

## **BILL ANALYSIS**

S.B. 2076  
By: Rodríguez  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties call for changes to the process through which certain motor vehicles are titled in Texas to align with common practices. S.B. 2076 seeks to address this issue by revising provisions relating to motor vehicle titles and vehicle identification numbers.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTION 8 of this bill.

### **ANALYSIS**

S.B. 2076 repeals Transportation Code provisions relating to the assignment of a vehicle identification number by the Texas Department of Motor Vehicles (TxDMV) for a travel trailer, a trailer or semitrailer, a frame, or an item of equipment and amends the Transportation Code to instead require a motor vehicle, trailer, or semitrailer to have an identification number inspection if: TxDMV does not have a motor vehicle record for the motor vehicle, trailer, or semitrailer in the TxDMV registration and title system and the owner of the motor vehicle, trailer, or semitrailer is filing a bond with TxDMV as an alternative to a hearing for the refusal, rescission, cancellation, suspension, or revocation of a vehicle title; the motor vehicle, trailer, or semitrailer was last titled or registered outside of the United States and imported into the United States; or the owner or person claiming ownership requires an assigned or reassigned identification number. The bill exempts an active duty member of a branch of the U.S. armed forces returning to Texas with acceptable proof of the active duty status, or an immediate family member of such an active duty member, from the identification number inspection requirement for a vehicle, trailer, or semitrailer last titled or registered outside of the United States and imported into the United States.

S.B. 2076 requires such an identification number inspection to verify, as applicable, the identity of a motor vehicle; a trailer or semitrailer; a frame, body, or motor of a motor vehicle; or an item of equipment not required to be titled but that may be registered or issued licensed plates. The bill prohibits such an inspection from relying solely on the public identification number to verify the identity and sets out the qualifications of a person authorized to perform the inspection. The bill requires TxDMV to prescribe a form on which the identification number inspection is to be recorded and requires TxDMV to provide the form only to a person authorized to perform the inspection. The bill authorizes TxDMV or another entity that provides an identification number inspection to impose a fee of not more than \$40 for the inspection. The bill requires the county or municipal treasurer of a county or municipal entity that provides such an inspection to credit the

fee to the general fund of the county or municipality, as applicable, to defray the entity's cost associated with the inspection. The bill requires the fee, if TxDMV provides an identification number inspection, to be deposited to the credit of the TxDMV fund. The bill prohibits TxDMV from imposing a fee for an inspection requested by TxDMV and requires TxDMV to include a notification of the waiver to the owner at the time TxDMV requests the identification number inspection. The bill authorizes TxDMV by rule to establish a process for verifying the identity of an item requiring an identification number inspection as an alternative to the inspection and provides for the contents of those rules.

S.B. 2076 revises certain provisions relating to the assignment of an identification number by requiring TxDMV to assign an identification number to certain vehicles or parts of a vehicle if the permanent identification number affixed by the manufacturer has been removed, altered, or obliterated or a permanent identification number was never assigned and by requiring TxDMV to reassign an original manufacturer's identification number only if the person who conducts the identification number inspection determines that the permanent identification number affixed by the manufacturer has been removed, altered, or obliterated. The bill requires an application to be accompanied by evidence of ownership in the name of, or properly assigned to, the applicant. The bill requires a TxDMV representative, if TxDMV reassigns a manufacturer's identification number, to affix the number in a manner and location designated by TxDMV. The bill requires the owner or the owner's representative, on affixing an assigned identification number or witnessing the affixing of a reassigned identification number, to certify on a form prescribed by TxDMV that the identification number has been affixed in the manner and location designated by TxDMV and to submit the form in a manner prescribed by TxDMV. The bill restricts to TxDMV the authorization to issue an identification number to a motor vehicle, trailer, semitrailer, motor, frame, or body of a motor vehicle, or to an item of equipment not required to be titled but that may be registered or issued license plates. The bill prohibits TxDMV from recognizing an identification number assigned by any other agency or political subdivision of the state. The bill includes as an alternative prerequisite condition under which a motor vehicle that was last registered or titled in another state or country may be titled in Texas that an owner has obtained an identification number inspection in accordance with TxDMV rule. The bill removes a provision related to an inspection by the auto theft unit of a county or municipal law enforcement agency.

S.B. 2076 restricts application of the exemption from the Certificate of Title Act for a trailer or semitrailer used only for the transportation of farm products if the products are not transported for hire to a farm trailer or farm semitrailer with a gross vehicle weight of not more than 34,000 pounds. The bill revises the required contents of a motor vehicle title issued by TxDMV and revises the manner in which an application for a title is submitted by an owner of a motor vehicle to a county assessor-collector of a county other than the county in which the owner resides. The bill establishes that if the county assessor-collector's office of the county in which the owner resides is closed, or may be closed for a protracted period of time defined by TxDMV, the application is submitted to the county assessor-collector of a county who is willing to accept the application. The bill removes provisions establishing procedures for applying for a title if the county in which the owner resides is declared a disaster area. The bill changes the dimensions of a travel trailer for purposes of the Certificate of Title Act from less than eight feet in width or 40 feet in length to less than eight feet six inches in width or 45 feet in length. The bill changes the dimensions of a house trailer for purposes of the rules of the road from less than 40 feet in length to less than 45 feet in length.

S.B. 2076 removes the requirement that TxDMV adopt rules to implement and administer statutory provisions relating to the title for a farm semitrailer. The bill makes statutory provisions relating to the title for a farm semitrailer applicable to a farm trailer and prohibits TxDMV from issuing a title for a vehicle with a weight of more than 34,000 pounds. The bill removes the authorization for TxDMV to issue a title to a farm semitrailer with a gross weight of more than 4,000 pounds that is eligible for registration under statutory provisions relating to certain farm vehicles and drilling and construction equipment. The bill requires a subsequent purchaser of a farm trailer or farm semitrailer previously titled to obtain a title for such a vehicle from TxDMV.

The bill makes a semitrailer that has a gross vehicle weight of 4,000 pounds or less eligible for issuance of a title and requires a subsequent purchaser of a trailer or semitrailer previously titled to obtain a title for such a vehicle from TxDMV.

S.B. 2076 revises the process by which an odometer disclosure statement is disclosed to comply with federal law and requires TxDMV to provide for use consistent with related federal regulations a secure power of attorney form and a secure reassignment form for licensed motor vehicle dealers. The bill revises the process by which TxDMV is required to issue a title for an out-of-state salvage or rebuilt salvage vehicle and makes statutory provisions governing nonrepairable and salvage motor vehicles applicable to a motor vehicle that a salvage vehicle dealer has reported to TxDMV; for which an owner has surrendered evidence of ownership for the purpose of dismantling, scrapping, or destroying the motor vehicle; or that is sold for export only. The bill removes the prohibition against operating a salvage or nonrepairable vehicle on a public highway and clarifies that the record of title for ownership of such a vehicle required as a condition for the vehicle to be transferred must be issued by another state or jurisdiction for the vehicle in the name of the owner. The bill revises and reenacts certain Transportation Code provisions relating to the application for a nonrepairable vehicle title or salvage vehicle title, salvage motor vehicles or nonrepairable motor vehicles for insurance companies or self-insured persons, and owner-retained vehicles.

S.B. 2076 creates a third degree felony offense for a person who knowingly provides false or incorrect information or without legal authority signs the name of another person on an application for a title to a nonrepairable motor vehicle or salvage motor vehicle, an application for a certified copy of an original title to a nonrepairable motor vehicle or salvage motor vehicle, an assignment of title for a nonrepairable motor vehicle or salvage motor vehicle, a discharge of a lien on a title for a nonrepairable motor vehicle or salvage motor vehicle, or any other document required by TxDMV or necessary for the transfer of ownership of a nonrepairable motor vehicle or salvage motor vehicle.

S.B. 2076 revises the process for an owner or lienholder of a motor vehicle to obtain a copy of a lost or destroyed title by authorizing the owner to obtain a certified copy if the owner has original proof from the lienholder of lien satisfaction; by removing a provision relating to the acquisition of the rights, title, or interest in such a vehicle by a subsequent purchaser or lienholder of the vehicle; and by removing the restriction on the expenditure of fees collected for providing a certified copy of a lost or destroyed title. The bill removes the authorization for a purchaser or lienholder of a motor vehicle having such a certified copy to require at the time of the purchase or establishment of the lien that the seller or owner indemnify the purchaser or lienholder and all subsequent purchasers of the vehicle against any loss the person may suffer because of a claim presented on the original title. The bill establishes that a lawfully obtained certified copy of the title supersedes and invalidates any previously issued title or certified copy of the title and authorizes TxDMV to revalidate a previously superseded or invalidated title or certified copy of title if the certified copy is later rescinded, canceled, or revoked. The bill makes its provisions relating to a certified copy of a lost or destroyed certificate of title effective January 1, 2019.

S.B. 2076 repeals the following Transportation Code provisions:

- Sections 501.032(c) and (d)
- Section 501.09113(b).

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2017.