

By: Villalba

H.B. No. 3828

A BILL TO BE ENTITLED

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

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

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

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

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

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

15 (2) is a manufacturer or distributor described by  
16 Section 2301.476(i-1) or is a bona fide employee of the  
17 manufacturer or distributor.

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

20 (i-1) Notwithstanding any other provision of this chapter,  
21 a manufacturer or distributor may own or operate a dealership, may  
22 own, operate, or otherwise act in the capacity of a dealer, and may  
23 obtain a dealer general distinguishing number if the manufacturer  
24 or distributor:

1           (1) manufactures or distributes motor vehicles  
2 powered only by electricity or battery; and

3           (2) has not sold or exchanged in each fiscal year more  
4 than 5,000 motor vehicles powered only by electricity or battery in  
5 this state.

6           SECTION 3. Section 503.029(a), Transportation Code, is  
7 amended to read as follows:

8           (a) An applicant for an original or renewal dealer general  
9 distinguishing number must submit to the department a written  
10 application on a form that:

11           (1) is provided by the department;

12           (2) contains the information required by the  
13 department;

14           (3) contains information that demonstrates the person  
15 meets the requirements prescribed by Section 503.032;

16           (4) contains information that demonstrates the  
17 applicant has complied with all applicable state laws and municipal  
18 ordinances;

19           (5) states that the applicant agrees to allow the  
20 department to examine during working hours the ownership papers for  
21 each registered or unregistered vehicle in the applicant's  
22 possession or control; and

23           (6) specifies whether the applicant proposes to be a:

24                   (A) franchised motor vehicle dealer;

25                   (B) independent motor vehicle dealer;

26                   (C) wholesale motor vehicle dealer;

27                   (D) motorcycle dealer;

- 1 (E) house trailer dealer;
- 2 (F) trailer or semitrailer dealer; [~~or~~]
- 3 (G) independent mobility motor vehicle dealer;
- 4 or
- 5 (H) a manufacturer or distributor described by
- 6 Section 2301.476(i-1), Occupations Code.

7 SECTION 4. This Act takes effect immediately if it receives

8 a vote of two-thirds of all the members elected to each house, as

9 provided by Section 39, Article III, Texas Constitution. If this

10 Act does not receive the vote necessary for immediate effect, this

11 Act takes effect September 1, 2015.