~~department~~]; and(2) provides the department with:(A) the original permit; or(B) if the original permit does not exist, written evidence in a form approved by the department that the vehicle has been destroyed or is permanently inoperable.(d) The fee adopted by the board [~~department~~] under Subsection (c)(1) may not exceed the cost of issuing the credit. | SECTION 104. Same as House version. |  |
| No equivalent provision.. | SECTION \_\_. Section 623.019, Transportation Code, is amended by amending Subsections (b), (c), (e), and (f) and adding Subsections (b-1) and (b-2) to read as follows:(b) An [~~Except as provided by Subsections (c) and (d), an~~] offense under Subsection (a) is a misdemeanor punishable:(1) by a fine of not less than $500 [~~$100~~] or more than $1,250;(2) on conviction of an offense involving:(A) a Class 1 weight violation, by a fine of not less than $2,500 or more than $4,500;(B) a Class 2 weight violation, by a fine of not less than $4,500 or more than $8,000; or(C) a Class 3 weight violation, by a fine of not less than $9,250 or more than $18,000; and (3) on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:(A) a Class 1 weight violation, by a fine of not less than $4,000 or more than $5,500;(B) a Class 2 weight violation, by a fine of not less than $6,000 or more than $9,000; or(C) a Class 3 weight violation, by a fine of not less than $12,500 or more than $22,000 [~~$150~~].(b-1) For purposes of Subsection (b)(2), (3), or (4), a previous offense under this section includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.(b-2) In this section:(1) a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is a Class 1 weight violation, if the excess weight is more than 5,000 pounds; and(2) a vehicle having a gross weight that is more than the vehicle's allowable weight is:(A) a Class 1 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;(B) a Class 2 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and(C) a Class 3 weight violation, if the excess weight is more than 20,000 pounds.(c) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623. [~~An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine of:~~[~~(1) not less than $300 or more than $500 if the offense involves a vehicle having a gross weight that is heavier than 5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or~~[~~(2) not less than $500 or more than $1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.~~](e) A governmental entity collecting a fine under this section [~~Subsection (c)~~] shall send an amount equal to 50 percent of the fine to the comptroller.(f) A justice of the peace has jurisdiction of any offense under this section. A municipal court has jurisdiction of an offense under this section in which the fine does not exceed $10,000 [~~$500~~]. A county or district court has jurisdiction of an offense under this section in which the fine exceeds $10,000. [FA2(2)] |  |
| SECTION 107. The heading to Section 623.0711, Transportation Code, is amended to read as follows:Sec. 623.0711. PERMITS AUTHORIZED BY BOARD [~~COMMISSION~~]. | SECTION 105. Same as House version. |  |
| SECTION 108. Sections 623.0711(a), (b), (c), (d), (f), (g), and (h), Transportation Code, are amended to read as follows:(a) The board [~~commission~~] by rule may authorize the department to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.(b) The board [~~commission~~] may not authorize the issuance of a permit that would allow a vehicle to:(1) violate federal regulations on size and weight requirements; or(2) transport equipment that could reasonably be dismantled for transportation as separate loads.(c) The board [~~commission~~] rules must require that, before the department issues a permit under this section, the department:(1) determine that the state will benefit from the consolidated permitting process; and(2) complete a route and engineering study that considers:(A) the estimated number of loads to be transported by the motor carrier under the permit;(B) the size and weight of the commodity;(C) available routes that can accommodate the size and weight of the vehicle and load to be transported;(D) the potential roadway damage caused by repeated use of the road by the permitted vehicle;(E) any disruption caused by the movement of the permitted vehicle; and(F) the safety of the traveling public.(d) The board [~~commission~~] rules may authorize the department to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.(f) The board [~~commission~~] shall require the motor carrier to file a bond in an amount set by the board [~~commission~~], payable to the Texas Department of Transportation [~~department~~] and conditioned on the motor carrier paying to the Texas Department of Transportation [~~department~~] any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.(g) An application for a permit under this section must be accompanied by the permit fee established by the board [~~commission~~] for the permit, not to exceed $9,000. The department shall send each fee to the comptroller for deposit to the credit of the state highway fund.(h) In addition to the fee established under Subsection (g), the board [~~commission~~] rules must authorize the department to collect a consolidated permit payment for a permit under this section in an amount not to exceed 15 percent of the fee established under Subsection (g), to be deposited to the credit of the state highway fund. | SECTION 106. Same as House version. |  |
| SECTION 109. Section 623.078(b), Transportation Code, is amended to read as follows:(b) The department [~~board~~] shall send each fee collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund. | SECTION 107. Same as House version. |  |
| No equivalent provision. | SECTION \_\_. Section 623.082(b), Transportation Code, is amended to read as follows:(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable:(1) by a fine of not more than $1,500 [~~$200~~];(2) on conviction before the first anniversary of [~~within one year after~~] the date of a previous [~~prior~~] conviction under this section [~~that was punishable under Subdivision (1)~~], by a fine of not more than $2,500 [~~$500~~], by confinement in the county jail for not more than 60 days, or by both the fine and the confinement; [~~or~~](3) on conviction of a third offense before the first anniversary of the date of a previous conviction under Subdivision (1), by a fine of not more than $3,500; or(4) on conviction of an offense after the first anniversary of [~~within one year after~~] the date of a previous [~~prior~~] conviction under this section that was punishable under Subdivision (1) [~~(2) or this subdivision~~], by a fine of not less [~~more~~] than $2,000 [~~$1,000~~], by confinement in the county jail for not more than 30 days [~~six months~~], or by both the fine and the confinement. [FA2(2)] |  |
| SECTION 110. Section 623.144, Transportation Code, is amended to read as follows:Sec. 623.144. REGISTRATION OF VEHICLE. (a) A person may not operate a vehicle permitted [~~A permit~~] under this subchapter on a public highway unless [~~may be issued only if~~] the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has specialty [~~the distinguishing~~] license plates as provided by Section 502.146 [~~504.504~~] if applicable to the vehicle.(b) The department may not issue specialty license plates to a vehicle described by Section 502.146(b)(3) unless the applicant complies with the requirements of that subsection. | SECTION 108. Same as House version. |  |
| SECTION 111. Section 623.149(a), Transportation Code, is amended to read as follows:(a) The department may establish criteria to determine whether oil well servicing, oil well clean out, or oil well drilling machinery or equipment is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146 [~~504.504~~]. | SECTION 109. Same as House version. |  |
| SECTION 112. Section 623.194, Transportation Code, is amended to read as follows:Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this subchapter may be issued only if the vehicle to be moved is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.146 [~~504.504~~] if applicable to the vehicle. | SECTION 110. Same as House version. |  |
| SECTION 113. Section 623.199(a), Transportation Code, is amended to read as follows:(a) The department may establish criteria to determine whether an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146 [~~504.504~~]. | SECTION 111. Same as House version. |  |
| No equivalent provision. | SECTION \_\_. Section 623.271, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:(a) Except as provided by Subsection (a-1), the [~~The~~] department may investigate and, except as provided by Subsection (f), may impose an administrative penalty or revoke an oversize or overweight permit issued under this chapter if the person or the holder of the permit, as applicable:(1) provides false information on the permit application or another form required by the department for the issuance of an oversize or overweight permit;(2) violates this chapter, Chapter 621, or Chapter 622;(3) violates a rule or order adopted under this chapter, Chapter 621, or Chapter 622; or(4) fails to obtain an oversize or overweight permit if a permit is required.(a-1) The department may not revoke an oversize or overweight permit issued under Subchapter D for a violation of Section 623.082 unless the holder of the permit is convicted before the first anniversary of the date of a previous conviction under Section 623.082(b)(1) of three or more offenses under that section. [FA2(2)] |  |
| No equivalent provision. | SECTION \_\_. Section 623.272, Transportation Code, is amended by adding Subsection (d) to read as follows:(d) If the department imposes an administrative penalty on a shipper under this section, the department shall assess, in addition to the penalty, a law enforcement fee in the amount of $5,000 against the shipper. A fee collected under this subsection shall be remitted to the comptroller for deposit in a special account in the general revenue fund and may be appropriated only to the Department of Public Safety for commercial vehicle enforcement. This subsection does not apply to an administrative penalty imposed on a shipper of crude oil, natural gas liquids, gasoline, diesel fuel, or aviation fuel, as those terms are defined by Section 162.001, Tax Code. [FA2(2)] |  |
| SECTION 114. Chapter 623, Transportation Code, is amended by adding Subchapter R to read as follows:SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL EMERGENCYSec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a) Notwithstanding any other law, the department may issue a special permit during a major disaster as declared by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an overweight or oversize vehicle or load that:(1) can easily be dismantled or divided; and(2) will be used only to deliver relief supplies.(b) A permit issued under this section expires not later than the 120th day after the date of the major disaster declaration.Sec. 623.342. RULES. The board may adopt rules necessary to implement this subchapter, including rules that establish the requirements for obtaining a permit.Sec. 623.343. PERMIT CONDITIONS. The department may impose conditions on a permit holder to ensure the safe operation of a permitted vehicle and minimize damage to roadways, including requirements related to vehicle routing, hours of operation, weight limits, and lighting and requirements for escort vehicles. | SECTION 112. Same as House version. |  |
| SECTION 115. Section 642.002(a), Transportation Code, is amended to read as follows:(a) A person commits an offense if:(1) the person operates on a public street, road, or highway:(A) a commercial motor vehicle that has three or more axles;(B) a truck-tractor;(C) a road-tractor; or(D) a tow truck; and(2) the vehicle does not have on each side of the power unit identifying markings that comply with the identifying marking requirements specified by 49 C.F.R. Section 390.21 or that:(A) show the name of the owner or operator of the vehicle;(B) have clearly legible letters and numbers of a height of at least two inches; and(C) show the motor carrier registration number in clearly legible letters and numbers, if the vehicle is required to be registered under this chapter or Chapter 643. | SECTION 113. Same as House version. |  |
| SECTION 116. The heading to Section 643.054, Transportation Code, is amended to read as follows:Sec. 643.054. DEPARTMENT APPROVAL AND DENIAL; ISSUANCE OF CERTIFICATE. | SECTION 114. Same as House version. |  |
| SECTION 117. Section 643.054, Transportation Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:(a) The department shall register a motor carrier under this subchapter if the carrier complies with Sections 643.052 and 643.053.(a-1) The department may deny a registration if the applicant has had a registration revoked under Section 643.252.(a-2) The department may deny a registration if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person, including the applicant, a relative, family member, corporate officer, or shareholder, whom the Department of Public Safety has determined has:(1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or(2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.(a-3) The department may deny a registration if the applicant is a motor carrier whose business is operated, managed, or otherwise controlled by or affiliated with a person, including an owner, relative, family member, corporate officer, or shareholder, whom the Department of Public Safety has determined has:(1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or(2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C. | SECTION 115. Same as House version. |  |
| SECTION 118. Section 643.064, Transportation Code, is amended to read as follows:Sec. 643.064. [~~ISSUANCE OF~~] UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBERS. (a) The department by rule shall provide for the issuance to a motor carrier of an identification number authorized by the Federal Motor Carrier Safety Administration. A rule must conform to rules of the Federal Motor Carrier Safety Administration or its successor.(b) A motor carrier required to register under this subchapter shall maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor, or another person authorized to issue the number. | SECTION 116. Same as House version. |  |
| SECTION 119. Subchapter F, Chapter 643, Transportation Code, is amended by adding Section 643.2526 to read as follows:Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL, OR REINSTATEMENT. (a) Notwithstanding any other law, a denial of an application for registration, renewal of registration, or reinstatement of registration under this chapter is not required to be preceded by notice and an opportunity for hearing.(b) An applicant may appeal a denial under this chapter by filing an appeal with the department not later than the 26th day after the date the department issues notice of the denial to the applicant.(c) If the appeal of the denial is successful and the application is found to be compliant with this chapter, the application shall be considered to have been properly filed on the date the finding is entered. | SECTION 117. Same as House version. |  |
| SECTION 120. Section 648.051(b), Transportation Code, is amended to read as follows:(b) This subchapter supersedes that portion of any paired city, paired state, or similar understanding governing foreign commercial motor vehicles or motor carriers entered into under Section 502.091 [~~502.054~~] or any other law. | SECTION 118. Same as House version. |  |
| SECTION 121. Section 648.102(a), Transportation Code, is amended to read as follows:(a) The Texas Department of Motor Vehicles [~~Transportation~~] shall adopt rules that conform with 49 C.F.R. Part 387 requiring motor carriers operating foreign commercial motor vehicles in this state to maintain financial responsibility. | SECTION 119. Same as House version. |  |
| SECTION 122. Section 681.003(b), Transportation Code, is amended to read as follows:(b) An application for a disabled parking placard must be:(1) on a form furnished by the department;(2) submitted to the county assessor-collector of the county:(A) in which the person with the disability resides if the person has a permanent disability;(B) in which the person with the disability resides or is being treated at a medical facility if the person has a temporary disability; or(C) in which the person with the disability is seeking medical treatment if the person is not a resident of this state; and(3) accompanied by a fee of $5 if the application is for a temporary placard. | SECTION 120. Section 681.003(b), Transportation Code, is amended to read as follows:(b) An application for a disabled parking placard must be:(1) on a form furnished by the department;(2) submitted to the county assessor-collector of the county in which the person with the disability resides or in which the applicant is seeking medical treatment if the applicant is not a resident of this state; and(3) accompanied by a fee of $5 if the application is for a temporary placard. |  |
| SECTION 123. Section 681.0031, Transportation Code, is amended to read as follows:Sec. 681.0031. APPLICANT'S [~~DRIVER'S LICENSE OR PERSONAL~~] IDENTIFICATION [~~CARD NUMBER~~]. (a) The applicant shall include on the application the applicant's:(1) driver's license number or the number of a personal identification card issued to the applicant under Chapter 521;(2) military identification number; or(3) driver's license number of a driver's license issued by another state or country if the applicant is not a resident of this state and is seeking medical treatment in this state. [~~The department shall provide for this information in prescribing the application form.~~](b) The county assessor-collector shall record on any disabled parking placard issued to the applicant the following information in the following order:(1) the county number assigned by the comptroller to the county issuing the placard;(2) the first four digits of the applicant's driver's license number, personal identification card number, or military identification number; and(3) the applicant's initials. | SECTION 121. Same as House version. |  |
| SECTION 124. Section 681.004(c), Transportation Code, is amended to read as follows:(c) A disabled parking placard issued to a person with a permanent disability:(1) is valid for:(A) [~~a period of~~] four years for a resident of this state; and(B) six months for a person who is not a resident of this state; and(2) shall be replaced or renewed on request of the person to whom the initial card was issued without presentation of evidence of eligibility. | SECTION 122. Same as House version. |  |
| SECTION 125. Section 681.012, Transportation Code, is amended to read as follows:Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD. (a) A law enforcement officer who believes that an offense under Section 681.011(a) or (d) has occurred in the officer's presence shall seize any disabled parking placard involved in the offense. Not later than 48 hours after the seizure, the officer shall determine whether probable cause existed to believe that the offense was committed. If the officer does not find that probable cause existed, the officer shall promptly return each placard to the person from whom it was seized. If the officer finds that probable cause existed, the officer, not later than the fifth day after the date of the seizure, shall destroy the [~~submit each seized~~] placard and notify [~~to~~] the department.(a-1) A peace officer may seize a disabled parking placard from a person who operates a vehicle on which a disabled parking placard is displayed if the peace officer determines by inspecting the person's driver's license, [~~or~~] personal identification certificate, or military identification that the disabled parking placard does not contain the first four digits of the driver's license number, [~~or~~] personal identification certificate number, or military identification number and the initials of:(1) the person operating the vehicle;(2) the applicant on behalf of a person being transported by the vehicle; or(3) a person being transported by the vehicle.(a-2) A peace officer shall destroy a seized [~~submit each seized parking~~] placard and notify [~~to~~] the department [~~not later than the fifth day after the seizure~~].(b) On seizure of a placard [~~submission to the department~~] under Subsection (a) or (a-1) [~~(a-2)~~], a placard is revoked. On request of the person from whom the placard was seized, the department shall conduct a hearing and determine whether the revocation should continue or the placard should be returned to the person and the revocation rescinded. | SECTION 123. Same as House version. |  |
| SECTION 126. Section 728.002(d), Transportation Code, is amended to read as follows:(d) This section does not prohibit the quoting of a price for a motor home or [~~,~~] tow truck[~~, or towable recreational vehicle~~] at a show or exhibition described by Section 2301.358, Occupations Code. | SECTION 124. Same as House version. |  |
| SECTION 127. Section 730.007(c), Transportation Code, is amended to read as follows:(c) This section does not:(1) prohibit the disclosure of a person's photographic image to:(A) a law enforcement agency, the Texas Department of Motor Vehicles, a county tax assessor-collector, or a criminal justice agency for an official purpose;(B) an agency of this state investigating an alleged violation of a state or federal law relating to the obtaining, selling, or purchasing of a benefit authorized by Chapter 31 or 33, Human Resources Code; or(C) an agency of this state investigating an alleged violation of a state or federal law under authority provided by Title 4, Labor Code; or(2) prevent a court from compelling by subpoena the production of a person's photographic image. | SECTION 125. Same as House version. |  |
| SECTION 128. Section 1001.009(c), Transportation Code, is amended to read as follows:(c) The rules adopted under Subsection (a) may:(1) authorize the use of electronic funds transfer or a valid debit or credit card issued by a financial institution chartered by a state, the United States, or a nationally recognized credit organization approved by the department; [~~and~~](2) require the payment of a discount or service charge for a credit card payment in addition to the fee; and(3) require an overpayment of a motor vehicle or salvage dealer license fee of:(A) less than $10 to be credited toward a future fee requirement; and(B) more than $10 to be refunded. | SECTION 126. Same as House version. |  |
| SECTION 129. Subchapter A, Chapter 1001, Transportation Code, is amended by adding Section 1001.012 to read as follows:Sec. 1001.012. IMMUNITY FROM LIABILITY. (a) Notwithstanding any other law, the executive director, a board member, or an employee is not personally liable for damages resulting from an official act or omission unless the act or omission constitutes intentional or malicious malfeasance.(b) To the extent a person described by Subsection (a) is personally liable for damages for which the state provides indemnity under Chapter 104, Civil Practice and Remedies Code, this section does not affect the state's liability for the indemnity. | SECTION 127. Same as House version. |  |
| SECTION 130. Subchapter A, Chapter 1001, Transportation Code, is amended by adding Section 1001.013 to read as follows:Sec. 1001.013. PERFORMANCE OF CERTAIN DEPARTMENT FUNCTIONS BY AUTHORIZED BUSINESS. (a) The executive director of the department may authorize a business entity to perform a department function in accordance with rules adopted under Subsection (b).(b) The board by rule shall prescribe:(1) the classification types of businesses that are authorized to perform certain department functions;(2) the duties and obligations of an authorized business;(3) the type and amount of any bonds that may be required for a business to perform certain functions; and(4) the fees that may be charged or retained by a business authorized under this section. | SECTION 128. Same as House version. |  |
| SECTION 131. Section 1001.023(b), Transportation Code, is amended to read as follows:(b) The chair shall:(1) preside over board meetings, make rulings on motions and points of order, and determine the order of business;(2) represent the department in dealing with the governor;(3) report to the governor on the state of affairs of the department at least quarterly;(4) report to the board the governor's suggestions for department operations;(5) report to the governor on efforts, including legislative requirements, to maximize the efficiency of department operations through the use of private enterprise;(6) periodically review the department's organizational structure and submit recommendations for structural changes to the governor, the board, and the Legislative Budget Board;(7) designate at least one employee [~~one or more employees~~] of the department as a civil rights officer [~~division~~] of the department and receive regular reports from the officer or officers [~~division~~] on the department's efforts to comply with civil rights legislation and administrative rules;(8) create subcommittees, appoint board members to subcommittees, and receive the reports of subcommittees to the board as a whole;(9) appoint a member of the board to act in the absence of the chair and vice chair; and(10) serve as the departmental liaison with the governor and the Office of State-Federal Relations to maximize federal funding for transportation. | SECTION 129. Same as House version. |  |
| SECTION 132. Section 1001.042, Transportation Code, is amended to read as follows:Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly define the respective responsibilities of the executive director and the staff of the department. | SECTION 130. Same as House version. |  |
| SECTION 133. Section 1001.101(2), Transportation Code, is amended to read as follows:(2) "License" includes:(A) a motor carrier registration issued under Chapter 643;(B) a motor vehicle dealer, salvage dealer, manufacturer, distributor, representative, converter, or agent license issued by the department;(C) specially designated or specialized license plates issued under Chapter 504; and(D) an apportioned registration issued according to the International Registration Plan under Section 502.091 [~~502.054~~]. | SECTION 131. Same as House version. |  |
| SECTION 134. (a) The comptroller of public accounts shall conduct a study of the fiscal effect to both this state and the motorcycle industry in this state of the avoidance of the use tax due on certain off-road vehicles purchased in other states.(b) The study must include:(1) an evaluation of the provisions of current Texas law and the practices by out-of-state motorcycle dealers that allow for the incidence of tax avoidance;(2) an estimate of the total amount of revenue owed to but not collected by this state and the total number of jobs lost in this state due to the incidence of tax avoidance and competitive practices by out-of-state motorcycle dealers;(3) an evaluation of the manner in which the laws and enforcement practices of other states avoid an incidence of this type of tax avoidance in those states;(4) the identification of any potential actions within the comptroller's current authority that could significantly reduce the rate of tax avoidance and protect the motorcycle industry in this state from improper competition from out-of-state motorcycle dealers; and(5) an evaluation of potential changes to current law that could reduce the rate of tax avoidance and protect the motorcycle industry in this state from improper competition from out-of-state motorcycle dealers, including making certain off-road vehicles subject to the motor vehicle tax under Chapter 152, Tax Code, rather than the sales and use tax under Chapter 151, Tax Code.(c) Not later than December 1, 2013, the comptroller of public accounts shall submit a report of the results of the study and any recommendations to the house ways and means committee and the senate finance committee.(d) To the extent reasonable and practicable, the comptroller of public accounts shall take actions identified under Subsection (b)(4) of this section to reduce the rate of tax avoidance described by Subsection (a) of this section.(e) Notwithstanding any other provision of this Act, this section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to have immediate effect, this section takes effect September 1, 2013. | No equivalent provision. |  |
| SECTION 135. The following laws are repealed:(1) Sections 2301.101, 2301.157, 2301.259(b), and 2301.606(a), Occupations Code;(2) Sections 502.252(b), 503.009(b), 503.029(b), 503.030(b), 503.066(b), 504.510, 520.008, 520.009, 520.0091, 520.0092, 623.0711(k), and 623.093(f), Transportation Code; and(3) Section 520.004, Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011. | SECTION 132. The following laws are repealed:(1) Sections 2301.101, 2301.157, 2301.259(b), and 2301.606(a), Occupations Code;(2) Sections 502.252(b), 503.009(b), 503.029(b), 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092, 623.019(d), 623.0711(k), and 623.093(f), Transportation Code; and [FA2(1)](3) Section 520.004, Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011. |  |
| No equivalent provision. | SECTION \_\_. Section 504.660(b), Transportation Code, as added by Chapter 1381 (S.B. 1616),Acts of the 81st Legislature, Regular Session, 2009, is repealed. [FA3] |  |
| SECTION 136. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. | SECTION 133. (a) The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. [FA1(2)](b) The changes in law made by this Act to Section 623.011, Transportation Code, apply only to an application for a permit that is filed on or after the effective date of this Act. [FA1(3)] |  |
| SECTION 137. A deputy appointed under Section 520.0091, Transportation Code, on or before August 31, 2013, may continue to perform the services authorized under Sections 520.008, 520.009, 520.0091, and 520.0092, Transportation Code, until the Texas Department of Motor Vehicles Board adopts rules regarding the types of deputies authorized to perform titling and registration duties under Section 520.0071, Transportation Code, as added by this Act. | SECTION 134. Same as House version. |  |
| SECTION 138. Not later than December 31, 2013, the Texas Department of Motor Vehicles shall establish a procedure for the issuance of license plates for golf carts to be used for operation on a public highway, as required by Section 551.402, Transportation Code, as amended by this Act. | No equivalent provision. |  |
| SECTION 139. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes. | SECTION 135. Same as House version. |  |
| SECTION 140. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.(b) Sections 501.146 and 504.202, Transportation Code, as amended by this Act, and Section 504.948, Transportation Code, as added by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Sections 501.146 and 504.202, Transportation Code, as amended by this Act, and Section 504.948, Transportation Code, as added by this Act, take effect September 1, 2013. | SECTION 136. Same as House version. |  |