

By: Uresti

S.B. No. 1621

A BILL TO BE ENTITLED

AN ACT

relating to Texas Department of Motor Vehicles and county tax assessor-collector vehicle titling and registration duties and fees associated with those duties.

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

SECTION 1. Section 502.040, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) With the approval of the commissioners court of a county, a county assessor-collector may contract with a private entity to enable an applicant for registration to use an electronic off-premises location.

SECTION 2. Section 502.042, Transportation Code, is amended to read as follows:

Sec. 502.042. TITLE REQUIRED FOR REGISTRATION. The department or a county assessor-collector may not register or renew the registration of a motor vehicle for which a title is required under Chapter 501 unless the owner:

(1) obtains a title for the vehicle; or

(2) presents satisfactory evidence that a title was previously issued to the owner by the department or another jurisdiction.

SECTION 3. Sections 502.044(d) and (e), Transportation Code, are amended to read as follows:

(d) The department or a county assessor-collector shall

1 issue a registration receipt and registration insignia that are
2 valid until the expiration of the designated period.

3 (e) The department or a county assessor-collector shall use
4 the date of sale of the vehicle in designating the registration year
5 for a vehicle for which registration is applied for under Section
6 501.0234.

7 SECTION 4. Subchapter B, Chapter 502, Transportation Code,
8 is amended by adding Section 502.0441 to read as follows:

9 Sec. 502.0441. REGISTRATION RENEWAL THROUGH ELECTRONIC
10 SYSTEM. (a) The department may designate an electronic system for
11 registration renewal applications.

12 (b) If the department designates an electronic system, each
13 county assessor-collector shall:

14 (1) use the system to receive registration renewal
15 applications for vehicles that are not required by this chapter to
16 be registered directly by the department;

17 (2) review and process the applications; and

18 (3) mail to an applicant for renewed registration in
19 the assessor-collector's county the registration receipt or
20 insignia issued to the applicant.

21 SECTION 5. Section 502.048, Transportation Code, is amended
22 to read as follows:

23 Sec. 502.048. REFUSAL TO REGISTER UNSAFE VEHICLE. The
24 department or a county assessor-collector may refuse to register a
25 motor vehicle and the department may cancel, suspend, or revoke a
26 registration if the department determines that a motor vehicle is
27 unsafe, improperly equipped, or otherwise unfit to be operated on a

1 public highway.

2 SECTION 6. Sections 502.059(b), (c), and (d),
3 Transportation Code, are amended to read as follows:

4 (b) On application and payment of the prescribed fee for a
5 renewal of the registration of a vehicle through the period set by
6 rule, the department or the county assessor-collector that receives
7 the application shall issue a registration insignia for the
8 validation of the license plate or plates to be attached as provided
9 by Subsection (c).

10 (c) Except as provided by Subsection (f), the registration
11 insignia for validation of a license plate shall be attached to the
12 inside of the vehicle's windshield, if the vehicle has a
13 windshield, in the lower left corner in a manner that will not
14 obstruct the vision of the driver. The owner of a vehicle that does
15 not have a windshield shall indicate on the registration or renewal
16 application that [If] the vehicle does not have a windshield[, the
17 owner, when applying for registration or renewal of registration,
18 shall notify the department], and the department or the county
19 assessor-collector that receives the application shall issue a
20 distinctive device for attachment to the rear license plate of the
21 vehicle.

22 (d) The department by rule [Department rules] may adopt
23 [provide for the use of] an automated registration process that a
24 county assessor-collector may adopt for the assessor-collector's
25 county, including:

26 (1) the automated on-site production of registration
27 insignia; and

(2) automated on-premises and off-premises self-service registration.

SECTION 7. Section 502.094(a), Transportation Code, is amended to read as follows:

(a) The department or a county assessor-collector may issue a temporary registration permit in lieu of registration for a commercial motor vehicle, trailer, semitrailer, or motor bus that:

(1) is owned by a resident of the United States, Canada, or the United Mexican States;

(2) is subject to registration in this state; and

(3) is not authorized to travel on a public highway because of the lack of registration in this state or the lack of reciprocity with the state or province in which the vehicle is registered.

SECTION 8. Sections 502.095(a) and (d), Transportation Code, are amended to read as follows:

(a) The department or a county assessor-collector may issue a temporary permit in lieu of registration for a vehicle subject to registration in this state that is not authorized to travel on a public highway because of the lack of registration in this state or the lack of reciprocity with the state or country in which the vehicle is registered.

(d) A 30-day permit may be issued only to a passenger vehicle, a private bus, a trailer or semitrailer with a gross weight of not more than 10,000 pounds, a light truck, or a light commercial vehicle with a gross vehicle weight of more than 10,000 pounds that will operate unladen. A person may obtain multiple 30-day permits.

1 A [~~The department may issue a~~] single registration receipt may be
2 issued to apply to all of the periods for which the vehicle is
3 registered.

4 SECTION 9. Section 502.146(a), Transportation Code, is
5 amended to read as follows:

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

11 SECTION 10. Section 502.1911, Transportation Code, is
12 amended by amending Subsections (b) and (c) and adding Subsection
13 (d) to read as follows:

14 (b) The board by rule shall set the fee in an amount that:

15 (1) includes the fee established under Section
16 502.356(a); and

17 (2) is sufficient to cover the expenses associated
18 with collecting registration fees by:

19 (A) the department;

20 (B) a county tax assessor-collector;

21 (C) a private entity with which a county tax
22 assessor-collector contracts under Section 502.040(e) [~~502.197~~];
23 or

24 (D) a deputy assessor-collector that is
25 deputized in accordance with board rule under Section 520.0071.

26 (c) The county tax assessor-collector, a private entity
27 with which a county tax assessor-collector contracts under Section

1 502.040(e) [~~502.197~~], or a deputy assessor-collector may retain a
2 portion of the fee [~~collected under Subsection (b)~~] as provided by
3 board rule. Remaining amounts collected under this section shall
4 be deposited to the credit of the Texas Department of Motor Vehicles
5 fund.

6 (d) The rules adopted under this section must allow a county
7 tax assessor-collector to retain a service charge of at least \$1.50
8 for each application submitted to the assessor-collector by mail.
9 The retained service charge shall be used to pay the costs of
10 handling and postage to mail the registration receipt and insignia
11 to the applicant.

12 SECTION 11. Sections 502.195(b) and (c), Transportation
13 Code, are amended to read as follows:

14 (b) The department or the county assessor-collector who
15 collects the excessive fee shall refund an overcharge on
16 presentation to the department or assessor-collector of
17 satisfactory evidence of the overcharge not later than the first
18 anniversary of the date the excessive registration fee was paid.

19 (c) A refund shall be paid from the fund in which the
20 department's or county's share of registration fees is deposited,
21 as applicable.

22 SECTION 12. Section 502.434(e), Transportation Code, is
23 amended to read as follows:

24 (e) The department shall design and [~~7~~] prescribe, and the
25 department or a county assessor-collector shall furnish, a sticker,
26 plate, or other means of indicating the additional weight and the
27 registration period for each vehicle registered under this section.

SECTION 13. Section 502.451(a), Transportation Code, is amended to read as follows:

(a) Before license plates are issued or delivered to the owner of a vehicle that is exempt by law from payment of registration fees, the department or a county assessor-collector must approve the application for registration. The department or assessor-collector may not approve an application if there is the appearance that:

(1) the vehicle was transferred to the owner or purported owner:

(A) for the sole purpose of evading the payment of registration fees; or

(B) in bad faith; or

(2) the vehicle is not being used in accordance with the exemption requirements.

SECTION 14. Section 502.471(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to a violation of Section 502.003, 502.042, ~~[502.197]~~ or 502.431.

SECTION 15. Sections 502.473(a), (b), and (d), Transportation Code, are amended to read as follows:

(a) A person commits an offense if the person operates on a public highway during a registration period a motor vehicle that does not properly display the registration insignia issued by the department or a county assessor-collector that establishes that the license plates have been validated for the period.

(b) A person commits an offense if the person operates on a

1 public highway during a registration period a road tractor,
2 motorcycle, trailer, or semitrailer that does not display a
3 registration insignia issued by the department or a county
4 assessor-collector that establishes that the vehicle is registered
5 for the period.

6 (d) A court may dismiss a charge brought under Subsection
7 (a) if the defendant pays an administrative fee not to exceed \$10
8 and:

9 (1) remedies the defect before the defendant's first
10 court appearance; or

11 (2) shows that the motor vehicle was issued a
12 registration insignia by the department or a county
13 assessor-collector that was attached to the motor vehicle,
14 establishing that the vehicle was registered for the period during
15 which the offense was committed.

16 SECTION 16. Section [520.0071](#), Transportation Code, is
17 amended by amending Subsection (a) and adding Subsection (c) to
18 read as follows:

19 (a) The board by rule shall prescribe:

20 (1) the classification types of deputies performing
21 titling and registration duties;

22 (2) the duties and obligations of deputies;

23 (3) the type and amount of any bonds that may be
24 required by a county assessor-collector for a deputy to perform
25 titling and registration duties; and

26 (4) except as provided by Subsection (c), the fees
27 that may be charged or retained by deputies.

1 (c) A county assessor-collector that deputizes an
2 individual or business under this section may authorize the deputy
3 to charge or retain a fee in addition to fees authorized under
4 Chapter 501 or 502 in an amount to be determined by the
5 assessor-collector.

6 SECTION 17. Sections 348.005 and 353.006, Finance Code, are
7 amended to read as follows:

8 Sec. 348.005. ITEMIZED CHARGE. An amount in a retail
9 installment contract is an itemized charge if the amount is not
10 included in the cash price and is the amount of:

11 (1) fees for registration, certificate of title, and
12 license and any additional registration fees charged by a deputy as
13 authorized ~~[by rules adopted]~~ under Section 520.0071,
14 Transportation Code;

15 (2) any taxes;

16 (3) fees or charges prescribed by law and connected
17 with the sale or inspection of the motor vehicle; and

18 (4) charges authorized for insurance, service
19 contracts, warranties, automobile club memberships, or a debt
20 cancellation agreement by Subchapter C.

21 Sec. 353.006. ITEMIZED CHARGE. An amount in a retail
22 installment contract is an itemized charge if the amount is not
23 included in the cash price and is the amount of:

24 (1) fees for registration, certificate of title, and
25 license and any additional registration fees charged by a deputy as
26 authorized ~~[by rules adopted]~~ under Section 520.0071,
27 Transportation Code;

1 (2) any taxes;

2 (3) fees or charges prescribed by law and connected
3 with the sale or inspection of the commercial vehicle;

4 (4) charges authorized for insurance, service
5 contracts, and warranties by Subchapter C; and

6 (5) advances or payments authorized under Section
7 353.402(b) or (c) made by the retail seller to or for the benefit of
8 the retail buyer.

9 SECTION 18. Sections 502.197 and 520.005(d),
10 Transportation Code, are repealed.

11 SECTION 19. This Act takes effect September 1, 2017.