AN ACT
relating to the titling of motor vehicles; creating a criminal
offense and authorizing fees.

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

SECTION 1. Section 152.062, Tax Code, is amended by adding
Subsection (d) to read as follows:

(d) A seller of a motor vehicle is not required to complete a
joint statement described by this section if:

(1) the seller does not hold a general distinguishing
number issued under Chapter 503, Transportation Code; and

(2) the seller has complied with Section 501.028 or
501.072, Transportation Code, as applicable.

SECTION 2. Section 501.002(30), Transportation Code, is
amended to read as follows:

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

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

(B) that:

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

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

(iii) is not used as a permanent dwelling;

and

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

SECTION 3. Section 501.004(b), Transportation Code, is amended to read as follows:

(b) This chapter does not apply to:

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

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

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

(4) a new motor vehicle on loan to a political subdivision of the state for use only in a driver education course conducted by an entity exempt from licensure under Section 1001.002, Education Code.

SECTION 4. Section 501.021(a), Transportation Code, is amended to read as follows:

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

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

(2) the legal name of the seller and the municipality and state in which the seller is located or resides [make of the motor vehicle];

(3) the year, make, and body style [type] of the vehicle;

(4) the [manufacturer's permanent] vehicle identification number of the vehicle [or the vehicle's motor number if the vehicle was manufactured before the date that stamping a permanent identification number on a motor vehicle was universally adopted];

(5) if the vehicle is subject to odometer disclosure under Section 501.072, the odometer reading and odometer brand as recorded on the last title assignment [serial number] for the vehicle;

(6) the name and address of each lienholder and the date of each lien on the vehicle, listed in the chronological order in which the lien was recorded;

(7) a statement indicating rights of survivorship under Section 501.031; and

(8) [if the vehicle has an odometer, the odometer reading at the time of application for the title; and

(9)] any other information required by the department.

SECTION 5. Section 501.023(a), Transportation Code, is amended to read as follows:

(a) The owner of a motor vehicle must present identification
and apply for a title as prescribed by the department, unless otherwise exempted by law. To obtain a title, the owner must apply:

(1) to the county assessor-collector in the county in which:

(A) the owner is domiciled; or

(B) the motor vehicle is purchased or encumbered;

or

(2) [if the county in which the owner resides has been declared by the governor as a disaster area, to the county assessor-collector in one of the closest unaffected counties to a county that asks for assistance and:

[(A)] continues to be declared by the governor as a disaster area because the county has been rendered inoperable by the disaster; and

[(B)] is inoperable for a protracted period of time; or

[(3)] if the county assessor-collector's office of the county in which the owner resides is closed for a protracted period of time as defined by the department,] to the county assessor-collector of a county [that borders the county in which the owner resides] who is willing [agrees] to accept the application 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 as defined by the department.

SECTION 6. Section 501.028, Transportation Code, is amended to read as follows:

Sec. 501.028. SIGNATURES [OWNER'S SIGNATURE]. (a) On
receipt of a certificate of title, the owner of a motor vehicle shall write the owner's name in ink in the space provided on the certificate.

(b) Upon transfer of ownership, the seller shall complete assignment of title by signing and printing the seller's name, printing the date of transfer, and printing the purchaser's name and address on the title.

SECTION 7. Section 501.030(a), Transportation Code, is amended to read as follows:

(a) Before a motor vehicle that was last registered or titled in another state or country may be titled in this state, the county assessor-collector shall verify that the vehicle has passed the inspections required by Chapter 548, as indicated in the Department of Public Safety's inspection database under Section 548.251, or that the owner has obtained an identification number inspection in accordance with department rule.

SECTION 8. The heading to Section 501.032, Transportation Code, is amended to read as follows:

Sec. 501.032. [ASSIGNMENT OF VEHICLE] IDENTIFICATION NUMBER INSPECTION REQUIRED [BY DEPARTMENT].

SECTION 9. Sections 501.032(a) and (b), Transportation Code, are amended to read as follows:

(a) In addition to any requirement established by department rule, a motor vehicle, trailer, or semitrailer must have an identification number inspection under Section 501.0321 if:

(1) the department does not have a motor vehicle record for the motor vehicle, trailer, or semitrailer in the
department's registration and title system, and the owner of the
motor vehicle, trailer, or semitrailer is filing a bond with the
department under Section 501.053;

(2) the motor vehicle, trailer, or semitrailer was
last titled or registered outside of the United States and imported
into the United States; or

(3) the owner or person claiming ownership requires an
assigned or reassigned identification number under Section 501.033
[On proper application, the department shall assign a vehicle
identification number to a travel trailer, a trailer or
semitrailer, a frame, or an item of equipment, including a tractor,
farm implement, unit of special mobile equipment, or unit of
off-road construction equipment:

[(1) on which a vehicle identification number was not
die-stamped by the manufacturer;

[(2) on which a vehicle identification number
die-stamped by the manufacturer has been lost, removed, or
obliterated; or

[(3) for which a vehicle identification number was
never assigned].

(b) An active duty member of a branch of the United States
armed forces, or an immediate family member of such a member,
returning to Texas with acceptable proof of the active duty status
is exempt from an identification number inspection required under
Subsection (a)(2) [The applicant shall die-stamp the assigned
vehicle identification number at the place designated by the
department on the travel trailer, trailer, semitrailer, frame, or
SECTION 10. Subchapter B, Chapter 501, Transportation Code, is amended by adding Sections 501.0321 and 501.0322 to read as follows:

Sec. 501.0321. IDENTIFICATION NUMBER INSPECTION. (a) An inspection required under Section 501.032 must verify, as applicable, the identity of:

(1) a motor vehicle;
(2) a trailer or semitrailer;
(3) a frame, body, or motor of a motor vehicle; or
(4) an item of equipment not required to be titled but that may be registered under Chapter 502 or issued licensed plates under Chapter 504.

(b) An inspection under this section may not rely solely on the public identification number to verify the identity.

(c) An inspection under this section may be performed only by a person who has successfully completed an appropriate training program as determined by department rule and is:

(1) an auto theft investigator who is a law enforcement officer of this state or a political subdivision of this state;
(2) a person working under the direct supervision of a person described by Subdivision (1);
(3) an employee of the department authorized by the department to perform an inspection under this section; or
(4) an employee of the National Insurance Crime Bureau authorized by the department to perform an inspection under this
section.

(d) The department shall prescribe a form on which the identification number inspection is to be recorded. The department may provide the form only to a person described by Subsection (c).

(e) The department or another entity that provides an inspection under this section may impose a fee of not more than $40 for the inspection. The county or municipal treasurer of a county or municipal entity that provides an inspection under this section shall credit the fee to the general fund of the county or municipality, as applicable, to defray the entity's cost associated with the inspection. If the department provides an inspection under this section, the fee shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(f) The department may not impose a fee for an inspection requested by the department. The department shall include a notification of the waiver to the owner at the time the department requests the identification number inspection.

Sec. 501.0322. ALTERNATIVE IDENTIFICATION NUMBER INSPECTION. The department by rule may establish a process for verifying the identity of an item listed in Section 501.0321(a) as an alternative to an identification number inspection under Section 501.0321. The rules may include the persons authorized to perform the inspection, when an alternative inspection under this section is required, and any fees that may be assessed. Any fee authorized must comply with Sections 501.0321(e) and (f).

SECTION 11. Section 501.033, Transportation Code, is amended to read as follows:
Sec. 501.033. ASSIGNMENT AND REASSIGNMENT OF IDENTIFICATION NUMBER BY DEPARTMENT. (a) If the permanent identification number affixed by the manufacturer has been removed, altered, or obliterated, or a permanent identification number was never assigned, the department shall assign an identification number to [A person determined by law enforcement or a court to be the owner of] a motor vehicle, [travel trailer,] semitrailer, [or] trailer, motor [a part of a motor vehicle], [travel trailer, semitrailer, or trailer, a] frame, or body of a motor vehicle, or an item of equipment not required to be titled but that may be registered under Chapter 502 or issued license plates under Chapter 504 on inspection under Section 501.0321 and application to the department [including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment may apply to the department for an assigned vehicle identification number that has been removed, altered, obliterated, or has never been assigned].

(b) An application under this section must be in a manner prescribed by the department and accompanied by valid evidence of ownership in the name of, or properly assigned to, the applicant as required by the department.

(c) A fee of $2 must accompany each application under this section to be deposited in the Texas Department of Motor Vehicles fund.

(d) The assigned [vehicle] identification number shall be die-stamped or otherwise affixed in the manner and location designated by the department.
(e) The department shall reassign an original manufacturer's identification number only if the person who conducts the inspection under Section 501.0321 determines that the permanent identification number affixed by the manufacturer has been removed, altered, or obliterated. If the auto theft unit of a county or municipal law enforcement agency conducts an inspection required by the department under this section, the agency may impose a fee of $40. The county or municipal treasurer shall credit the fee to the general fund of the county or municipality, as applicable, to defray the agency's cost associated with the inspection. The fee shall be waived by the department or agency imposing the fee if the person applying under this section is the current registered owner.

(f) If the department reassignments a manufacturer's identification number, a representative of the department shall affix the number in a manner and location designated by the department.

(g) On affixing an assigned identification number or witnessing the affixing of a reassigned identification number, the owner or the owner's representative shall certify on a form prescribed by the department that the identification number has been affixed in the manner and location designated by the department and shall submit the form in a manner prescribed by the department.

(h) Only the department may issue an identification number to a motor vehicle, trailer, semitrailer, motor, frame, or body of a motor vehicle, or an item of equipment not required to be titled but
that may be registered under Chapter 502 or issued license plates under Chapter 504. The department may not recognize an identification number assigned by any other agency or political subdivision of this state.

SECTION 12. Section 501.036, Transportation Code, is amended to read as follows:

Sec. 501.036. TITLE FOR FARM TRAILER OR FARM SEMITRAILER. (a) Notwithstanding any other provision of this chapter, the department may issue a title for a farm trailer or farm semitrailer with a gross vehicle weight of not more than 34,000 [4,000] pounds if:

(1) the farm semitrailer is eligible for registration under Section 502.146; and

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

(b) To obtain a title under this section, the owner [of the farm semitrailer] must:

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

(2) pay the fee required by Section 501.138.

(c) A subsequent purchaser of a farm trailer or farm semitrailer titled previously under this section or in another jurisdiction must obtain a title under [The department shall adopt rules to implement and administer] this section.

SECTION 13. Section 501.037, Transportation Code, is amended to read as follows:

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

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

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

(2) pay the fee required by Section 501.138.

(c) A subsequent purchaser of a trailer or semitrailer titled previously under this section or in another jurisdiction must obtain a title under this section.

SECTION 14. Section 501.071(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Sections 503.036 and [in Section] 503.039, a motor vehicle may not be the subject of a subsequent sale unless the owner designated on the title submits a transfer of ownership of the title.

SECTION 15. Section 501.072, Transportation Code, is amended to read as follows:

Sec. 501.072. ODOMETER DISCLOSURE STATEMENT. (a) Except as provided by Subsection (c), the transferor [seller] of a motor vehicle transferred [sold] in this state shall provide to the transferee [buyer, on a form prescribed by the department,] a written disclosure of the vehicle's odometer reading at the time of the transfer in compliance with 49 U.S.C. Section 32705 [sale]. The form must include space for the signature and printed name of
both the seller and buyer.

(b) When application for a certificate of title is made, the transferee [owner] shall record the [current] odometer reading on the application. The [written] disclosure required by Subsection (a) must accompany the application.

(c) An odometer disclosure statement is not required for the transfer [sale] of a motor vehicle that is exempt from odometer disclosure requirements under 49 C.F.R. Part 580[.]

[(1) has a manufacturer's rated carrying capacity of more than two tons;]

[(2) is not self-propelled;]

[(3) is 10 or more years old;]

[(4) is sold directly by the manufacturer to an agency of the United States government in conformity with contractual specifications; or]

[(5) is a new motor vehicle].

(d) The department shall provide for use consistent with 49 C.F.R. Part 580:

[(1) a secure power of attorney form; and]

[(2) a secure reassignment form for licensed motor vehicle dealers.]

(e) In this section, "transferee" and "transferor" have the meanings assigned by 49 C.F.R. Part 580.

SECTION 16. Section 501.091(9), Transportation Code, is amended to read as follows:

(9) "Nonrepairable motor vehicle" means a motor vehicle [that]:

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(A) that is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal; [or]

(B) that comes into this state under a comparable ownership document that indicates that the vehicle is nonrepairable;

(C) that a salvage vehicle dealer has reported to the department under Section 501.1003;

(D) for which an owner has surrendered evidence of ownership for the purpose of dismantling, scrapping, or destroying the motor vehicle; or

(E) that is sold for export only under Section 501.099.

SECTION 17. Section 501.09113(a), Transportation Code, is amended to read as follows:

(a) On receipt of a proper application from the owner of a motor vehicle, the department shall issue the applicant the appropriate title with any notations determined by the department as necessary to describe or disclose the motor vehicle’s current or former condition if the motor vehicle was brought into this state from another state or jurisdiction and has on any title or comparable out-of-state ownership document issued by the other state or jurisdiction or record in the National Motor Vehicle Title Information System reported by another state or jurisdiction:

(1) a "rebuilt," "repaired," "reconstructed," "flood damage," "fire damage," "owner retained," "salvage," or similar
notation; or

(2) a "nonrepairable," "dismantle only," "parts only," "junked," "scraped," "crushed," or similar notation.

SECTION 18. Section 501.097(a), Transportation Code, as amended by Chapters 1136 (H.B. 1422) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(a) An application for a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, or salvage record of title must:

(1) be made in a manner prescribed by the department and accompanied by a $8 application fee;

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

(A) the name and current address of the owner; and

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

(3) include the name and address of:

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

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

SECTION 19. Section 501.1001(a), Transportation Code, as amended by Chapters 1136 (H.B. 1422) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and
amended to read as follows:

(a) Except as provided by Section 501.0925, an insurance company that is licensed to conduct business in this state and that acquires, through payment of a claim, ownership or possession of a salvage motor vehicle or nonrepairable motor vehicle [covered by a certificate of title issued by this state or a manufacturer's certificate of origin] shall surrender the [a] properly assigned evidence of ownership and apply for the appropriate title under Section 501.097 [title or manufacturer's certificate of origin to the department, on a form prescribed by the department].

SECTION 20. Section 501.1002(a), Transportation Code, as amended by Chapters 1136 (H.B. 1422) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(a) If an insurance company pays a claim on a nonrepairable motor vehicle or salvage motor vehicle and the insurance company does not acquire ownership of the motor vehicle, the insurance company shall:

(1) submit to the department, before the 31st day after the date of the payment of the claim, on the form prescribed by the department, a report stating that the insurance company:

(A) has paid a claim on the motor vehicle; and

(B) has not acquired ownership of the motor vehicle; and

(2) provide notice to the owner of the motor vehicle of:

(A) the report required under Subdivision (1);
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and

(B) the requirements for operation or transfer of
ownership of the motor vehicle under Subsection (b).

SECTION 21. Section 501.1002(b), Transportation Code, is
amended to read as follows:

(b) The owner of a salvage or nonrepairable motor vehicle
[to which this section applies] may not [operate or permit
operation of the motor vehicle on a public highway or] transfer
ownership of the motor vehicle by sale or otherwise unless the
department has issued a salvage vehicle title, salvage record of
title, nonrepairable vehicle title, or nonrepairable record of
title for the motor vehicle or a comparable ownership document has
been issued by another state or jurisdiction for the motor vehicle
in the name of the owner.

SECTION 22. Section 501.109, Transportation Code, is
amended by amending Subsections (d) and (e) and adding Subsections
(g) and (h) to read as follows:

(d) Except as provided by Subsection (e), an offense under
Subsection (a), (b), or (c) [this section] is a Class C misdemeanor.

(e) If it is shown on the trial of an offense under
Subsection (a), (b), or (c) [this section] that the defendant has
been previously convicted of:

(1) one offense under Subsection (a), (b), or (c)
[this section], the offense is a Class B misdemeanor; or

(2) two or more offenses under Subsection (a), (b), or
(c) [this section], the offense is a state jail felony.

(g) A person commits an offense if the person knowingly
provides false or incorrect information or without legal authority
signs the name of another person on:

1. an application for a title to a nonrepairable motor vehicle or salvage motor vehicle;
2. an application for a certified copy of an original title to a nonrepairable motor vehicle or salvage motor vehicle;
3. an assignment of title for a nonrepairable motor vehicle or salvage motor vehicle;
4. a discharge of a lien on a title for a nonrepairable motor vehicle or salvage motor vehicle; or
5. any other document required by the department or necessary for the transfer of ownership of a nonrepairable motor vehicle or salvage motor vehicle.

(h) An offense under Subsection (g) is a felony of the third degree.

SECTION 23. Effective January 1, 2019, the heading to Section 501.134, Transportation Code, is amended to read as follows:
Sec. 501.134. CERTIFIED COPY OF LOST OR DESTROYED CERTIFICATE OF TITLE.

SECTION 24. Effective January 1, 2019, Sections 501.134(a), (b), (c), and (d), Transportation Code, are amended to read as follows:

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

(b) If a lien is disclosed on a title, the department may issue a certified copy of the [original] title only to the first lienholder or the lienholder's verified agent unless the owner has original proof from the lienholder of lien satisfaction.

(c) The department must plainly mark "certified copy" on the face of a certified copy issued under this section. [A subsequent purchaser or lienholder of the vehicle only acquires the rights, title, or interest in the vehicle held by the holder of the certified copy.]

(d) A certified copy of the title that is lawfully obtained under this section supersedes and invalidates any previously issued title or certified copy. If the certified copy of the title is later rescinded, canceled, or revoked under Section 501.051, the department may revalidate a previously superseded or invalidated title or certified copy of title [A purchaser or lienholder of a motor vehicle having a certified copy issued under this section may at the time of the purchase or establishment of the lien require 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].

SECTION 25. Section 541.201(5), Transportation Code, is amended to read as follows:
(5) "House trailer" means a trailer or semitrailer, other than a towable recreational vehicle, that:

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

(B) is less than 45 feet in length, excluding tow bar, while in the traveling mode;

(C) is built on a permanent chassis;

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

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

SECTION 26. The following provisions of the Transportation Code are repealed:

(1) Sections 501.032(c) and (d); and

(2) Section 501.09113(b).

SECTION 27. Not later than December 31, 2018, the Department of Public Safety and the Texas Department of Motor Vehicles shall:

(1) conduct a study on the efficiency and necessity of the titling, including actions related to titling such as registration, and inspection of vehicles in this state; and

(2) submit to the legislature a report on the results of the study that includes:

(A) identification of any elements of the vehicle titling, including actions related to titling such as registration, and inspection programs that can be eliminated; and

(B) recommendations for legislation to eliminate
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those elements.

SECTION 28. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2076 passed the Senate on April 27, 2017, by the following vote: Yeas 27, Nays 4; and that the Senate concurred in House amendments on May 26, 2017, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 2076 passed the House, with amendments, on May 21, 2017, by the following vote: Yeas 130, Nays 12, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor