

By: Pickett

H.B. No. 2701

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of motor vehicles by the Texas
3 Department of Motor Vehicles; creating a criminal offense;
4 providing a penalty; authorizing fees.

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

6 SECTION 1. Section 552.144, Government Code, is amended to
7 read as follows:

8 Sec. 552.144. EXCEPTION: WORKING PAPERS AND ELECTRONIC
9 COMMUNICATIONS OF ADMINISTRATIVE LAW JUDGES AT STATE OFFICE OF
10 ADMINISTRATIVE HEARINGS AND HEARINGS EXAMINERS AT TEXAS DEPARTMENT
11 OF MOTOR VEHICLES. The following working papers and electronic
12 communications of an administrative law judge at the State Office
13 of Administrative Hearings or a hearings examiner at the Texas
14 Department of Motor Vehicles are excepted from the requirements of
15 Section 552.021:

16 (1) notes and electronic communications recording the
17 observations, thoughts, questions, deliberations, or impressions
18 of an administrative law judge;

19 (2) drafts of a proposal for decision;

20 (3) drafts of orders made in connection with
21 conducting contested case hearings; and

22 (4) drafts of orders made in connection with
23 conducting alternative dispute resolution procedures.

24 SECTION 2. Section 2301.258, Occupations Code, is amended

1 to read as follows:

2 Sec. 2301.258. GENERAL REQUIREMENTS FOR APPLICATION FOR
3 MANUFACTURER'S, DISTRIBUTOR'S, CONVERTER'S, OR REPRESENTATIVE'S
4 LICENSE. An application for a manufacturer's, distributor's,
5 converter's, or representative's license must be on a form
6 prescribed by the department. The application must include
7 information the department determines necessary to fully determine
8 the qualifications of an applicant[~~, including financial~~
9 ~~resources, business integrity and experience, facilities and~~
10 ~~personnel for serving franchised dealers,~~] and [other information
11 ~~the department determines]~~ pertinent to safeguard the public
12 interest and welfare.

13 SECTION 3. Section 2301.453(c), Occupations Code, is
14 amended to read as follows:

15 (c) Except as provided by Subsection (d), the manufacturer,
16 distributor, or representative must provide written notice by
17 registered or certified mail to the dealer and the board stating the
18 specific grounds for the termination or discontinuance. The notice
19 must:

20 (1) be received not later than the 60th day before the
21 effective date of the termination or discontinuance; and

22 (2) contain on its first page a conspicuous statement
23 that reads: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A
24 PROTEST WITH THE TEXAS DEPARTMENT OF MOTOR VEHICLES [~~VEHICLE BOARD~~]
25 IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE
26 PROPOSED TERMINATION OR DISCONTINUANCE OF YOUR FRANCHISE UNDER THE
27 TERMS OF CHAPTER 2301, OCCUPATIONS CODE, IF YOU OPPOSE THIS

1 ACTION."

2 SECTION 4. Section 2301.454(b), Occupations Code, is
3 amended to read as follows:

4 (b) The notice required by Subsection (a)(1) must:

5 (1) be given not later than the 60th day before the
6 date of the modification or replacement; and

7 (2) contain on its first page a conspicuous statement
8 that reads: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A
9 PROTEST WITH THE TEXAS DEPARTMENT OF MOTOR VEHICLES [~~VEHICLE BOARD~~]
10 IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE
11 PROPOSED MODIFICATION OR REPLACEMENT OF YOUR FRANCHISE UNDER THE
12 TERMS OF CHAPTER 2301, OCCUPATIONS CODE, IF YOU OPPOSE THIS
13 ACTION."

14 SECTION 5. Section 2301.606(c), Occupations Code, as
15 amended by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of
16 the 83rd Legislature, Regular Session, 2013, is reenacted and
17 amended to read as follows:

18 (c) An order issued under this subchapter may not require
19 [~~The board or a person delegated power from the board under Section~~
20 ~~2301.154 may not issue an order requiring~~] a manufacturer,
21 converter, or distributor to make a refund or to replace a motor
22 vehicle unless:

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

26 (2) the manufacturer, converter, or distributor has
27 been given an opportunity to cure the alleged defect or

1 nonconformity.

2 SECTION 6. Section 2301.607(c), Occupations Code, as
3 amended by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of
4 the 83rd Legislature, Regular Session, 2013, is reenacted and
5 amended to read as follows:

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

16 SECTION 7. Section 2301.608, Occupations Code, as amended
17 by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of the 83rd
18 Legislature, Regular Session, 2013, is reenacted and amended to
19 read as follows:

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

1 ~~from the board under Section 2301.154~~].

2 (b) If the final order requires [~~board or a person delegated~~
3 ~~power from the board under Section 2301.154 orders~~] a manufacturer,
4 converter, or distributor to make a refund or replace a motor
5 vehicle under this subchapter, the final order [~~board or person~~]
6 may require [~~order~~] the franchised dealer to reimburse the owner,
7 lienholder, manufacturer, converter, or distributor only for an
8 item or option added to the vehicle by the dealer to the extent that
9 the item or option contributed to the defect that served as the
10 basis for the order.

11 (c) In a case involving a leased vehicle, the final order
12 [~~board or a person delegated power from the board under Section~~
13 ~~2301.154~~] may terminate the lease and apportion allowances or
14 refunds, including the reasonable allowance for use, between the
15 lessee and lessor of the vehicle.

16 SECTION 8. Section 2301.610(d), Occupations Code, as
17 amended by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of
18 the 83rd Legislature, Regular Session, 2013, is reenacted and
19 amended to read as follows:

20 (d) The department shall maintain a toll-free telephone
21 number to provide information to a person who requests information
22 about a condition or defect that was the basis for repurchase or
23 replacement by an order issued under this subchapter [~~chapter~~].
24 The department shall maintain an effective method of providing
25 information to a person who makes a request.

26 SECTION 9. Section 2301.612, Occupations Code, is amended
27 to read as follows:

1 Sec. 2301.612. OPEN RECORDS EXCEPTION. Information filed
2 with the department [~~board~~] under this subchapter is not a public
3 record and is not subject to release under Chapter 552, Government
4 Code, until the complaint is [~~finally~~] resolved by a final order of
5 the department [~~board~~].

6 SECTION 10. Section 2301.651(a), Occupations Code, is
7 amended to read as follows:

8 (a) The board may deny an application for a license, revoke
9 or suspend a license, place on probation a person whose license has
10 been suspended, or reprimand a license holder if the applicant or
11 license holder:

12 (1) is unfit under standards described in this chapter
13 or board rules;

14 (2) wilfully omits material information from or makes
15 a material misrepresentation in any application or other
16 information filed under this chapter or board rules;

17 (3) violates this chapter or a board rule or order;

18 (4) violates any law relating to the sale,
19 distribution, financing, or insuring of motor vehicles;

20 (5) fails to maintain the qualifications for a
21 license;

22 (6) wilfully defrauds a purchaser;

23 (7) fails to fulfill a written agreement with a retail
24 purchaser of a motor vehicle; or

25 (8) violates the requirements of Section 503.0631,
26 Transportation Code.

27 SECTION 11. Section 2301.711, Occupations Code, is amended

1 to read as follows:

2 Sec. 2301.711. ORDERS AND DECISIONS. (a) Except as
3 otherwise provided by this chapter, the ~~[The]~~ board or a ~~[other]~~
4 person delegated final order authority under Section 2301.154 shall
5 issue final orders for the implementation and enforcement of this
6 chapter and Chapter 503, Transportation Code.

7 (b) An order or decision under this chapter must:

8 (1) include a separate finding of fact with respect to
9 each specific issue required by law to be considered in reaching a
10 decision;

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

13 (3) give the reasons for the particular actions taken;
14 and

15 (4) be signed by the presiding officer or assistant
16 presiding officer for the board, a ~~[or other]~~ person delegated
17 final order authority under Section 2301.154, or a hearings
18 examiner in a contested case hearing under Section 2301.204 or
19 Subchapter M.

20 SECTION 12. Section 2301.712(b), Occupations Code, is
21 amended to read as follows:

22 (b) If a person who brings a complaint under Subchapter M
23 prevails in the case, the ~~[board or a person delegated power from~~
24 ~~the board under Section 2301.154 shall order the]~~ nonprevailing
25 party in the case shall ~~[to]~~ reimburse the amount of the filing fee
26 for the case.

27 SECTION 13. Section 2301.713, Occupations Code, as amended

1 by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of the 83rd
2 Legislature, Regular Session, 2013, is reenacted and amended to
3 read as follows:

4 Sec. 2301.713. REHEARING. (a) Except as otherwise
5 provided by this section [~~Subsection (b)~~], a party who seeks a
6 rehearing of an order shall seek the rehearing in accordance with
7 Chapter 2001, Government Code.

8 (b) The board by rule may establish procedures [~~a procedure~~]
9 to allow a party [~~parties~~] to a contested case [~~cases in which the~~
10 ~~final order is issued by a person to whom final order authority is~~
11 ~~delegated under Section 2301.154~~] to file a motion [~~motions~~] for
12 rehearing [~~with the board~~].

13 (c) A motion for rehearing in a contested case under Section
14 2301.204 or Subchapter M must be filed with and decided by the chief
15 hearings examiner.

16 SECTION 14. Section 171.1011(g-7), Tax Code, is amended to
17 read as follows:

18 (g-7) A taxable entity that is a qualified courier and
19 logistics company shall exclude from its total revenue, to the
20 extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3),
21 subcontracting payments made by the taxable entity to nonemployee
22 agents for the performance of delivery services on behalf of the
23 taxable entity. For purposes of this subsection, "qualified
24 courier and logistics company" means a taxable entity that:

25 (1) receives at least 80 percent of the taxable
26 entity's annual total revenue from its entire business from a
27 combination of at least two of the following courier and logistics

1 services:

2 (A) expedited same-day delivery of an envelope,
3 package, parcel, roll of architectural drawings, box, or pallet;

4 (B) temporary storage and delivery of the
5 property of another entity, including an envelope, package, parcel,
6 roll of architectural drawings, box, or pallet; and

7 (C) brokerage of same-day or expedited courier
8 and logistics services to be completed by a person or entity under a
9 contract that includes a contractual obligation by the taxable
10 entity to make payments to the person or entity for those services;

11 (2) during the period on which margin is based, is
12 registered as a motor carrier under Chapter 643, Transportation
13 Code, and if the taxable entity operates on an interstate basis, is
14 registered as a motor carrier or broker under the motor vehicle
15 registration system established under 49 U.S.C. Section 14504a or a
16 similar federal registration program that replaces that system
17 [~~unified carrier registration system, as defined by Section~~
18 ~~643.001, Transportation Code,~~] during that period;

19 (3) maintains an automobile liability insurance
20 policy covering individuals operating vehicles owned, hired, or
21 otherwise used in the taxable entity's business, with a combined
22 single limit for each occurrence of at least \$1 million;

23 (4) maintains at least \$25,000 of cargo insurance;

24 (5) maintains a permanent nonresidential office from
25 which the courier and logistics services are provided or arranged;

26 (6) has at least five full-time employees during the
27 period on which margin is based;

1 (7) is not doing business as a livery service, floral
2 delivery service, motor coach service, taxicab service, building
3 supply delivery service, water supply service, fuel or energy
4 supply service, restaurant supply service, commercial moving and
5 storage company, or overnight delivery service; and

6 (8) is not delivering items that the taxable entity or
7 an affiliated entity sold.

8 SECTION 15. Section [256.101\(3\)](#), Transportation Code, is
9 amended to read as follows:

10 (3) "Weight tolerance permit" means a permit issued
11 under [Section 623.011](#) [~~Chapter 623~~] authorizing a vehicle to exceed
12 maximum legal weight limitations.

13 SECTION 16. Section [501.002\(30\)](#), Transportation Code, is
14 amended to read as follows:

15 (30) "Travel trailer" means a house trailer-type
16 vehicle or a camper trailer:

17 (A) that is a recreational vehicle defined under
18 24 C.F.R. Section 3282.8(g); or

19 (B) that:

20 (i) is less than eight feet in width or 45
21 [~~40~~] feet in length, exclusive of any hitch installed on the
22 vehicle;

23 (ii) is designed primarily for use as
24 temporary living quarters in connection with recreational,
25 camping, travel, or seasonal use;

26 (iii) is not used as a permanent dwelling;

27 and

1 (iv) is not a utility trailer, enclosed
2 trailer, or other trailer that does not have human habitation as its
3 primary function.

4 SECTION 17. Section 501.004(b), Transportation Code, is
5 amended to read as follows:

6 (b) This chapter does not apply to:

7 (1) a farm trailer or farm semitrailer with a gross
8 vehicle weight of 34,000 pounds or less used only for the
9 transportation of farm products if the products are not transported
10 for hire;

11 (2) the filing or recording of a lien that is created
12 only on an automobile accessory, including a tire, radio, or
13 heater;

14 (3) a motor vehicle while it is owned or operated by
15 the United States; or

16 (4) a new motor vehicle on loan to a political
17 subdivision of the state for use only in a driver education course
18 approved by the Texas [~~Central~~] Education Agency.

19 SECTION 18. Section 501.021(a), Transportation Code, is
20 amended to read as follows:

21 (a) A motor vehicle title issued by the department must
22 include:

23 (1) the legal name and address of each purchaser [~~and~~
24 ~~seller~~] at the first sale or a subsequent sale;

25 (2) the legal name, city, and state of each seller at
26 the first sale or a subsequent sale;

27 (3) the make of the motor vehicle;

- 1 (4) [~~(3)~~] the body type of the vehicle;
- 2 (5) [~~(4)~~] the manufacturer's permanent vehicle
3 identification number of the vehicle or the vehicle's motor number
4 if the vehicle was manufactured before the date that stamping a
5 permanent identification number on a motor vehicle was universally
6 adopted;
- 7 (6) [~~(5)~~] the serial number for the vehicle;
- 8 (7) [~~(6)~~] the name and address of each lienholder and
9 the date of each lien on the vehicle, listed in the chronological
10 order in which the lien was recorded;
- 11 (8) [~~(7)~~] a statement indicating rights of
12 survivorship under Section 501.031;
- 13 (9) [~~(8)~~] if the vehicle has an odometer, the odometer
14 reading at the time of application for the title; and
- 15 (10) [~~(9)~~] any other information required by the
16 department.

17 SECTION 19. Section 501.0234(a), Transportation Code, is
18 amended to read as follows:

19 (a) A person who sells, including by consignment, at the
20 first or a subsequent sale a motor vehicle and who holds a general
21 distinguishing number issued under Chapter 503 of this code or
22 Chapter 2301, Occupations Code, shall:

23 (1) except as provided by this section, in the time and
24 manner provided by law, apply, in the name of the purchaser of the
25 vehicle, for the registration of the vehicle, if the vehicle is to
26 be registered, and a title for the vehicle and file with the
27 appropriate designated agent each document necessary to transfer

1 title to or register the vehicle; and [~~at the same time~~]

2 (2) at the time the person files for title and
3 registration under Subdivision (1), remit any required motor
4 vehicle sales tax.

5 SECTION 20. The heading to Section 501.036, Transportation
6 Code, is amended to read as follows:

7 Sec. 501.036. TITLE FOR FARM TRAILER OR FARM SEMITRAILER.

8 SECTION 21. Section 501.036, Transportation Code, is
9 amended by amending Subsections (a) and (b) and adding Subsection
10 (b-1) to read as follows:

11 (a) Notwithstanding any other provision of this chapter,
12 the department may issue a title for a farm trailer or farm
13 semitrailer with a gross vehicle weight of 34,000 [~~more than 4,000~~]
14 pounds or less if [+]

15 [~~(1) the farm semitrailer is eligible for registration~~
16 ~~under Section 502.146; and~~

17 [~~(2)~~] all [~~other~~] requirements for issuance of a title
18 are met.

19 (b) To obtain a title under this section, the owner of the
20 farm trailer or farm semitrailer must:

21 (1) apply for the title in the manner required by
22 Section 501.023; and

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

24 (b-1) A subsequent purchaser of a farm trailer or farm
25 semitrailer titled previously under this section shall obtain a
26 title under this section.

27 SECTION 22. Section 501.037, Transportation Code, is

1 amended to read as follows:

2 Sec. 501.037. TITLE FOR TRAILERS OR SEMITRAILERS. (a)
3 Notwithstanding any other provision of this chapter, the department
4 may issue a title for a trailer or semitrailer that has a gross
5 vehicle weight of 4,000 pounds or less if all other requirements for
6 issuance of a title are met.

7 (b) To obtain a title under this section, the owner of the
8 trailer or semitrailer must:

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

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

12 (c) A subsequent purchaser of a trailer or semitrailer
13 titled previously under this section shall obtain a title under
14 this section.

15 SECTION 23. Section 501.052, Transportation Code, is
16 amended by amending Subsection (e) and adding Subsection (f) to
17 read as follows:

18 (e) An applicant aggrieved by the determination under
19 Subsection (d) may appeal only to the county or district court of
20 the county of the applicant's residence. An applicant must file an
21 appeal not later than the fifth day after the date of the
22 assessor-collector's determination and must serve a copy of the
23 petition on the department and all persons known to have a potential
24 ownership or security interest in the vehicle, including all owners
25 and lienholders listed on the title. The applicant must also
26 provide to the court a certified title history for the vehicle
27 obtained from the department. The judge shall try the appeal in

1 the manner of other civil cases. All rights and immunities granted
2 in the trial of a civil case are available to the department and all
3 interested parties. If the department's action is not sustained,
4 the department shall promptly issue a title for the vehicle.

5 (f) In an appeal brought under Subsection (e), the
6 department is not required to file an answer or appear before a
7 county or district court as a party to the appeal, but the
8 department may intervene to enter an appearance or provide
9 evidence. The court may require the department to respond to
10 requests for information relevant to the appeal.

11 SECTION 24. Section [501.0521](#), Transportation Code, is
12 amended by adding Subsection (c) to read as follows:

13 (c) In any action filed in a county or district court under
14 this subchapter, the petitioner must serve a copy of the petition on
15 the department and all persons and entities known to have a
16 potential ownership or security interest in the vehicle, including
17 all owners and lienholders listed on the title. The petitioner must
18 also provide to the court a certified title history for the vehicle
19 obtained from the department. The department is not required to
20 file an answer or appear before a county or district court as a
21 party to the action, but the department may intervene to enter an
22 appearance or provide evidence.

23 SECTION 25. Section [501.097](#)(a), Transportation Code, as
24 amended by Chapters 1136 (H.B. 1422) and 1296 (H.B. 2357), Acts of
25 the 82nd Legislature, Regular Session, 2011, is reenacted and
26 amended to read as follows:

27 (a) An application for a nonrepairable vehicle title,

1 nonrepairable record of title, salvage vehicle title, or salvage
2 record of title must:

3 (1) be made in ~~[on]~~ a manner ~~[form]~~ prescribed by the
4 department and accompanied by a \$8 application fee;

5 (2) include, in addition to any other information
6 required by the department:

7 (A) the name and current address of the owner;
8 ~~[and]~~

9 (B) a description of the motor vehicle, including
10 the make, style of body, model year, and vehicle identification
11 number; and

12 (C) a statement describing whether the motor
13 vehicle:

14 (i) was the subject of a total loss claim
15 paid by an insurance company under Section ~~[501.092,]~~ 501.0925,
16 501.1001, or 501.1002 ~~[501.093]~~;

17 (ii) is a self-insured motor vehicle under
18 Section 501.1001 ~~[501.094]~~;

19 (iii) is an export-only motor vehicle under
20 Section 501.099;

21 (iv) was sold, transferred, or released to
22 the owner or former owner of the motor vehicle or a buyer at a casual
23 sale; or

24 (v) is a motor vehicle for which an
25 insurance company does not take ownership under Section 501.0935;
26 and

27 (3) include the name and address of:

1 (A) any currently recorded lienholder, if the
2 motor vehicle is a nonrepairable motor vehicle; or

3 (B) any currently recorded lienholder or a new
4 lienholder, if the motor vehicle is a salvage motor vehicle.

5 SECTION 26. The heading to Section 501.134, Transportation
6 Code, is amended to read as follows:

7 Sec. 501.134. CERTIFIED COPY OF [~~LOST OR DESTROYED~~]
8 CERTIFICATE OF TITLE.

9 SECTION 27. Sections 501.134(a), (b), and (c),
10 Transportation Code, are amended to read as follows:

11 (a) The [~~If a printed title is lost or destroyed, the~~] owner
12 or lienholder disclosed on a a [~~the~~] title may obtain, in the manner
13 provided by this section and department rule, a certified copy of
14 the [~~lost or destroyed~~] title directly from the department by
15 applying in a manner prescribed by the department and paying a fee
16 [~~of \$2. A fee collected under this subsection shall be deposited to~~
17 ~~the credit of the Texas Department of Motor Vehicles fund and may be~~
18 ~~spent only~~] as provided by Section 501.138.

19 (b) If a lien is disclosed on a title, the department may
20 issue a certified copy of the [~~original~~] title only to the first
21 lienholder or the lienholder's verified agent.

22 (c) The department must plainly mark "certified copy" on the
23 face of a certified copy issued under this section. A certified
24 copy of the title that is lawfully obtained under this section
25 supersedes and invalidates any previously issued title or certified
26 copy. If the certified copy of title is later rescinded, canceled,
27 or revoked under Section 501.051, the department may reinstate or

1 reissue a previously superseded or invalidated title or certified
2 copy of title. A subsequent purchaser or lienholder of the vehicle
3 only acquires the rights, title, or interest in the vehicle held by
4 the holder of the certified copy.

5 SECTION 28. Sections 501.138(a), (b), and (c),
6 Transportation Code, are amended to read as follows:

7 (a) An applicant for a title or certified copy of title,
8 other than the state or a political subdivision of the state, must
9 pay a fee of:

10 (1) \$33 if the applicant's residence is a county
11 located within a nonattainment area as defined under Section 107(d)
12 of the federal Clean Air Act (42 U.S.C. Section 7407), as amended,
13 or is an affected county, as defined by Section 386.001, Health and
14 Safety Code; or

15 (2) \$28 if the applicant's residence is any other
16 county.

17 (b) The fees shall be distributed as follows:

18 (1) for an application that is not made under Section
19 501.134, \$5 of the fee to the county treasurer for deposit in the
20 officers' salary fund;

21 (2) \$8 of the fee, or \$13 of the fee for an application
22 under Section 501.134, to the department:

23 (A) together with an [the] application not made
24 under Section 501.134 within the time prescribed by Section
25 501.023; or

26 (B) if the fee is deposited in an
27 interest-bearing account or certificate in the county depository or

1 invested in an investment authorized by Subchapter A, Chapter 2256,
2 Government Code, not later than the 35th day after the date on which
3 the fee is received; and

4 (3) the following amount to the comptroller at the
5 time and in the manner prescribed by the comptroller:

6 (A) \$20 of the fee if the applicant's residence
7 is a county located within a nonattainment area as defined under
8 Section 107(d) of the federal Clean Air Act (42 U.S.C. Section
9 7407), as amended, or is an affected county, as defined by Section
10 386.001, Health and Safety Code; or

11 (B) \$15 of the fee if the applicant's residence
12 is any other county.

13 (c) Of the amount received under Subsection (b)(2), the
14 department shall deposit:

15 (1) \$5 in the general revenue fund; and

16 (2) \$3, or \$8 for an application under Section
17 501.134, to the credit of the Texas Department of Motor Vehicles
18 fund to recover the expenses necessary to administer this chapter.

19 SECTION 29. Sections 502.001(2) and (40), Transportation
20 Code, are amended to read as follows:

21 (2) "Apportioned license plate" means a license plate
22 issued in lieu of a truck, motor bus, [~~license plate~~] or combination
23 license plate to a motor carrier in this state who proportionally
24 registers a vehicle owned or leased by the carrier in one or more
25 other states.

26 (40) "Token trailer" means a semitrailer that is
27 registered under Section 502.255 and used in combination with a

1 truck-tractor or commercial motor vehicle that is registered in
2 combination under Section 502.255, regardless of whether the
3 truck-tractor or commercial motor vehicle [+

4 [~~(A) has a gross weight of more than 6,000~~
5 ~~pounds; and~~

6 [~~(B) is operated in combination with a truck or a~~
7 ~~truck-tractor that~~] has been issued:

8 (A) [~~(i)~~] an apportioned license plate;

9 (B) [~~(ii)~~] a combination license plate; [~~or~~]

10 (C) [~~(iii)~~] a forestry vehicle license plate; or

11 (D) another license plate.

12 SECTION 30. Sections 502.0023(c) and (d-1), Transportation
13 Code, are amended to read as follows:

14 (c) In addition to the registration fees prescribed by this
15 chapter, an owner registering a commercial fleet under this section
16 shall pay:

17 (1) a one-time [~~an annual~~] commercial fleet
18 registration fee of \$10 per motor vehicle, semitrailer, or trailer
19 in the fleet; and

20 (2) except as provided by Subsection (e), a one-time
21 license plate manufacturing fee of \$1.50 for each fleet motor
22 vehicle, semitrailer, or trailer license plate.

23 (d-1) The department shall issue a license plate for a token
24 trailer registered under this section that does not expire. The
25 license plate must include the word "Permanent." A [~~alphanumeric~~
26 ~~pattern for a~~] license plate issued under this subsection may
27 remain on a token trailer [~~for as long as the registration of the~~

1 ~~token trailer is renewed or]~~ until the token trailer is removed from
2 service or sold. The registration receipt required under Section
3 621.002 is not required for a vehicle that displays a license plate
4 issued under this subsection.

5 SECTION 31. Sections 502.146(a) and (h), Transportation
6 Code, are amended to read as follows:

7 (a) The department shall issue distinguishing [~~specialty~~]
8 license plates to a vehicle described by Subsection (b) or
9 (c). The fee for the license plates is \$5 and shall be deposited to
10 the credit of the Texas Department of Motor Vehicles fund.

11 (h) A distinguishing [~~specialty~~] license plate may not be
12 issued or renewed under Subsection (a) to an owner of a vehicle
13 described by Subsection (b)(1) unless the vehicle's owner provides
14 a registration number issued by the comptroller under Section
15 151.1551, Tax Code. The comptroller shall allow access to the
16 online system established under Section 151.1551(1), Tax Code, to
17 verify a registration number provided under this subsection.

18 SECTION 32. Subchapter D, Chapter 502, Transportation Code,
19 is amended by adding Section 502.147 to read as follows:

20 Sec. 502.147. CERTAIN FARM TRAILERS, FARM SEMITRAILERS,
21 FARM TRACTORS, AND IMPLEMENTS OF HUSBANDRY. An owner is not
22 required to register a farm trailer or farm semitrailer that has a
23 gross weight of 4,000 pounds or less or a farm tractor or an
24 implement of husbandry, if the trailer, semitrailer, tractor, or
25 implement is operated only temporarily on the highways.

26 SECTION 33. The heading to Section 502.255, Transportation
27 Code, is amended to read as follows:

1 Sec. 502.255. TRUCK-TRACTOR OR COMMERCIAL MOTOR VEHICLE
2 COMBINATION FEE; PERMANENT SEMITRAILER TOKEN FEE.

3 SECTION 34. Sections 502.255(c), (i), and (j),
4 Transportation Code, are amended to read as follows:

5 (c) The one-time fee for registration of a semitrailer used
6 in the manner described by Subsection (a), regardless of the date
7 the semitrailer is registered, is \$105 [~~\$15 for a registration~~
8 ~~year~~].

9 (i) The department shall issue a license plate for a token
10 trailer registered under this section that does not expire or
11 require an annual registration insignia to be valid. The license
12 plate must include the word "Permanent." A [~~alphanumeric pattern~~
13 ~~for a~~] license plate issued under this subsection may remain on a
14 token trailer [~~for as long as the registration of the token trailer~~
15 ~~is renewed or~~] until the token trailer is removed from service or
16 sold. The registration receipt required under Section 621.002 is
17 not required for a vehicle that displays a license plate issued
18 under this subsection.

19 (j) A person may register a semitrailer under this section
20 if the person:

21 (1) applies to the department for registration;
22 (2) provides proof of the person's eligibility to
23 register the vehicle under this subsection as required by the
24 department; and

25 (3) pays the [~~a~~] fee required by Subsection (c) [~~of~~
26 ~~\$15~~], plus any other applicable fee under this chapter [~~Section~~
27 ~~502.401, for each year included in the registration period~~].

1 SECTION 35. Section 502.433(a-1), Transportation Code, is
2 amended to read as follows:

3 (a-1) A commercial motor vehicle may not be registered or
4 renewed under this section unless the vehicle's owner provides a
5 registration number issued by the comptroller under Section
6 151.1551, Tax Code. The comptroller shall allow access to the
7 online system established under Section 151.1551(1), Tax Code, to
8 verify a registration number provided under this subsection.

9 SECTION 36. Section 503.001(1), Transportation Code, is
10 amended to read as follows:

11 (1) "Board" means the board of the Texas Department of
12 Motor Vehicles [~~has the meaning assigned by Chapter 2301,~~
13 ~~Occupations Code~~].

14 SECTION 37. Section 503.003, Transportation Code, is
15 amended to read as follows:

16 Sec. 503.003. DISPLAY OR SALE OF NONMOTORIZED VEHICLE OR
17 TRAILER. This chapter does not prohibit the display or sale of a
18 nonmotorized vehicle or trailer at a regularly scheduled vehicle or
19 boat show with multiple vendors [~~in accordance with commission~~
20 ~~rules~~].

21 SECTION 38. Section 503.007(a), Transportation Code, is
22 amended to read as follows:

23 (a) The fee for an original general distinguishing number is
24 \$500 for the first year and \$200 for each subsequent year [~~for which~~
25 ~~the number is valid~~].

26 SECTION 39. Section 503.009(b), Transportation Code, as
27 repealed by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature,

1 Regular Session, 2013, and amended by Chapter 1379 (H.B. 1692),
2 Acts of the 83rd Legislature, Regular Session, 2013, is reenacted
3 and amended to read as follows:

4 (b) The procedures applicable to a hearing conducted under
5 this section are those applicable to a hearing conducted under
6 Chapter 2301, Occupations Code, or Chapter 2001, Government Code.

7 SECTION 40. Section 503.010, Transportation Code, is
8 amended to read as follows:

9 Sec. 503.010. TERM OF GENERAL DISTINGUISHING NUMBER,
10 LICENSE, OR LICENSE PLATE. Each general distinguishing number,
11 license, or license plate issued under this chapter is valid for the
12 period prescribed by the board [~~commission~~].

13 SECTION 41. Section 503.031(a), Transportation Code, is
14 amended to read as follows:

15 (a) An applicant for a drive-a-way in-transit license must
16 submit to the department [~~commission~~] an application containing the
17 information required by the department [~~commission~~].

18 SECTION 42. Section 503.038(a), Transportation Code, is
19 amended to read as follows:

20 (a) The department may cancel a dealer's general
21 distinguishing number if the dealer:

22 (1) falsifies or forges a title document, including an
23 affidavit making application for a certified copy of a title;

24 (2) files a false or forged tax document, including a
25 sales tax affidavit;

26 (3) fails to take assignment of any basic evidence of
27 ownership, including a certificate of title or manufacturer's

1 certificate, for a vehicle the dealer acquires;

2 (4) fails to assign any basic evidence of ownership,
3 including a certificate of title or manufacturer's certificate, for
4 a vehicle the dealer sells;

5 (5) uses or permits the use of a metal dealer's license
6 plate or a dealer's temporary tag on a vehicle that the dealer does
7 not own or control or that is not in stock and offered for sale;

8 (6) wilfully omits material information from or makes
9 a material misrepresentation in an application or other information
10 filed with the department;

11 (7) fails to maintain the qualifications for a general
12 distinguishing number;

13 (8) fails to provide to the department within 30 days
14 after the date of demand by the department satisfactory and
15 reasonable evidence that the person is regularly and actively
16 engaged in business as a wholesale or retail dealer;

17 (9) has been licensed for at least 12 months and has
18 not assigned at least five vehicles during the previous 12-month
19 period;

20 (10) has failed to demonstrate compliance with
21 Sections 23.12, 23.121, and 23.122, Tax Code;

22 (11) uses or allows the use of the dealer's general
23 distinguishing number or the location for which the general
24 distinguishing number is issued to avoid the requirements of this
25 chapter;

26 (12) misuses or allows the misuse of a temporary tag
27 authorized under this chapter;

1 (13) refuses to show on a buyer's temporary tag the
2 date of sale or other reasonable information required by the
3 department; or

4 (14) otherwise violates this chapter or a rule adopted
5 under this chapter.

6 SECTION 43. Section 503.0626(a), Transportation Code, is
7 amended to read as follows:

8 (a) The department shall develop, manage, and maintain a
9 secure, real-time database of information on vehicles to which
10 dealers and converters have affixed temporary tags. [~~The database
11 shall be managed by the vehicle titles and registration division of
12 the department.~~]

13 SECTION 44. Section 503.0631(a), Transportation Code, is
14 amended to read as follows:

15 (a) The department shall develop, manage, and maintain a
16 secure, real-time database of information on persons to whom
17 temporary buyer's tags are issued that may be used by a law
18 enforcement agency in the same manner that the agency uses vehicle
19 registration information. [~~The database shall be managed by the
20 vehicle titles and registration division of the department.~~]

21 SECTION 45. Section 503.069(a), Transportation Code, is
22 amended to read as follows:

23 (a) A license plate, other than an in-transit license plate,
24 or a temporary tag issued under this chapter shall be displayed in
25 accordance with board [~~commission~~] rules.

26 SECTION 46. Section 504.010(c), Transportation Code, is
27 amended to read as follows:

1 (c) Unless otherwise specified by statute, the ~~[The]~~ board
2 may adopt rules regarding the placement of license plates ~~[for a~~
3 ~~motor vehicle, road tractor, motorcycle, trailer, or semitrailer]~~.

4 SECTION 47. Sections 504.202(b) and (e), Transportation
5 Code, are amended to read as follows:

6 (b) A veteran of the United States armed forces is entitled
7 to register, for the person's own use, motor vehicles under this
8 section if:

9 (1) the person has suffered, as a result of military
10 service:

11 (A) at least a 50 percent service-connected
12 disability; or

13 (B) a 40 percent service-connected disability
14 because of the amputation of a lower extremity;

15 (2) the person receives compensation from the United
16 States because of the disability; and

17 (3) the motor vehicle:

18 (A) is owned by the person; and

19 (B) has a gross vehicle weight of 18,000 pounds
20 or less or is a motor home.

21 (e) Other than license plates issued under Subsection (h),
22 license plates issued under this section must include~~+~~

23 ~~[(1) the letters "DV" on the plate if the plate is~~
24 ~~issued for a vehicle other than a motorcycle, and~~

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

27 SECTION 48. Section 504.943(b), Transportation Code, is

1 amended to read as follows:

2 (b) A person commits an offense if the person operates on a
3 public highway during a registration period a road tractor, truck
4 tractor, motorcycle, trailer, or semitrailer that does not display
5 a license plate that:

6 (1) has been assigned by the department for the
7 period; and

8 (2) complies with department rules regarding the
9 placement of license plates.

10 SECTION 49. Section 541.201(5), Transportation Code, is
11 amended to read as follows:

12 (5) "House trailer" means a trailer or semitrailer,
13 other than a towable recreational vehicle, that:

14 (A) is transportable on a highway in one or more
15 sections;

16 (B) is less than 45 [~~40~~] feet in length,
17 excluding tow bar, while in the traveling mode;

18 (C) is built on a permanent chassis;

19 (D) is designed to be used as a dwelling or for
20 commercial purposes if connected to required utilities; and

21 (E) includes plumbing, heating,
22 air-conditioning, and electrical systems.

23 SECTION 50. Section 621.002, Transportation Code, is
24 amended by amending Subsection (a) and adding Subsection (c) to
25 read as follows:

26 (a) Except as provided by Subsection (c), a [A] copy of the
27 registration receipt issued under Section 502.057 for a commercial

1 motor vehicle, truck-tractor, trailer, or semitrailer shall be:

2 (1) carried on the vehicle when the vehicle is on a
3 public highway; and

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

6 (c) Subsection (a) does not apply to a vehicle that displays
7 a license plate issued under Section 502.0023(d-1) or 502.255(i).

8 SECTION 51. Subchapter A, Chapter 621, Transportation Code,
9 is amended by adding Section 621.0075 to read as follows:

10 Sec. 621.0075. EVIDENCE OF PERMIT. (a) An operator of a
11 vehicle operating under a permit issued under this subtitle who is
12 required by law or rule to carry the permit in the vehicle shall, on
13 request, provide the permit for the vehicle or a photocopy of the
14 permit to a peace officer, as defined by Article 2.12, Code of
15 Criminal Procedure.

16 (b) If the department provides a permit electronically, the
17 vehicle operator may provide a legible and accurate image of the
18 permit displayed on a wireless communication device.

19 (c) The display of an image that includes permit information
20 on a wireless communication device under Subsection (b) does not
21 constitute effective consent for a law enforcement officer, or any
22 other person, to access the contents of the wireless communication
23 device except to view the permit information.

24 (d) The authorization of the use of a wireless communication
25 device to display permit information under Subsection (b) does not
26 prevent a court of competent jurisdiction from requiring a person
27 to provide a paper copy of the person's evidence of permit in a

1 hearing or trial or in connection with discovery proceedings.

2 (e) A telecommunications provider, as defined by Section
3 51.002, Utilities Code, may not be held liable to the operator of
4 the motor vehicle for the failure of a wireless communication
5 device to display permit information under Subsection (b).

6 SECTION 52. Subchapter A, Chapter 621, Transportation Code,
7 is amended by adding Section 621.009 to read as follows:

8 Sec. 621.009. SIZE AND WEIGHT LIMITATIONS. The size and
9 weight limitations provided by this chapter apply unless otherwise
10 provided by this subtitle.

11 SECTION 53. Section 621.101(a), Transportation Code, is
12 amended to read as follows:

13 (a) A vehicle or combination of vehicles may not be operated
14 over or on a public highway or at a port-of-entry between Texas and
15 the United Mexican States if the vehicle or combination has:

16 (1) a single axle weight heavier than 20,000 pounds,
17 including all enforcement tolerances;

18 (2) a tandem axle weight heavier than 34,000 pounds,
19 including all enforcement tolerances;

20 (3) an overall gross weight on a group of two or more
21 consecutive axles heavier than the weight computed using the
22 following formula and rounding the result to the nearest 500
23 pounds:

$$24 \quad W = 500((LN/(N - 1)) + 12N + 36)$$

25 where:

26 "W" is maximum overall gross weight on the group;

27 "L" is distance in feet between the axles of the group that

1 are the farthest apart; and

2 "N" is number of axles in the group; or

3 (4) tires that carry a weight heavier than the weight
4 specified and marked on the sidewall of the tire, unless expressly
5 authorized [~~the vehicle is being operated~~] under the terms of a
6 special permit.

7 SECTION 54. Section 621.102(d), Transportation Code, is
8 amended to read as follows:

9 (d) A vehicle operating under a permit issued under Section
10 623.011, 623.020, 623.071, 623.094, 623.121, 623.142, 623.181,
11 623.192, [ex] 623.212, or 623.321, as added by Chapter 1135 (H.B.
12 2741), Acts of the 83rd Legislature, Regular Session, 2013, may
13 operate under the conditions authorized by the permit over a road
14 for which the executive director of the Texas Department of
15 Transportation has set a maximum weight under this section.

16 SECTION 55. Section 621.301(e), Transportation Code, is
17 amended to read as follows:

18 (e) A vehicle operating under a permit issued under Section
19 623.011, 623.020, 623.071, 623.094, 623.121, 623.142, 623.181,
20 623.192, [ex] 623.212, or 623.321, as added by Chapter 1135 (H.B.
21 2741), Acts of the 83rd Legislature, Regular Session, 2013, may
22 operate under the conditions authorized by the permit over a road
23 for which the commissioners court has set a maximum weight under
24 this section.

25 SECTION 56. Section 621.502(d), Transportation Code, is
26 amended to read as follows:

27 (d) Intent to operate a vehicle at a weight that is heavier

1 than the weight authorized by a permit issued under Section 623.011
2 or 623.020 is presumed if:

3 (1) the vehicle is operated at a weight that is heavier
4 than the applicable weight plus the tolerance allowance provided by
5 Section 623.011(a) or 623.020(a); and

6 (2) a permit to operate at that weight has not been
7 issued for the vehicle.

8 SECTION 57. The heading to Section 621.503, Transportation
9 Code, is amended to read as follows:

10 Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR
11 WEIGHT LIMITATION.

12 SECTION 58. Sections 621.503(a) and (b), Transportation
13 Code, are amended to read as follows:

14 (a) A person may not load, or cause to be loaded, a vehicle
15 for operation on a public highway of this state that exceeds the
16 height, width, length, or weight limitations for operation of that
17 vehicle provided by this subtitle [~~Section 621.101~~].

18 (b) Intent to violate a weight limitation is presumed if the
19 weight of the loaded vehicle is heavier than the applicable axle or
20 gross weight limit by 15 percent or more.

21 SECTION 59. Subchapter G, Chapter 621, Transportation Code,
22 is amended by adding Section 621.511 to read as follows:

23 Sec. 621.511. NAME ON PERMIT; OFFENSE. (a) A person
24 commits an offense if:

25 (1) the person operates or moves on a public highway a
26 vehicle that is issued a permit under this subtitle; and

27 (2) the person operating or moving the vehicle is not

1 the person named on the permit for the vehicle.

2 (b) An offense under this section is a Class C misdemeanor.

3 SECTION 60. Section 622.041, Transportation Code, is
4 amended to read as follows:

5 Sec. 622.041. LENGTH LIMITATION. ~~[(a)]~~ A person may
6 operate over a highway or road of this state any ~~[a]~~ vehicle or
7 combination of vehicles that is used exclusively for transporting
8 poles, piling, or unrefined timber from the point of origin of the
9 timber (the forest where the timber is felled) to a wood processing
10 mill if:

11 (1) the vehicle, or combination of vehicles, is not
12 longer than 90 feet, including the load; and

13 (2) the distance from the point of origin to the
14 destination or delivery point does not exceed 125 miles.

15 ~~[(b) Subsection (a)(1) does not apply to a truck-tractor or~~
16 ~~truck-tractor combination transporting poles, piling, or unrefined~~
17 ~~timber.]~~

18 SECTION 61. Section 622.051, Transportation Code, is
19 amended to read as follows:

20 Sec. 622.051. LENGTH LIMITATION; FEE. ~~[(a)]~~ A person may
21 operate over a highway or road of this state any ~~[a]~~ vehicle or
22 combination of vehicles that is used exclusively for transporting
23 poles required for the maintenance of electric power transmission
24 and distribution lines if:

25 (1) the vehicle, or combination of vehicles, is not
26 longer than 75 feet, including the load; and

27 (2) the operator of the vehicle, or combination of

1 vehicles, pays to the department \$120 each calendar year.

2 ~~[(b) Subsection (a)(1) does not apply to a truck-tractor or~~
3 ~~truck-tractor combination transporting poles for the maintenance~~
4 ~~of electric power transmission or distribution lines.]~~

5 SECTION 62. Section [622.061](#), Transportation Code, is
6 amended to read as follows:

7 Sec. 622.061. LENGTH LIMITATION. ~~[(a)]~~ A person may
8 operate over a highway or road of this state any ~~[a]~~ vehicle or
9 combination of vehicles exclusively for the transportation of poles
10 or pipe if the vehicle or combination of vehicles is not longer than
11 65 feet, including the load.

12 ~~[(b) Subsection (a) does not apply to a truck-tractor or~~
13 ~~truck-tractor combination transporting poles or pipe.]~~

14 SECTION 63. Section [622.901](#), Transportation Code, is
15 amended to read as follows:

16 Sec. 622.901. WIDTH EXCEPTIONS. The width limitation
17 provided by Section [621.201](#) does not apply to:

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

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

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

25 (2) a vehicle traveling during daylight on a public
26 highway other than a highway that is part of the national system of
27 interstate and defense highways or traveling for not more than 50

1 miles on a highway that is part of the national system of interstate
2 and defense highways if the vehicle is:

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

4 (B) a vehicle on which a farm tractor, ~~or~~
5 implement of husbandry, or equipment used in the harvesting and
6 production of timber, other than a tractor, ~~or~~ implement, or
7 equipment being transported from one dealer to another, is being
8 moved by the owner of the tractor, ~~or~~ implement, or equipment or
9 by an agent or employee of the owner:

10 (i) to deliver the tractor, ~~or~~ implement,
11 or equipment to a new owner;

12 (ii) to transport the tractor, ~~or~~
13 implement, or equipment to or from a mechanic for maintenance or
14 repair; or

15 (iii) in the course of an agricultural
16 forestry operation;

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

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

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

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

27 (5) a vehicle registered under Section [502.431](#); or

1 (6) a recreational vehicle to which Section 622.903
2 applies.

3 SECTION 64. Section 623.0113, Transportation Code, is
4 amended to read as follows:

5 Sec. 623.0113. ROUTE RESTRICTIONS. (a) Except as provided
6 by Subsection (b), a permit issued under Section 623.011 or 623.020
7 does not authorize the operation of a vehicle on:

8 (1) the national system of interstate and defense
9 highways in this state if the weight of the vehicle is greater than
10 authorized by federal law; or

11 (2) a bridge for which a maximum weight and load limit
12 has been established and posted by the Texas Transportation
13 Commission under Section 621.102 or the commissioners court of a
14 county under Section 621.301, if the gross weight of the vehicle and
15 load or the axles and wheel loads are greater than the limits
16 established and posted under those sections.

17 (b) The restrictions under Subsection (a)(2) do not apply if
18 a bridge described by Subsection (a)(2) provides the only public
19 vehicular access from an origin or to a destination by a holder of a
20 permit issued under Section 623.011 or 623.020.

21 SECTION 65. Sections 623.0171(b), (e), and (1),
22 Transportation Code, are amended to read as follows:

23 (b) The department may issue a permit that authorizes the
24 operation of a ready-mixed concrete truck [~~with three axles~~].

25 (e) When the department issues a permit under this section,
26 the department shall issue a sticker to be placed on the front
27 windshield of the vehicle [~~above the inspection certificate issued~~

1 ~~to the vehicle~~]. The department shall design the form of the
2 sticker to aid in the enforcement of weight limits for vehicles.

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

4 (1) 45 [~~50~~] percent of the amount collected shall be
5 deposited to the credit of the state highway fund;

6 (2) five percent of the amount collected shall be
7 deposited to the credit of the Texas Department of Motor Vehicles
8 fund; and

9 (3) [~~2~~] the other 50 percent shall be divided among
10 and distributed to the counties designated in permit applications
11 under Subsection (k) according to department rule.

12 SECTION 66. Section 623.018(d), Transportation Code, is
13 amended to read as follows:

14 (d) If a vehicle has a permit issued under Section 623.011
15 or 623.020, a commissioners court may not:

16 (1) issue a permit under this section or charge an
17 additional fee for or otherwise regulate or restrict the operation
18 of the vehicle because of weight; or

19 (2) require the owner or operator to execute or comply
20 with a road use agreement or indemnity agreement, to make a filing
21 or application, or to provide a bond or letter of credit other than
22 the bond or letter of credit prescribed by Section 623.012.

23 SECTION 67. Subchapter B, Chapter 623, Transportation Code,
24 is amended by adding Section 623.020 to read as follows:

25 Sec. 623.020. 24-HOUR PERMIT FOR EXCESS AXLE OR GROSS
26 WEIGHT. (a) The department may issue a permit that authorizes the
27 operation of a commercial motor vehicle, trailer, semitrailer, or

1 combination of those vehicles, or a truck-tractor or combination of
2 a truck-tractor and one or more other vehicles:

3 (1) at an axle weight that is not heavier than the
4 weight equal to the maximum allowable axle weight for the vehicle or
5 combination plus a tolerance allowance of 10 percent of that
6 allowable weight; and

7 (2) at a gross weight that is not heavier than the
8 weight equal to the maximum allowable gross weight for the vehicle
9 or combination plus a tolerance allowance of five percent.

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

11 (1) the vehicle must be registered under Chapter 502
12 for the maximum gross weight applicable to the vehicle under
13 Section 621.101, not to exceed 80,000 pounds, and the motor carrier
14 must be registered under Chapter 643;

15 (2) an application must be made in a manner determined
16 by the department by rule; and

17 (3) a nonrefundable permit fee of \$50 must be paid.

18 (c) A permit issued under this section:

19 (1) is valid for 24 hours;

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

22 (3) may not be amended, corrected, or transferred.

23 (d) A vehicle operating under a permit issued under this
24 section may exceed the maximum allowable gross weight tolerance
25 allowance by not more than five percent, regardless of the weight of
26 any one axle or tandem axle, if no axle or tandem axle exceeds the
27 tolerance permitted by Subsection (a).

1 (e) When a person applies for a permit under this section,
2 the person must designate no more than five counties in which the
3 vehicle will be operated. A permit issued under this section does
4 not authorize the operation of the vehicle in a county that is not
5 designated in the application.

6 (f) Unless otherwise provided by state or federal law, a
7 county may not require a permit, fee, or license for the operation
8 of a vehicle holding a permit under this section.

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

10 (1) 45 percent of the amount collected shall be
11 deposited to the credit of the state highway fund;

12 (2) five percent of the amount collected shall be
13 deposited to the credit of the Texas Department of Motor Vehicles
14 fund; and

15 (3) the other 50 percent shall be divided among and
16 distributed to the counties designated in permit applications under
17 Subsection (e) according to department rule.

18 (h) At least once each fiscal year, the comptroller shall
19 send the amount due each county under Subsection (g) to the county
20 treasurer or officer performing the function of that office for
21 deposit to the credit of the county road and bridge fund.

22 SECTION 68. Section 623.144, Transportation Code, is
23 amended to read as follows:

24 Sec. 623.144. REGISTRATION OF VEHICLE. [~~(a)~~] A person may
25 not operate a vehicle permitted under this subchapter on a public
26 highway unless the vehicle is registered under Chapter 502 for the
27 maximum gross weight applicable to the vehicle under Section

1 621.101 or has distinguishing [~~specialty~~] license plates as
2 provided by Section 502.146 if applicable to the vehicle.

3 ~~[(b) The department may not issue specialty license plates~~
4 ~~to a vehicle described by Section 502.146(b)(3) unless the~~
5 ~~applicant complies with the requirements of that subsection.]~~

6 SECTION 69. Sections 623.271(a) and (e), Transportation
7 Code, are amended to read as follows:

8 (a) The department may investigate and, except as provided
9 by Subsection (f), may impose an administrative penalty, ~~or~~
10 revoke an oversize or overweight permit issued under this chapter,
11 or revoke a motor carrier's registration, as provided by Section
12 643.252, if the person or the holder of the permit, as applicable:

13 (1) provides false information on the permit
14 application or another form required by the department for the
15 issuance of an oversize or overweight permit;

16 (2) violates this chapter, Chapter 621, or Chapter
17 622;

18 (3) violates a rule or order adopted under this
19 chapter, Chapter 621, or Chapter 622; or

20 (4) fails to obtain an oversize or overweight permit
21 if a permit is required.

22 (e) A person who has been ordered to pay an administrative
23 penalty under this section and the vehicle that is the subject of
24 the enforcement order may not be issued a permit under this chapter
25 or a registration, registration renewal, or reregistration of a
26 motor carrier's registration under Chapter 643 until the amount of
27 the penalty has been paid to the department.

1 SECTION 70. The heading to Section 623.272, Transportation
2 Code, is amended to read as follows:

3 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE
4 CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

5 SECTION 71. Section 623.272(a), Transportation Code, is
6 amended to read as follows:

7 (a) The department may investigate and impose an
8 administrative penalty on a shipper who:

9 (1) does not provide a shipper's certificate of weight
10 required under Section 623.274(b) or (c); or

11 (2) provides false information on a shipper's
12 certificate of weight that the shipper delivers to a person
13 transporting a shipment.

14 SECTION 72. Section 623.274, Transportation Code, is
15 amended by amending Subsection (b) and adding Subsection (c) to
16 read as follows:

17 (b) On the written request of the person transporting the
18 shipment, a [~~For a shipper's certificate of weight to be valid, the~~]
19 shipper must:

20 (1) certify that the information contained on the
21 certificate of weight [~~form~~] is accurate; and

22 (2) deliver the certificate of weight to the person
23 transporting the shipment [~~motor carrier or other person~~
24 ~~transporting the shipment before the motor carrier or other person~~
25 ~~applies for an overweight permit under this chapter~~].

26 (c) A person transporting a shipment must provide the
27 department with a copy of the certificate of weight before the

1 issuance of an overweight permit under this chapter if the combined
2 weight of the vehicle or vehicles and load is more than 200,000
3 pounds.

4 SECTION 73. Sections 643.054(a-2) and (a-3),
5 Transportation Code, are amended to read as follows:

6 (a-2) The department may deny a registration if the
7 applicant [~~applicant's business~~] is owned, operated, managed, or
8 otherwise controlled by or affiliated with a person, including [~~the~~
9 ~~applicant,~~] a [~~relative,~~] family member, corporate officer,
10 entity, or shareholder, that [~~whom~~] the Department of Public Safety
11 has determined has:

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

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

16 (a-3) The department may deny a registration if the
17 applicant is owned, [~~a motor carrier whose business is~~] operated,
18 managed, or otherwise controlled by or affiliated with a person,
19 including a [~~an owner, relative,~~] family member, corporate officer,
20 entity, or shareholder, that [~~whom the Department of Public Safety~~
21 ~~has determined has~~]:

22 (1) owned, operated, managed, or otherwise controlled
23 a motor carrier that the Federal Motor Carrier Safety
24 Administration has placed out of service for unacceptable safety
25 compliance [~~an unsatisfactory safety rating under 49 C.F.R. Part~~
26 ~~385~~]; or

27 (2) has unpaid administrative penalties assessed

1 under this chapter or Subtitle E [~~multiple violations of Chapter~~
2 ~~644, a rule adopted under that chapter, or Subtitle C~~].

3 SECTION 74. Section 643.056, Transportation Code, is
4 amended by adding Subsection (c) to read as follows:

5 (c) The department may deny a supplement to a motor
6 carrier's application for registration if the motor carrier is
7 owned, operated, managed, or otherwise controlled by or affiliated
8 with a person, including a family member, corporate officer,
9 entity, or shareholder, that has unpaid administrative penalties
10 assessed under this chapter or Subtitle E.

11 SECTION 75. Section 643.058, Transportation Code, is
12 amended by adding Subsections (d) and (e) to read as follows:

13 (d) A motor carrier may not renew a registration that has
14 been expired for more than 180 days. The motor carrier may obtain a
15 new registration by complying with the requirements and procedures
16 for obtaining an original registration under this chapter.

17 (e) The department may deny a motor carrier's application to
18 renew a registration if the motor carrier is owned, operated,
19 managed, or otherwise controlled by or affiliated with a person,
20 including a family member, corporate officer, entity, or
21 shareholder, that:

22 (1) the Department of Public Safety has determined
23 has:

24 (A) an unsatisfactory safety rating under 49
25 C.F.R. Part 385; or

26 (B) multiple violations of Chapter 644, a rule
27 adopted under that chapter, or Subtitle C;

1 (2) owned, operated, managed, or otherwise controlled
2 a motor carrier that the Federal Motor Carrier Safety
3 Administration has placed out of service for unacceptable safety
4 compliance; or

5 (3) has unpaid administrative penalties assessed
6 under this chapter or Subtitle E.

7 SECTION 76. Subchapter B, Chapter 643, Transportation Code,
8 is amended by adding Section 643.0585 to read as follows:

9 Sec. 643.0585. REREGISTRATION. (a) If a motor carrier's
10 registration has been suspended or revoked, the motor carrier may
11 apply to the department for reregistration not later than the 180th
12 day after the date the registration was suspended or revoked.

13 (b) An application for reregistration must be submitted on a
14 form prescribed by the department and accompanied by:

15 (1) a \$10 fee for each vehicle requiring
16 reregistration;

17 (2) evidence of insurance or financial responsibility
18 as required by Section 643.103(a); and

19 (3) any insurance filing fee required under Section
20 643.103(c).

21 (c) The department may deny a motor carrier's application
22 for reregistration if the motor carrier is owned, operated,
23 managed, or otherwise controlled by or affiliated with a person,
24 including a family member, corporate officer, entity, or
25 shareholder, that:

26 (1) the Department of Public Safety has determined
27 has:

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

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

5 (2) owned, operated, managed, or otherwise controlled
6 a motor carrier that the Federal Motor Carrier Safety
7 Administration has placed out of service for unacceptable safety
8 compliance; or

9 (3) has unpaid administrative penalties assessed
10 under this chapter or Subtitle E.

11 SECTION 77. Section 643.059(c), Transportation Code, is
12 amended to read as follows:

13 (c) A motor carrier required to register under this
14 subchapter must keep a legible electronic or hard copy of the cab
15 card in the cab of each vehicle requiring registration the carrier
16 operates.

17 SECTION 78. Section 643.101(b), Transportation Code, is
18 amended to read as follows:

19 (b) Except as provided by this subsection and Section
20 643.1015, the department by rule may set the amount of liability
21 insurance required at an amount that does not exceed the amount
22 required for a motor carrier under a federal regulation adopted
23 under 49 U.S.C. Section 13906(a)(1). The department may determine
24 the amount if no amount is required under federal law or regulation.

25 In setting the amount the department shall consider:

- 26 (1) the class and size of the vehicle; and
27 (2) the persons or cargo being transported.

1 SECTION 79. Section 643.103(b), Transportation Code, is
2 amended to read as follows:

3 (b) A motor carrier shall keep evidence of insurance in a
4 form, including an electronic form, approved by the department in
5 the cab of each vehicle requiring registration the carrier
6 operates.

7 SECTION 80. Section 643.153(d), Transportation Code, is
8 amended to read as follows:

9 (d) A motor carrier that is required to register under
10 Subchapter B and that transports household goods shall file a
11 tariff with the department that establishes maximum charges for all
12 transportation services [~~between two or more municipalities~~]. A
13 motor carrier may comply with this requirement by filing, in a
14 manner determined by the department, a copy of the carrier's tariff
15 governing interstate transportation services [~~on a highway between~~
16 ~~two or more municipalities~~]. The department shall make tariffs
17 filed under this subsection available for public inspection [~~at the~~
18 ~~department~~].

19 SECTION 81. Section 643.252(a), Transportation Code, is
20 amended to read as follows:

21 (a) The department may suspend, revoke, or deny a
22 registration issued under this chapter or place on probation a
23 motor carrier whose registration is suspended if a motor carrier:

24 (1) fails to maintain insurance or evidence of
25 financial responsibility as required by Section 643.101(a), (b), or
26 (c) [~~or (d)~~];

27 (2) fails to keep evidence of insurance in the cab of

1 each vehicle as required by Section 643.103(b);

2 (3) fails to register a vehicle requiring
3 registration;

4 (4) violates any other provision of this chapter or
5 Chapter 621, 622, or 623;

6 (5) knowingly provides false information on any form
7 filed with the department under this chapter or Chapter 621, 622, or
8 623; [~~or~~]

9 (6) violates a rule or order adopted under this
10 chapter or Chapter 621, 622, or 623; or

11 (7) is owned, operated, managed, or otherwise
12 controlled by or affiliated with a person, including a family
13 member, corporate officer, entity, or shareholder:

14 (A) whose registration has previously been
15 revoked or denied; or

16 (B) that has unpaid administrative penalties
17 assessed under this chapter or Subtitle E.

18 SECTION 82. Sections 643.2525(k) and (l), Transportation
19 Code, are amended to read as follows:

20 (k) If the motor carrier is required to pay a penalty or cost
21 under Subsection (f), failure to pay the penalty or cost before the
22 61st day after the date the requirement becomes final is a violation
23 of this chapter and may result in an additional penalty, revocation
24 or suspension of a motor carrier registration, or denial [~~of~~
25 ~~renewal~~] of a motor carrier registration renewal or reregistration.

26 (l) A motor carrier that is required to pay a penalty, cost,
27 fee, or expense under this section or Section 643.251 is not

1 eligible for a registration, reregistration, [~~reinstatement~~] or
2 registration renewal [~~of a registration~~] under this chapter until
3 all required amounts have been paid to the department.

4 SECTION 83. The heading to Section 643.2526, Transportation
5 Code, is amended to read as follows:

6 Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL,
7 OR REREGISTRATION [~~REINSTATEMENT~~].

8 SECTION 84. Section 643.2526(a), Transportation Code, is
9 amended to read as follows:

10 (a) Notwithstanding any other law, a denial of an
11 application for registration, renewal of registration, or
12 reregistration [~~reinstatement of registration~~] under this chapter
13 is not required to be preceded by notice and an opportunity for
14 hearing.

15 SECTION 85. Section 643.253(a), Transportation Code, is
16 amended to read as follows:

- 17 (a) A person commits an offense if the person fails to:
- 18 (1) register as required by Subchapter B;
 - 19 (2) maintain insurance or evidence of financial
20 responsibility as required by Subchapter C; or
 - 21 (3) keep a cab card in the cab of a vehicle as required
22 by Section 643.059 or comply with an alternative method to the cab
23 card established by the department under Section 643.059(e).

24 SECTION 86. The heading to Chapter 645, Transportation
25 Code, is amended to read as follows:

26 CHAPTER 645. UNIFIED CARRIER [~~SINGLE STATE~~] REGISTRATION

27 SECTION 87. Section 645.001, Transportation Code, is

1 amended to read as follows:

2 Sec. 645.001. FEDERAL UNIFIED [MOTOR] CARRIER
3 REGISTRATION; DEFINITION. (a) In this chapter, "unified carrier
4 registration plan and agreement" means the federal unified carrier
5 registration plan and agreement provided by 49 U.S.C. Section
6 14504a.

7 (b) The Texas Department of Motor Vehicles may, to the
8 fullest extent practicable, participate in [~~a federal motor carrier~~
9 ~~registration program under~~] the unified carrier registration plan
10 and agreement [~~system as defined by Section 643.001 or a single~~
11 ~~state registration system established under federal law~~].

12 SECTION 88. Section 645.002(b), Transportation Code, is
13 amended to read as follows:

14 (b) The department may adopt rules regarding the method of
15 payment of a fee required under the unified carrier registration
16 plan and agreement [~~this chapter~~]. The rules may:

17 (1) authorize the use of an escrow account described
18 by Subsection (c), an electronic funds transfer, or a valid credit
19 card issued by a financial institution chartered by a state or the
20 United States or by a nationally recognized credit organization
21 approved by the department; and

22 (2) require the payment of a discount or service
23 charge for a credit card payment in addition to the fee.

24 SECTION 89. Section 645.003, Transportation Code, is
25 amended to read as follows:

26 Sec. 645.003. ENFORCEMENT RULES. (a) The department may
27 [~~shall~~] adopt rules [~~that are consistent with federal law~~]

1 providing for administrative penalties [~~and sanctions~~] for a
2 failure to register or submit information and documents under [~~as~~
3 ~~required by~~] the unified carrier registration plan and agreement
4 [~~system or single state registration system~~] or for a violation of
5 the unified carrier registration plan and agreement [~~this chapter~~
6 ~~or a rule adopted under this chapter in the same manner as~~
7 ~~Subchapter F, Chapter 643~~].

8 (b) The notice, hearing, and other procedural requirements
9 of Section 643.2525 apply to the imposition of an administrative
10 penalty under this section as if the action were being taken under
11 that section.

12 (c) The amount of an administrative penalty imposed under
13 this section is calculated in the same manner as the amount of an
14 administrative penalty imposed under Section 643.251.

15 SECTION 90. Sections 645.004(a) and (c), Transportation
16 Code, are amended to read as follows:

17 (a) A person commits an offense if the person fails to:

18 (1) [~~violates a rule adopted under this chapter, or~~
19 [~~(2) fails to~~] register as required by the unified
20 carrier registration plan and agreement; or

21 (2) submit information and documents as required by
22 the unified carrier registration plan and agreement [~~a vehicle~~
23 ~~required to be registered under this chapter~~].

24 (c) Each day a violation [~~of a rule~~] occurs is a separate
25 offense under this section.

26 SECTION 91. Section 646.001(2), Transportation Code, is
27 amended to read as follows:

(2) "Motor transportation broker" means a person who:

(A) sells, offers for sale, provides, or negotiates for the transportation of cargo by a motor carrier registered under Chapter 643 that is operated by another person; or

(B) aids or abets a person in performing an act described by Paragraph (A).

SECTION 92. Section 646.002, Transportation Code, is amended to read as follows:

Sec. 646.002. EXCEPTION. This chapter does not apply to a motor transportation broker who:

(1) is registered as a motor carrier under Chapter 643; or

(2) is registered as a motor carrier or broker under Chapter 139, [~~holds a permit issued under~~] Subtitle IV, Title 49, United States Code.

SECTION 93. Section 646.003(b), Transportation Code, is amended to read as follows:

(b) The bond must be in an amount of at least \$75,000 [~~\$10,000~~] and must be:

(1) executed by a bonding company authorized to do business in this state;

(2) payable to this state or a person to whom the motor transportation broker provides services; and

(3) conditioned on the performance of the contract for transportation services between the broker and the person for whom services are provided.

SECTION 94. Section 1001.023(b), Transportation Code, is

1 amended to read as follows:

2 (b) The chair shall:

3 (1) preside over board meetings, make rulings on
4 motions and points of order, and determine the order of business;

5 (2) represent the department in dealing with the
6 governor;

7 (3) report to the governor on the state of affairs of
8 the department at least annually [~~quarterly~~];

9 (4) report to the board the governor's suggestions for
10 department operations;

11 (5) report to the governor on efforts, including
12 legislative requirements, to maximize the efficiency of department
13 operations through the use of private enterprise;

14 (6) periodically review the department's
15 organizational structure and submit recommendations for structural
16 changes to the governor, the board, and the Legislative Budget
17 Board;

18 (7) designate at least one employee of the department
19 as a civil rights officer of the department and receive regular
20 reports from the officer or officers on the department's efforts to
21 comply with civil rights legislation and administrative rules;

22 (8) create subcommittees, appoint board members to
23 subcommittees, and receive the reports of subcommittees to the
24 board as a whole;

25 (9) appoint a member of the board to act in the absence
26 of the chair and vice chair; and

27 (10) serve as the departmental liaison with the

1 governor and the Office of State-Federal Relations to maximize
2 federal funding for transportation.

3 SECTION 95. The following laws are repealed:

4 (1) Sections 2301.005(d) and (e), Occupations Code;
5 and

6 (2) Sections 502.1585, 503.001(2), 504.202(i),
7 621.203(c) and (d), 643.001(7-a), 643.064(a), and 645.002(a),
8 Transportation Code.

9 SECTION 96. (a) The changes in law made by this Act apply
10 only to an offense or violation committed on or after the effective
11 date of this Act. An offense or violation committed before the
12 effective date of this Act is governed by the law in effect on the
13 date the offense or violation was committed, and the former law is
14 continued in effect for that purpose. For purposes of this section,
15 an offense or violation was committed before the effective date of
16 this Act if any element of the offense or violation occurred before
17 that date.

18 (b) The changes in law made by this Act relating to a
19 complaint or protest filed or a hearing held under Chapter 2301,
20 Occupations Code, or Chapter 501, Transportation Code, apply only
21 to a complaint or protest filed or hearing held under those chapters
22 on or after the effective date of this Act. A complaint or protest
23 filed or hearing held before that date is governed by the law as it
24 existed immediately before the effective date of this Act, and that
25 law is continued in effect for that purpose.

26 (c) The changes in law made by this Act relating to an
27 application filed under Chapter 2301, Occupations Code, or Chapters

1 501, 502, 503, 623, and 643, Transportation Code, apply only to an
2 application filed under those chapters on or after the effective
3 date of this Act. An application filed before that date is governed
4 by the law in effect on the date the application was filed, and the
5 former law is continued in effect for that purpose.

6 SECTION 97. To the extent of any conflict, this Act prevails
7 over another Act of the 84th Legislature, Regular Session, 2015,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 98. This Act takes effect September 1, 2015.