

BILL ANALYSIS

H.B. 4115
By: Pickett
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently enacted legislation established a dedicated Texas Department of Motor Vehicles (TxDMV) fund separate from the general revenue fund and state highway fund. Informed parties contend that the creation of the fund allowed TxDMV the opportunity to be funded separately from the state highway fund, thereby ending any diversions, ensuring the intended use of statutorily-dedicated fees, and allowing for more transparency in funding. However, the parties contend that additional legislation that consolidated funds did not exempt the TxDMV fund from its provisions, resulting in the abolishment of the fund. Due to that legislation, the parties note, the revenue streams that would have gone into the TxDMV fund have instead been deposited to the credit of the general revenue fund. H.B. 4115 seeks to address this issue in response to calls for the re-creation of the TxDMV fund.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4115, on September 1, 2015, re-creates the Texas Department of Motor Vehicles (TxDMV) fund as a special fund in the state treasury outside the general revenue fund and rededicates all revenue dedicated for deposit to the credit of the TxDMV fund by a provision of the legislation that established the fund for that purpose. The bill requires the comptroller of public accounts, on September 1, 2015, to transfer to the credit of the fund an amount from the state highway fund equal to the total amount of additional registration fees collected or received by TxDMV for the automated registration and titling system during the period beginning November 1, 2009, and ending August 31, 2013. The bill establishes that to the extent that the money from the state highway fund transferred to the credit of the TxDMV fund was, before September 1, 2013, used as collateral or as a source of payment for the repayment of a loan, bond, credit agreement, public security, or other obligation, that amount remains subject to use as collateral or as a source of payment for the obligation. The bill requires such an obligation to be paid first from the state highway fund and subjects the TxDMV fund to payment of the obligation only to the extent the state highway fund is depleted at the time the obligation matures and becomes due.

EFFECTIVE DATE

September 1, 2015.