

By: Paddie

H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation and functions of the Texas Department
3 of Motor Vehicles and to the operations of certain other entities
4 performing functions associated with the department.

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

6 ARTICLE 1. GENERAL PROVISIONS

7 SECTION 1.01. Section 1001.005, Transportation Code, is
8 amended to read as follows:

9 Sec. 1001.005. SUNSET PROVISION. The department is subject
10 to Chapter 325, Government Code (Texas Sunset Act). Unless
11 continued in existence as provided by that chapter, the department
12 is abolished September 1, 2031 [~~2019~~].

13 SECTION 1.02. Section 1001.030, Transportation Code, is
14 amended to read as follows:

15 Sec. 1001.030. BOARD MEMBER TRAINING [~~ON DEPARTMENT AND~~
16 ~~CERTAIN LAWS RELATING TO DEPARTMENT~~]. (a) A [~~To be eligible to~~
17 ~~take office as a member of the board, a~~] person who is appointed to
18 and qualifies for office as a member of the board may not vote,
19 deliberate, or be counted as a member in attendance at a meeting of
20 the board until the person completes [~~must complete at least one~~
21 ~~course of~~] a training program that complies with this section.

22 (b) The training program must provide the person with
23 information [~~to the person~~] regarding:

24 (1) the law governing department operations [~~this~~

1 ~~subchapter~~];

2 (2) the board's programs, functions, and rules and the
3 budget of [~~operated by~~] the department;

4 (3) the scope of and limitations on the rulemaking
5 authority [~~role and functions~~] of the board [~~department~~];

6 (4) the types of board rules, interpretations, and
7 enforcement actions that may implicate federal antitrust law by
8 limiting competition or impacting prices charged by persons engaged
9 in a profession or business the board regulates, including rules,
10 interpretations, and enforcement actions that:

11 (A) regulate the scope of practice of persons in
12 a profession or business the board regulates;

13 (B) restrict advertising by persons in a
14 profession or business the board regulates;

15 (C) affect the price of goods or services
16 provided by persons in a profession or business the board
17 regulates; or

18 (D) restrict participation in a profession or
19 business the board regulates [~~rules of the department with an~~
20 ~~emphasis on the rules that relate to disciplinary and investigatory~~
21 ~~authority~~];

22 (5) [~~the current budget for the department,~~
23 [~~6~~] the results of the most recent formal audit of
24 the department;

25 (6) [~~7~~] the requirements of [~~the~~]:

26 (A) laws relating to open meetings, public
27 information, [~~law, Chapter 551, Government Code,~~

1 ~~[(B) open records law, Chapter 552, Government~~
2 ~~Code; and~~

3 ~~[(C)]~~ administrative procedure ~~[law]~~, and
4 disclosure of conflicts of interest; and

5 (B) other laws applicable to members of the board
6 in performing their duties [Chapter 2001, Government Code;

7 ~~(8) the requirements of the conflict of interest laws~~
8 ~~and other laws relating to public officials]; and~~

9 (7) [(9)] any applicable ethics policies adopted by
10 the department [board] or the Texas Ethics Commission.

11 (c) A person appointed to the board is entitled to
12 reimbursement, as provided by the General Appropriations Act, for
13 the travel expenses incurred in attending the training program,
14 regardless of whether the attendance at the program occurs before
15 or after [as provided by the General Appropriations Act and as if]
16 the person qualifies for office [were a member of the board].

17 (d) The executive director shall create a training manual
18 that includes the information required by Subsection (b). The
19 executive director shall distribute a copy of the training manual
20 annually to each member of the board. On receipt of the training
21 manual, each member of the board shall sign and submit to the
22 executive director a statement acknowledging receipt of the
23 training manual.

24 SECTION 1.03. Section 1001.041(a), Transportation Code, is
25 amended to read as follows:

26 (a) Subject to the General Appropriations Act or other law,
27 the executive director shall appoint deputies, assistants, and

1 other personnel, including a general counsel, as necessary to carry
2 out the powers and duties of the department under this code, other
3 applicable vehicle laws of this state, and other laws granting
4 jurisdiction or applicable to the department.

5 SECTION 1.04. Section 1001.0411, Transportation Code, is
6 amended by adding Subsection (c) to read as follows:

7 (c) In accordance with Section 1001.041(a), the executive
8 director shall hire and oversee a general counsel to advise the
9 department.

10 SECTION 1.05. Section 1001.042, Transportation Code, is
11 amended to read as follows:

12 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board
13 shall develop and implement policies that clearly separate [~~define~~]
14 the policy-making responsibilities of the board and the management
15 [~~respective~~] responsibilities of the executive director, including
16 the appointment of department staff, and the staff of the
17 department.

18 SECTION 1.06. Chapter 1003, Transportation Code, is amended
19 by adding Sections 1003.0055 and 1003.008 to read as follows:

20 Sec. 1003.0055. COMPLAINTS. (a) The department shall
21 maintain a system to promptly and efficiently act on complaints
22 filed with the department. The department shall maintain
23 information about parties to and the subject matter of the
24 complaint and a summary of the results of the review or
25 investigation of the complaint and the disposition of the
26 complaint.

27 (b) The department shall make information available

1 describing its procedures for complaint investigation and
2 resolution.

3 (c) The department shall periodically notify the parties to
4 the complaint of the status of the complaint until final
5 disposition.

6 Sec. 1003.008. NEGOTIATED RULEMAKING AND ALTERNATIVE
7 DISPUTE RESOLUTION POLICY. (a) The board shall develop and
8 implement a policy to encourage the use of:

9 (1) negotiated rulemaking procedures under Chapter
10 2008, Government Code, for the adoption of department rules; and

11 (2) appropriate alternative dispute resolution
12 procedures under Chapter 2009, Government Code, to assist in the
13 resolution of internal and external disputes under the department's
14 jurisdiction.

15 (b) The department's procedures relating to alternative
16 dispute resolution must conform, to the extent possible, to any
17 model guidelines issued by the State Office of Administrative
18 Hearings for the use of alternative dispute resolution by state
19 agencies.

20 (c) The department shall:

21 (1) coordinate the implementation of the policy
22 developed under Subsection (a);

23 (2) provide training as needed to implement the
24 procedures for negotiated rulemaking or alternative dispute
25 resolution; and

26 (3) collect data concerning the effectiveness of those
27 procedures.

1 SECTION 1.07. The following provisions are repealed:

2 (1) Section 2110.002(c), Government Code; and

3 (2) Section 1001.031(a-1), Transportation Code.

4 SECTION 1.08. (a) Except as provided by Subsection (b) of
5 this section, Section 1001.030, Transportation Code, as amended by
6 this Act, applies to a member of the board of the Texas Department
7 of Motor Vehicles who is appointed before, on, or after the
8 effective date of this Act.

9 (b) A member of the board of the Texas Department of Motor
10 Vehicles who, before the effective date of this Act, completed the
11 training program required by Section 1001.030, Transportation
12 Code, as that law existed before the effective date of this Act, is
13 required to complete additional training only on subjects added by
14 this Act to the training program as required by Section 1001.030,
15 Transportation Code, as amended by this Act. A board member
16 described by this subsection may not vote, deliberate, or be
17 counted as a member in attendance at a meeting of the board held on
18 or after December 1, 2019, until the member completes the
19 additional training.

20 ARTICLE 2. LICENSING

21 SECTION 2.01. Section 2301.203(c), Occupations Code, is
22 amended to read as follows:

23 (c) Except as otherwise provided by this subsection, the
24 [~~The~~] board may not file a complaint alleging a violation of this
25 chapter or a board rule relating to advertising until the board has
26 notified the license holder involved of the alleged violation and
27 given the license holder an opportunity to cure the violation

1 without further proceedings or liability. If the board has
2 previously given a license holder notice and an opportunity to cure
3 any violation of this chapter or a board rule relating to
4 advertising as provided by this subsection, the board may file a
5 complaint alleging a subsequent violation of this chapter or a
6 board rule relating to advertising after the board has notified the
7 license holder involved of the alleged violation.

8 SECTION 2.02. Section 2301.251(a), Occupations Code, is
9 amended to read as follows:

10 (a) Unless a person holds a license issued under this
11 chapter authorizing the activity, the person may not:

12 (1) engage in business as, serve in the capacity of, or
13 act as a dealer, manufacturer, distributor, converter,
14 [~~representative,~~] vehicle lessor, or vehicle lease facilitator in
15 this state; or

16 (2) perform or offer to perform repair services on a
17 motor vehicle under a franchise and a motor vehicle manufacturer's
18 warranty, regardless of whether the person sells or offers to sell
19 motor vehicles at the same location.

20 SECTION 2.03. Section 2301.258, Occupations Code, is
21 amended to read as follows:

22 Sec. 2301.258. GENERAL REQUIREMENTS FOR APPLICATION FOR
23 MANUFACTURER'S, DISTRIBUTOR'S, OR CONVERTER'S [~~OR~~
24 ~~REPRESENTATIVE'S~~] LICENSE. An application for a manufacturer's,
25 distributor's, or converter's [~~or representative's~~] license must
26 be on a form prescribed by the department. The application must
27 include information the department determines necessary to fully

1 determine the qualifications of an applicant, including financial
2 resources, business integrity and experience, facilities and
3 personnel for serving franchised dealers, and other information the
4 department determines pertinent to safeguard the public interest
5 and welfare.

6 SECTION 2.04. Section 2301.264(a), Occupations Code, is
7 amended to read as follows:

8 (a) The annual fees for a license issued under this chapter
9 are:

10 (1) \$900 for a manufacturer or distributor, plus \$20
11 for each dealer franchised by the manufacturer or distributor;

12 (2) for a franchised dealer:

13 (A) \$175, if the dealer sold fewer than 201 new
14 motor vehicles during the preceding calendar year;

15 (B) \$275, if the dealer sold more than 200 but
16 fewer than 401 new motor vehicles during the preceding calendar
17 year;

18 (C) \$400, if the dealer sold more than 400 but
19 fewer than 801 new motor vehicles during the preceding calendar
20 year;

21 (D) \$500, if the dealer sold more than 800 but
22 fewer than 1,201 new motor vehicles during the preceding calendar
23 year;

24 (E) \$625, if the dealer sold more than 1,200 but
25 fewer than 1,601 new motor vehicles during the preceding calendar
26 year;

27 (F) \$750, if the dealer sold more than 1,600 new

1 motor vehicles during the preceding calendar year; and

2 (G) \$100 for each location separate from the
3 dealership at which the dealer does not offer motor vehicles for
4 sale but performs warranty service work on vehicles the dealer is
5 franchised and licensed to sell;

6 (3) [~~\$100 for a representative,~~

7 [~~4~~] \$375 for a converter;

8 (4) [~~5~~] for a vehicle lessor:

9 (A) \$175, if the lessor leased 200 or fewer motor
10 vehicles during the preceding calendar year;

11 (B) \$275, if the lessor leased more than 200 but
12 fewer than 401 motor vehicles during the preceding calendar year;

13 (C) \$400, if the lessor leased more than 400 but
14 fewer than 801 motor vehicles during the preceding calendar year;

15 (D) \$500, if the lessor leased more than 800 but
16 fewer than 1,201 motor vehicles during the preceding calendar year;

17 (E) \$625, if the lessor leased more than 1,200
18 but fewer than 1,601 motor vehicles during the preceding calendar
19 year; and

20 (F) \$750, if the lessor leased more than 1,600
21 motor vehicles during the preceding calendar year; and

22 (5) [~~6~~] \$375 for a vehicle lease facilitator.

23 SECTION 2.05. Section [2301.304](#), Occupations Code, is
24 amended to read as follows:

25 Sec. 2301.304. PROCEDURE FOR RENEWAL OF CERTAIN LICENSES.

26 The holder of a manufacturer's, distributor's, or converter's [~~or~~
27 ~~representative's~~] license may apply for a renewal of the license by

1 complying with the application process specified by this chapter
2 and board rule.

3 SECTION 2.06. Section [2301.358\(c\)](#), Occupations Code, is
4 amended to read as follows:

5 (c) This section does not prohibit the sale of a towable
6 recreational vehicle, motor home, ambulance, fire-fighting
7 vehicle, or tow truck at a show or exhibition if[+]

8 ~~[(1) the show or exhibition is approved by the~~
9 ~~department; and~~

10 ~~[(2)]~~ the sale is not otherwise prohibited by law.

11 SECTION 2.07. Section [2301.709](#), Occupations Code, is
12 amended by adding Subsection (d) to read as follows:

13 (d) The board shall adopt rules and policies that establish
14 standards for reviewing a case under this subchapter. The rules and
15 policies must:

16 (1) specify the role of division personnel in managing
17 contested cases before the board or a person delegated power from
18 the board under Section [2301.154](#), including advising on procedural
19 matters;

20 (2) specify appropriate conduct and discussion by the
21 board or a person delegated power from the board under Section
22 [2301.154](#) regarding proposals for decision issued by administrative
23 law judges;

24 (3) specify clear expectations limiting arguments and
25 discussion under Subsection (b) to evidence in the record of the
26 contested case hearing held by the administrative law judge;

27 (4) address ex parte communications; and

1 (5) distinguish between using industry expertise and
2 representing or advocating for an industry when reviewing a case
3 under this subchapter.

4 SECTION 2.08. Subchapter Q, Chapter 2301, Occupations Code,
5 is amended by adding Section 2301.807 to read as follows:

6 Sec. 2301.807. REFUND. If, after a proceeding under this
7 chapter and board rules, the board determines that a person is
8 violating or has violated this chapter or a rule adopted or order
9 issued under this chapter, the board may order the person to pay a
10 refund to the buyer or lessee of the motor vehicle that is the
11 subject of the proceeding.

12 SECTION 2.09. Section 2302.101, Occupations Code, is
13 amended to read as follows:

14 Sec. 2302.101. [~~LICENSE REQUIRED FOR~~] SALVAGE VEHICLE
15 DEALER LICENSE. (a) Unless a person holds a salvage vehicle dealer
16 license issued under this chapter, the person may not:

- 17 (1) act as a salvage vehicle dealer or rebuilder; or
18 (2) store or display a motor vehicle as an agent or
19 escrow agent of an insurance company.

20 (b) A person who holds a salvage vehicle dealer license
21 issued under this chapter may perform any of the activities of a
22 salvage vehicle dealer, including:

23 (1) buying or selling salvage motor vehicles and
24 nonrepairable motor vehicles that have not been the subject of a
25 retail sale;

26 (2) buying or selling salvage motor vehicles and
27 nonrepairable motor vehicles that have been the subject of a retail

1 sale;

2 (3) engaging in the business of selling nonrepairable
3 motor vehicles or salvage motor vehicles at auction, including
4 wholesale auction;

5 (4) offering or negotiating to sell or buy salvage
6 motor vehicles or nonrepairable motor vehicles owned by a license
7 holder and to be purchased or sold by another license holder;

8 (5) acting as the agent or representative of a license
9 holder in performing an act described by Subdivision (4); and

10 (6) acquiring and repairing, rebuilding, or
11 reconstructing for operation on a public highway more than five
12 salvage motor vehicles in a calendar year.

13 SECTION 2.10. Section 2302.103, Occupations Code, is
14 amended to read as follows:

15 Sec. 2302.103. APPLICATION FOR SALVAGE VEHICLE DEALER
16 LICENSE. ~~[(a)]~~ To apply for a salvage vehicle dealer license, a
17 person must submit to the department an application on a form
18 prescribed by the department and the application fee.

19 ~~[(b) An applicant may apply for a salvage vehicle dealer~~
20 ~~license with an endorsement in one or more of the following~~
21 ~~classifications:~~

- 22 ~~[(1) new automobile dealer,~~
- 23 ~~[(2) used automobile dealer,~~
- 24 ~~[(3) salvage pool operator,~~
- 25 ~~[(4) salvage vehicle broker, or~~
- 26 ~~[(5) salvage vehicle rebuilder.]~~

27 SECTION 2.11. Section 2302.151, Occupations Code, is

1 amended by amending Subsection (a) and adding Subsection (c) to
2 read as follows:

3 (a) A license issued under this chapter is valid for the
4 period prescribed by the board [~~expires on the first anniversary of~~
5 ~~the date of issuance~~].

6 (c) If the board prescribes the term of a license under this
7 chapter for a period other than one year, the board shall prorate
8 the applicable fee required under this chapter as necessary to
9 reflect the term of the license.

10 SECTION 2.12. Section 2302.351(b), Occupations Code, is
11 amended to read as follows:

12 (b) If a salvage vehicle dealer or~~[r]~~ an employee of the
13 dealer acting in the course of employment~~[, or a salvage vehicle~~
14 ~~agent operating under the dealer's license]~~ is convicted of more
15 than one offense under Section 2302.353(a), the district attorney
16 for a county in which the dealer's salvage business is located may
17 bring an action in that county to enjoin the dealer's business
18 operations for a period of at least one year.

19 SECTION 2.13. Subchapter H, Chapter 2302, Occupations Code,
20 is amended by adding Section 2302.355 to read as follows:

21 Sec. 2302.355. CEASE AND DESIST ORDER. If it appears to the
22 board that a person who is not licensed under this chapter is
23 violating this chapter or a rule or order adopted under this
24 chapter, the board, after notice and opportunity for a hearing, may
25 issue a cease and desist order prohibiting the person from engaging
26 in the activity.

27 SECTION 2.14. Subchapter F, Chapter 643, Transportation

1 Code, is amended by adding Section 643.257 to read as follows:

2 Sec. 643.257. REFUND BY MOTOR CARRIERS TRANSPORTING
3 HOUSEHOLD GOODS. The department may order a motor carrier that
4 violates this chapter or a rule or order adopted under this chapter
5 to pay a refund to a consumer who paid the motor carrier to
6 transport household goods.

7 SECTION 2.15. Sections 2301.264(c), 2301.358(a),
8 2302.001(6), 2302.102, and 2302.107, Occupations Code, are
9 repealed.

10 SECTION 2.16. (a) The changes in law made by this Act to
11 Chapters 2301 and 2302, Occupations Code, do not affect the
12 validity of a proceeding pending before a court or other
13 governmental entity on the effective date of this Act.

14 (b) An offense or other violation of law committed before
15 the effective date of this Act is governed by the law in effect when
16 the offense or violation was committed, and the former law is
17 continued in effect for that purpose. For purposes of this
18 subsection, an offense or violation was committed before the
19 effective date of this Act if any element of the offense or
20 violation occurred before that date.

21 (c) On the effective date of this Act, a representative's
22 license issued under Chapter 2301, Occupations Code, as that law
23 existed immediately before the effective date of this Act, expires.

24 (d) On the effective date of this Act, a salvage vehicle
25 agent license issued under former Section 2302.107, Occupations
26 Code, expires.

27 (e) Section 2302.151(a), Occupations Code, as amended by

1 this Act, applies only to a license issued or renewed on or after
2 September 1, 2019. A license issued or renewed before that date is
3 governed by the law in effect immediately before the effective date
4 of this Act, and the former law is continued in effect for that
5 purpose.

6 ARTICLE 3. REGISTRATION AND TITLING

7 SECTION 3.01. Section 520.004, Transportation Code, is
8 amended to read as follows:

9 Sec. 520.004. DEPARTMENT RESPONSIBILITIES. The department
10 has jurisdiction over the registration and titling of, and the
11 issuance of license plates to, motor vehicles in compliance with
12 the applicable statutes. The department by rule:

13 (1) shall provide services that are reasonable,
14 adequate, and efficient;

15 (2) shall establish standards for uniformity and
16 service quality for counties and dealers licensed under Section
17 520.005; ~~and~~

18 (3) may conduct public service education campaigns
19 related to the department's functions; and

20 (4) shall establish a risk-based system of monitoring
21 and preventing fraudulent activity related to vehicle registration
22 and titling in order to efficiently allocate resources and
23 personnel.

24 SECTION 3.02. Section 520.005, Transportation Code, is
25 amended by adding Subsection (e) to read as follows:

26 (e) Each county assessor-collector shall make available to
27 motor vehicle dealers the electronic system designed by the

1 department that allows a motor vehicle dealer to submit a title and
2 registration application online in the name of the purchaser of a
3 motor vehicle.

4 SECTION 3.03. Subchapter A, Chapter 520, Transportation
5 Code, is amended by adding Sections 520.0075, 520.010, and 520.011
6 to read as follows:

7 Sec. 520.0075. CONTRACTING STANDARDS FOR TAX
8 ASSESSOR-COLLECTOR. (a) In this section, "deputy" means a person
9 deputized to perform registration and titling duties under Section
10 520.0071.

11 (b) Notwithstanding Section 262.023, Local Government Code,
12 a county tax assessor-collector who awards a contract to a deputy
13 for the performance of registration and titling services must
14 comply with standard state contracting practices as if the county
15 tax assessor-collector were a state agency, including requirements
16 related to:

17 (1) purchase methods and competitive bidding under
18 Sections 2155.062 and 2155.063, Government Code;

19 (2) determining the best value for the county under
20 Sections 2155.074, 2155.075, and 2155.0755, Government Code;

21 (3) contracting standards and oversight under Chapter
22 2261, Government Code; and

23 (4) contract management under Chapter 2262,
24 Government Code.

25 (c) A contract described by Subsection (b) must:

26 (1) specify an expiration date and renewal or
27 extension terms for the contract; and

1 (2) include performance criteria and measures
2 necessary to evaluate the performance of the deputy under the
3 contract.

4 (d) A county tax assessor-collector shall monitor and
5 evaluate the performance of a deputy awarded a contract described
6 by this section and use that information in determining whether to
7 renew or extend the contract or award a new contract.

8 Sec. 520.010. AUDIT AND INVESTIGATION RELATED TO
9 REGISTRATION AND TITLING SERVICES. (a) The department may:

10 (1) audit or perform a compliance review of a person
11 performing registration or titling services;

12 (2) investigate any provision of state functions
13 related to registration or titling; and

14 (3) access any records needed to conduct the audit,
15 compliance review, or investigation.

16 (b) A county tax assessor-collector may:

17 (1) audit, perform a compliance review of, or
18 investigate a person providing registration or titling services in
19 the county in which the assessor-collector is located; and

20 (2) access any records needed to conduct the audit,
21 compliance review, or investigation.

22 (c) The department's authority under Subsection (a) is not
23 limited by a similar audit, compliance review, or investigation
24 conducted by a county tax assessor-collector under Subsection (b).

25 Sec. 520.011. AUDIT OF COUNTY TAX ASSESSOR-COLLECTOR. The
26 comptroller, in coordination with the department, may include, as
27 part of the comptroller's regular audits of state revenue

1 collection by county tax assessor-collector offices, the review of
2 processes relating to a county's collection and remittance of
3 revenue included in an audit.

4 SECTION 3.04. Chapter 520, Transportation Code, is amended
5 by adding Subchapter C to read as follows:

6 SUBCHAPTER C. AUTOMATED REGISTRATION AND TITLING SYSTEM

7 Sec. 520.021. RULES AND POLICIES. The department may adopt
8 rules and policies for the maintenance and use of the department's
9 automated registration and titling system.

10 Sec. 520.022. ACCESS TO SYSTEM. The department has the sole
11 authority to determine access to the department's automated
12 registration and titling system.

13 Sec. 520.023. TRAINING. (a) The department shall
14 implement a training program providing information on the:

15 (1) department's automated registration and titling
16 system; and

17 (2) identification of fraudulent activity related to
18 vehicle registration and titling.

19 (b) The department shall require a person performing
20 registration or titling services to complete the training under
21 Subsection (a).

22 SECTION 3.05. Each county tax assessor-collector who has,
23 before the effective date of this Act, entered into a contract
24 described by Section 520.0075, Transportation Code, as added by
25 this Act, shall rebid the contract using the contracting standards
26 provided under that section not later than December 1, 2019.

27 SECTION 3.06. Not later than December 1, 2019, the Texas

1 Department of Motor Vehicles shall adopt rules to implement the
2 training program required by Section 520.023, Transportation Code,
3 as added by this Act.

4 SECTION 3.07. Not later than March 1, 2020, the Texas
5 Department of Motor Vehicles shall, in coordination with county tax
6 assessor-collectors and in accordance with Subchapter C, Chapter
7 520, Transportation Code, as added by this Act, develop, adopt, and
8 implement rules that create clear criteria for the suspension or
9 denial of access to the department's automated registration and
10 titling system if a county tax assessor-collector suspects abuse,
11 fraud, or waste relating to the system by an employee of the
12 assessor-collector's or a deputy as defined by Section 520.0075(a),
13 Transportation Code, as added by this Act.

14 SECTION 3.08. Not later than September 1, 2020, each county
15 tax assessor-collector shall make available the electronic system
16 to motor vehicle dealers as required by Section 520.005(e),
17 Transportation Code, as added by this Act.

18 ARTICLE 4. MOTOR VEHICLE CRIME PREVENTION AUTHORITY

19 SECTION 4.01. Subtitle M, Title 7, Transportation Code, is
20 amended by adding Chapter 1006, and a heading is added to that
21 chapter to read as follows:

22 CHAPTER 1006. MOTOR VEHICLE CRIME PREVENTION AUTHORITY

23 SECTION 4.02. Chapter 1006, Transportation Code, as added
24 by this Act, is amended by adding Subchapter A, and a heading is
25 added to that subchapter to read as follows:

26 SUBCHAPTER A. GENERAL PROVISIONS

27 SECTION 4.03. Section 1, Article 4413(37), Revised

1 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
2 3225), Acts of the 80th Legislature, Regular Session, 2007, is
3 transferred to Subchapter A, Chapter 1006, Transportation Code, as
4 added by this Act, redesignated as Section 1006.001, Transportation
5 Code, reenacted, and amended to read as follows:

6 Sec. 1006.001 [~~1~~]. DEFINITIONS. In this chapter [~~article~~]:

7 (1) "Authority" means the Motor Vehicle Crime
8 [~~Automobile Burglary and Theft~~] Prevention Authority.

9 (2) "Economic motor vehicle theft" means motor vehicle
10 burglary or theft committed for financial gain.

11 (3) "Insurer" means any insurance company writing any
12 form of motor vehicle insurance in this state, including an
13 interinsurance or reciprocal exchange, mutual company, mutual
14 association, or Lloyd's plan [~~"Department" means the Texas~~
15 ~~Department of Motor Vehicles~~].

16 (4) [~~"Director" means the executive director of the~~
17 ~~Texas Department of Transportation~~].

18 [~~5~~] "Motor vehicle" means a self-propelled vehicle
19 or a vehicle, trailer, or semitrailer designed for use with a
20 self-propelled vehicle. The term does not include a vehicle that
21 runs exclusively on fixed rails or tracks or a piece of equipment
22 operated solely on private property.

23 (5) "Motor vehicle burglary or theft" includes
24 economic motor vehicle theft.

25 SECTION 4.04. Section 2, Article 4413(37), Revised
26 Statutes, is transferred to Subchapter A, Chapter 1006,
27 Transportation Code, as added by this Act, redesignated as Section

1 1006.002, Transportation Code, and amended to read as follows:

2 Sec. 1006.002 [2]. ESTABLISHMENT. The Motor Vehicle Crime
3 [~~Automobile Burglary and Theft~~] Prevention Authority is
4 established in the department [~~Texas Department of Motor Vehicles~~].
5 The authority is not an advisory body to the department [~~Texas~~
6 ~~Department of Motor Vehicles~~].

7 SECTION 4.05. Chapter 1006, Transportation Code, as added
8 by this Act, is amended by adding Subchapter B, and a heading is
9 added to that subchapter to read as follows:

10 SUBCHAPTER B. COMPOSITION AND ADMINISTRATION

11 SECTION 4.06. Sections 3(a), (b), (c), (d), (i), (j), and
12 (k), Article 4413(37), Revised Statutes, are transferred to
13 Subchapter B, Chapter 1006, Transportation Code, as added by this
14 Act, redesignated as Sections 1006.051 and 1006.052,
15 Transportation Code, and amended to read as follows:

16 Sec. 1006.051. AUTHORITY MEMBERSHIP. (a) The authority is
17 composed of seven members.

18 (b) The governor, with the advice and consent of the senate,
19 shall appoint the following six members:

20 (1) two representatives of motor vehicle insurance
21 consumers;

22 (2) two representatives of insurance companies
23 writing motor vehicle insurance in this state; and

24 (3) two representatives of law enforcement.

25 (c) The public safety director of the Department of Public
26 Safety or the director's designee serves ex officio as the seventh
27 member of the authority.

1 (d) Appointments to the authority shall be made without
2 regard to race, color, disability, sex, religion, age, or national
3 origin of the appointees.

4 Sec. 1006.052. ELIGIBILITY RESTRICTIONS. (a) [~~(i)~~] A
5 person is not eligible for appointment as a representative of motor
6 vehicle insurance consumers under Section 1006.051(b)(1)
7 [~~Subsection (b)(1) of this section~~] if the person or the person's
8 spouse:

9 (1) is registered, certified, or licensed by an
10 occupational regulatory agency in the field of motor vehicle
11 insurance or law enforcement;

12 (2) is an officer, employee, or paid consultant of a
13 Texas trade association in the field of motor vehicle insurance or
14 law enforcement;

15 (3) is employed by or participates in the management
16 of a business entity or other organization receiving funds from the
17 authority;

18 (4) owns or controls, directly or indirectly, more
19 than a 10 percent [~~10-percent~~] interest in a business entity or
20 other organization receiving funds from the authority; or

21 (5) uses or receives a substantial amount of tangible
22 goods, services, or funds from the authority, other than
23 reimbursement authorized by law for service on the board of the
24 authority.

25 (b) [~~(j)~~] For purposes of Subsection (a)(2) [~~(i)(2) of this~~
26 ~~section~~], "[a] Texas trade association" means [~~is~~] a nonprofit,
27 cooperative, and voluntarily joined association of business or

1 professional competitors in this state designed to assist the
2 association's [~~its~~] members and the members' [~~its~~] industry or
3 profession in dealing with mutual business or professional problems
4 and in promoting the members' [~~their~~] common interest.

5 (c) [~~(k)~~] A person may not serve as a member of the
6 authority [~~or act as the general counsel to the authority~~] if the
7 person is required to register as a lobbyist under Chapter 305,
8 Government Code, because of the person's activities for
9 compensation on behalf of a profession related to [~~law enforcement~~
10 ~~or~~] motor vehicle insurance or law enforcement.

11 SECTION 4.07. Section 3(e), Article 4413(37), Revised
12 Statutes, is transferred to Subchapter B, Chapter 1006,
13 Transportation Code, as added by this Act, redesignated as Section
14 1006.053, Transportation Code, and amended to read as follows:

15 Sec. 1006.053. TERM OF OFFICE; VACANCY. (a) [~~(e)~~] The six
16 members of the authority appointed by the governor serve staggered
17 six-year terms, with the terms of two members expiring February 1 of
18 each odd-numbered year.

19 (b) If there is a vacancy during a term, the governor shall
20 appoint a replacement who meets the requirements of the vacant
21 office to fill the unexpired term.

22 SECTION 4.08. Section 5(a), Article 4413(37), Revised
23 Statutes, is transferred to Subchapter B, Chapter 1006,
24 Transportation Code, as added by this Act, redesignated as Section
25 1006.054, Transportation Code, and amended to read as follows:

26 Sec. 1006.054. PRESIDING OFFICER. [~~(a)~~] The governor
27 shall designate a member of the authority as the presiding officer

1 of the authority to serve in that capacity at the pleasure of the
2 governor.

3 SECTION 4.09. Sections 3(f), (g), (h), and (l), Article
4 4413(37), Revised Statutes, are transferred to Subchapter B,
5 Chapter 1006, Transportation Code, as added by this Act,
6 redesignated as Sections 1006.055 and 1006.056, Transportation
7 Code, and amended to read as follows:

8 Sec. 1006.055. GROUNDS FOR REMOVAL. (a) [~~(f)~~] It is a
9 ground for removal from the authority if a member:

10 (1) does not have at the time of appointment the
11 qualifications required by Section 1006.051(b) [~~Subsection (b)~~] or
12 is disqualified under Section 1006.052 [~~Subsection (i) or (k) of~~
13 ~~this section~~];

14 (2) does not maintain during service on the authority
15 the qualifications required by Section 1006.051(b) [~~Subsection~~
16 ~~(b)~~] or becomes disqualified under Section 1006.052 [~~Subsection (i)~~
17 ~~or (k) of this section~~];

18 (3) cannot, because of illness or disability,
19 discharge the member's duties for a substantial part of the member's
20 term [~~for which the member is appointed~~]; or

21 (4) is absent from more than half of the regularly
22 scheduled authority meetings that the member is eligible to attend
23 during a calendar year.

24 (b) [~~(g)~~] The validity of an action of the authority is not
25 affected by the fact that it is taken when a ground for removal of a
26 member of the authority exists.

27 (c) [~~(h)~~] If the executive director has knowledge that a

1 potential ground for removal exists, the executive director shall
 2 notify the presiding officer of the authority of the potential
 3 ground. The presiding officer shall then notify the governor and
 4 the attorney general that a potential ground for removal exists. If
 5 the potential ground for removal involves the presiding officer,
 6 the executive director shall notify the next highest officer of the
 7 authority, who shall notify the governor and the attorney general
 8 that a potential ground for removal exists.

9 Sec. 1006.056. INFORMATION ON QUALIFICATIONS AND CONDUCT.

10 [~~(1)~~] The executive director or the executive director's designee
 11 shall provide to members of the authority, as often as necessary,
 12 information regarding the members' [~~their~~] qualifications for
 13 office under this chapter [~~article~~] and their responsibilities
 14 under applicable laws relating to standards of conduct for state
 15 officers.

16 SECTION 4.10. Sections 5(c), (d), and (e), Article
 17 4413(37), Revised Statutes, are transferred to Subchapter B,
 18 Chapter 1006, Transportation Code, as added by this Act,
 19 redesignated as Section 1006.057, Transportation Code, and amended
 20 to read as follows:

21 Sec. 1006.057. MEMBER TRAINING. (a) A [~~(c) To be eligible~~
 22 ~~to take office as a member of the authority, a]~~ person who is
 23 appointed to and qualifies for office as a member of the authority
 24 may not vote, deliberate, or be counted as a member in attendance at
 25 a meeting of the authority until the person completes [~~must~~
 26 ~~complete at least one course of]~~ a training program that complies
 27 with this section [~~Subsection (d)]~~.

1 **(b)** [~~(d)~~] The training program [~~required by Subsection (c)~~]
2 must provide the person with information [~~to the person~~] regarding:

3 (1) the law governing authority operations [~~enabling~~
4 ~~legislation that created the authority and its policymaking body to~~
5 ~~which the member is appointed to serve~~];

6 (2) the programs, functions, rules, and budget of
7 [~~operated by~~] the authority;

8 (3) the scope of and limitations on the rulemaking
9 authority [~~role and functions~~] of the authority;

10 (4) [~~the rules of the authority and the department,~~
11 [~~(5) the current budget for the authority,~~

12 [~~(6)~~] the results of the most recent formal audit of
13 the authority;

14 (5) [~~(7)~~] the requirements of [~~the~~]:

15 (A) laws relating to open meetings, public
16 information, [~~law, Chapter 551, Government Code,~~

17 [~~(B) open records law, Chapter 552, Government~~
18 ~~Code, and~~

19 [~~(C)~~] administrative procedure [~~law~~], and
20 disclosure of conflicts of interest; and

21 (B) other laws applicable to members of the
22 authority in performing their duties [~~Chapter 2001, Government~~
23 ~~Code,~~

24 [~~(8) the requirements of the conflict-of-interest~~
25 ~~laws and other laws relating to public officials~~]; and

26 (6) [~~(9)~~] any applicable ethics policies adopted by
27 the department or the Texas Ethics Commission.

1 (c) [(e)] A person appointed to the authority is entitled to
2 reimbursement, as provided by the General Appropriations Act, for
3 the travel expenses incurred in attending the training program,
4 regardless of whether the attendance at the program occurs before
5 or after [~~required by Subsection (c) as provided by the General~~
6 ~~Appropriations Act and as if~~] the person qualifies for office [~~were~~
7 ~~a member of the authority~~].

8 (d) The executive director shall create a training manual
9 that includes the information required by Subsection (b). The
10 executive director shall distribute a copy of the training manual
11 annually to each member of the authority. On receipt of the
12 training manual, each member of the authority shall sign and submit
13 to the executive director a statement acknowledging receipt of the
14 training manual.

15 SECTION 4.11. Section 4, Article 4413(37), Revised
16 Statutes, is transferred to Subchapter B, Chapter 1006,
17 Transportation Code, as added by this Act, redesignated as Section
18 1006.058, Transportation Code, and amended to read as follows:

19 Sec. 1006.058 [4]. REIMBURSEMENT FOR EXPENSES. A member of
20 the authority is not entitled to compensation for service on the
21 authority but is entitled to reimbursement for expenses incurred in
22 performing the member's duties at the rate provided by [~~in~~] the
23 General Appropriations Act.

24 SECTION 4.12. Sections 6(e), (f), and (g), Article
25 4413(37), Revised Statutes, are transferred to Subchapter B,
26 Chapter 1006, Transportation Code, as added by this Act,
27 redesignated as Sections 1006.059 and 1006.060, Transportation

1 Code, and amended to read as follows:

2 Sec. 1006.059. PERSONNEL AND SERVICES. (a) [~~(e)~~] The
3 authority may be provided various services only by or through the
4 department as needed to carry out the authority's [~~its~~] purposes,
5 powers, and duties. These services may include[~~, but are not~~
6 ~~limited to,~~] legal services not provided by the attorney general,
7 fiscal services, administrative services, and personnel services.
8 [~~Except as provided by this section, the authority may enter into~~
9 ~~contracts in its own name and on its own behalf with recipients of~~
10 ~~grants for purposes of this article.~~]

11 (b) [~~(f)~~] The department shall provide personnel and
12 services to the authority as agreed by the authority and the
13 department.

14 Sec. 1006.060. DIVISION OF RESPONSIBILITIES. [~~(g)~~] The
15 authority shall, in coordination with the department, develop and
16 implement policies that clearly separate the policymaking
17 responsibilities of the authority and the management
18 responsibilities of the department.

19 SECTION 4.13. Section 5(b), Article 4413(37), Revised
20 Statutes, is transferred to Subchapter B, Chapter 1006,
21 Transportation Code, as added by this Act, redesignated as Section
22 1006.061, Transportation Code, and amended to read as follows:

23 Sec. 1006.061. MEETINGS. [~~(h)~~] The authority shall meet at
24 the call of the presiding officer [~~chairman~~] or at the call of four
25 members.

26 SECTION 4.14. Section 6(h), Article 4413(37), Revised
27 Statutes, is transferred to Subchapter B, Chapter 1006,

1 Transportation Code, as added by this Act, redesignated as Section
2 1006.062, Transportation Code, and amended to read as follows:

3 Sec. 1006.062. PUBLIC TESTIMONY. [~~h~~] The authority
4 shall develop and implement policies that provide the public with a
5 reasonable opportunity to appear before the authority and to speak
6 on any issue under the [its] jurisdiction of the authority.

7 SECTION 4.15. Subchapter B, Chapter 1006, Transportation
8 Code, as added by this Act, is amended by adding Section 1006.063 to
9 read as follows:

10 Sec. 1006.063. LOBBYIST PROHIBITION: GENERAL COUNSEL. A
11 person may not act as the general counsel to the authority if the
12 person is required to register as a lobbyist under Chapter 305,
13 Government Code, because of the person's activities for
14 compensation on behalf of a profession related to motor vehicle
15 insurance or law enforcement.

16 SECTION 4.16. Chapter 1006, Transportation Code, as added
17 by this Act, is amended by adding Subchapter C, and a heading is
18 added to that subchapter to read as follows:

19 SUBCHAPTER C. POWERS AND DUTIES

20 SECTION 4.17. Sections 6(a), (b), (c), and (d), Article
21 4413(37), Revised Statutes, are transferred to Subchapter C,
22 Chapter 1006, Transportation Code, as added by this Act,
23 redesignated as Section 1006.101, Transportation Code, and amended
24 to read as follows:

25 Sec. 1006.101. GENERAL POWERS AND DUTIES. (a) The
26 authority shall adopt rules to implement the authority's [its]
27 powers and duties.

1 (b) The authority may solicit and accept gifts and grants.

2 (c) The authority may only use [~~only~~] staff of the
3 department and may delegate authority to the staff as needed.

4 (d) Not later than April 1 of each year, the authority shall
5 report on the authority's [~~its~~] activities to the lieutenant
6 governor and the speaker of the house of representatives.

7 SECTION 4.18. Section 7, Article 4413(37), Revised
8 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
9 3225), Acts of the 80th Legislature, Regular Session, 2007, is
10 transferred to Subchapter C, Chapter 1006, Transportation Code, as
11 added by this Act, redesignated as Section 1006.102, Transportation
12 Code, reenacted, and amended to read as follows:

13 Sec. 1006.102 [~~7~~]. PLAN OF OPERATION. (a) The authority
14 shall develop and implement a plan of operation. The plan of
15 operation must be updated biennially and filed with the legislature
16 not later than [~~on or before~~] December 1 of each even-numbered year.

17 (b) The plan of operation must include:

18 (1) an assessment of the scope of the problems of motor
19 vehicle burglary or theft and fraud-related motor vehicle crime
20 [~~economic motor vehicle theft~~], including particular areas of the
21 state where the problems are greatest;

22 (2) an analysis of various methods of combating the
23 problems of motor vehicle burglary or theft and fraud-related motor
24 vehicle crime [~~economic motor vehicle theft~~];

25 (3) a plan for providing financial support to combat
26 motor vehicle burglary or theft and fraud-related motor vehicle
27 crime [~~economic motor vehicle theft~~]; and

1 (4) an estimate of the funds required to implement the
2 plan of operation.

3 SECTION 4.19. Section 12, Article 4413(37), Revised
4 Statutes, is transferred to Subchapter C, Chapter 1006,
5 Transportation Code, as added by this Act, redesignated as Section
6 1006.103, Transportation Code, and amended to read as follows:

7 Sec. 1006.103 [~~12~~]. ADVISORY COMMITTEES. (a) The
8 authority may establish advisory committees to advise the authority
9 [~~it~~] on any matter under the jurisdiction of the authority.

10 (b) Section 2110.008, Government Code, does not apply to an
11 advisory committee established under this section if the advisory
12 committee is:

- 13 (1) established for a specific and immediate need; and
14 (2) dissolved before the first anniversary of the date
15 the committee is created.

16 (c) A member of an advisory committee may not be compensated
17 by the authority for committee service but is entitled to
18 reimbursement for actual and necessary expenses incurred in the
19 performance of committee service.

20 SECTION 4.20. Chapter 1006, Transportation Code, as added
21 by this Act, is amended by adding Subchapter D, and a heading is
22 added to that subchapter to read as follows:

23 SUBCHAPTER D. FINANCIAL PROVISIONS

24 SECTION 4.21. Sections 6(j) and (k), Article 4413(37),
25 Revised Statutes, are transferred to Subchapter D, Chapter 1006,
26 Transportation Code, as added by this Act, redesignated as Section
27 1006.151, Transportation Code, and amended to read as follows:

1 Sec. 1006.151. GRANTS. (a) Subject to the requirements of
2 this section, the authority may enter into contracts in the
3 authority's own name and on the authority's own behalf with
4 recipients of grants for purposes of this chapter.

5 (b) [~~j~~] The authority shall:

6 (1) develop and periodically update [~~use~~] standard
7 performance measures for each category of grants provided by the
8 authority for use in [~~order to~~] assessing [~~assess~~] grantee success
9 in achieving the purposes of this chapter [~~article~~]; and

10 (2) ensure that grants are used to help increase:

11 (A) the recovery rate of stolen motor vehicles;

12 (B) the clearance rate of:

13 (i) motor vehicle burglaries and thefts;

14 and

15 (ii) fraud-related motor vehicle crimes;

16 and

17 (C) the number of persons arrested for motor
18 vehicle burglary and theft and fraud-related motor vehicle crime.

19 (c) [~~k~~] The authority shall allocate grant funds
20 primarily based on the number of motor vehicles stolen in, or the
21 motor vehicle burglary or theft rate across, and the number of
22 fraud-related motor vehicle crimes committed in the state rather
23 than based on geographic distribution.

24 (d) The authority shall, in consultation with the
25 department, annually update the performance measures developed
26 under Subsection (b).

27 SECTION 4.22. Sections 6A and 10, Article 4413(37), Revised

1 Statutes, are transferred to Subchapter D, Chapter 1006,
2 Transportation Code, as added by this Act, redesignated as Sections
3 1006.152 and 1006.153, Transportation Code, and amended to read as
4 follows:

5 Sec. 1006.152 [~~6A~~]. REFUNDS [~~POWER TO REFUND~~]. (a) The
6 authority may make determinations regarding the sufficiency of
7 payments made by an ["insurer" ~~(as defined under Section 10 of~~
8 ~~this article)~~] of fees collected under [~~pursuant to~~] Section
9 1006.153 [~~10 of this article~~].

10 (b) Pursuant to a [~~such~~] determination made under
11 Subsection (a), the authority may:

12 (1) notify the comptroller that payments made by an
13 insurer are sufficient; and

14 (2) request the comptroller to draw warrants on the
15 funds available to the authority for the purpose of refunding money
16 [~~monies~~] to an insurer.

17 (c) The authority shall make the determination under
18 [~~Subsection (b) of~~] this section as follows:

19 (1) the two members of the authority who are
20 representatives of insurance companies writing motor vehicle
21 insurance in this state shall recuse themselves; and

22 (2) the remaining five members of the authority shall
23 make the determination by a simple majority vote.

24 (d) Determinations made under this section shall be
25 performed in accordance with procedures set forth in rules adopted
26 by the authority. The question of eligibility for a refund is not a
27 contested case under [~~within the meaning of the Administrative~~

1 ~~Procedure Act~~ (~~Chapter~~ 2001, Government Code~~)~~].

2 (e) A [~~Except as provided by Subsection (f), a~~] request for
3 a refund made under this section must be made not later than four
4 years after the date the payment was made to the authority under
5 Section 1006.153 [~~10 of this article~~].

6 Sec. 1006.153 [~~10~~]. FEE IMPOSED ON INSURER. (a) In this
7 section, ~~+~~

8 [~~(1) "Insurer" means any insurance company writing any~~
9 ~~form of motor vehicle insurance in this state, including an~~
10 ~~interinsurance or reciprocal exchange, mutual company, mutual~~
11 ~~association, or Lloyd's plan.~~

12 [~~(2)~~] "motor [~~Motor~~] vehicle years of insurance" means
13 the total number of years or portions of years during which a motor
14 vehicle is covered by insurance.

15 (b) An insurer shall pay to the authority a fee equal to \$2
16 multiplied by the total number of motor vehicle years of insurance
17 for insurance policies delivered, issued for delivery, or renewed
18 by the insurer. The fee shall be paid not later than:

19 (1) March 1 of each year for a policy delivered,
20 issued, [~~delivered,~~] or renewed from July 1 through December 31 of
21 the previous calendar year; and

22 (2) August 1 of each year for a policy delivered,
23 issued, [~~delivered,~~] or renewed from January 1 through June 30 of
24 that year.

25 (c) The fee imposed by this section is in addition to any
26 other fee or tax imposed by law on an insurer.

27 (d) The authority shall notify the Texas Department [~~State~~

1 ~~Board~~] of Insurance of any insurer that fails to pay the fee
2 required by this section, and the Texas Department of Insurance
3 [~~board~~] may for that reason revoke the insurer's certificate of
4 authority.

5 (e) Fifty percent of each fee collected under Subsection (b)
6 may be appropriated only to the authority for the purposes of this
7 chapter [~~article~~].

8 SECTION 4.23. Section 8, Article 4413(37), Revised
9 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
10 3225), Acts of the 80th Legislature, Regular Session, 2007, is
11 transferred to Subchapter D, Chapter 1006, Transportation Code, as
12 added by this Act, redesignated as Section 1006.154, Transportation
13 Code, reenacted, and amended to read as follows:

14 Sec. 1006.154 [~~8~~]. USE OF APPROPRIATED FUNDS. (a) Money
15 appropriated to the department for authority purposes shall be used
16 by the authority to pay the department for administrative costs and
17 to achieve the purposes of this chapter [~~article~~], including:

18 (1) [~~establishing and funding the motor vehicle~~
19 ~~registration program required by Section 9 of this article,~~

20 [~~2~~] providing financial support to law enforcement
21 agencies for economic motor vehicle theft and fraud-related motor
22 vehicle crime enforcement teams;

23 (2) [~~3~~] providing financial support to law
24 enforcement agencies, local prosecutors, judicial agencies, and
25 neighborhood, community, business, and nonprofit organizations for
26 programs designed to reduce the incidence of economic motor vehicle
27 theft and fraud-related motor vehicle crime;

1 (3) [~~(4)~~] conducting educational programs designed to
2 inform motor vehicle owners of methods of preventing motor vehicle
3 burglary or theft and fraud-related motor vehicle crime;

4 (4) [~~(5)~~] providing equipment, for experimental
5 purposes, to assist motor vehicle owners in preventing motor
6 vehicle burglary or theft; and

7 (5) [~~(6)~~] establishing a uniform program to prevent
8 stolen motor vehicles from entering Mexico.

9 (b) In any fiscal year, the amount of the administrative
10 expenses of the authority, including salaries, travel and marketing
11 expenses, and other overhead expenses may not exceed eight percent
12 of the total expenditures of the authority.

13 (c) The cost of personnel and services provided to the
14 authority by the department and by the attorney general may be paid
15 only from appropriations made for authority purposes.
16 Appropriations made for authority purposes may not be used for any
17 other purpose.

18 SECTION 4.24. Section 6(i), Article 4413(37), Revised
19 Statutes, is transferred to Subchapter D, Chapter 1006,
20 Transportation Code, as added by this Act, redesignated as Section
21 1006.155, Transportation Code, and amended to read as follows:

22 Sec. 1006.155. ANNUAL FINANCIAL REPORT. [~~(i)~~] The
23 authority shall prepare annually a complete and detailed written
24 report accounting for all funds received and disbursed by the
25 authority during the preceding fiscal year. The annual report must
26 meet the reporting requirements applicable to financial reporting
27 provided by [~~in~~] the General Appropriations Act.

1 SECTION 4.25. Section 981.073(b), Insurance Code, is
2 amended to read as follows:

3 (b) A domestic surplus lines insurer is not subject to:

- 4 (1) Section 38.003;
- 5 (2) Chapter 462;
- 6 (3) Chapter 463;
- 7 (4) Chapter 501;
- 8 (5) Section 981.051;
- 9 (6) Section 981.101(b);
- 10 (7) Chapter 2007;
- 11 (8) Chapter 2301;
- 12 (9) Chapter 2251; and
- 13 (10) Chapter 1006, Transportation Code [~~Article~~
14 ~~4413(37), Revised Statutes~~].

15 SECTION 4.26. Section 201.805(a), Transportation Code, is
16 amended to read as follows:

17 (a) The department shall annually publish in appropriate
18 media and on the department's Internet website in a format that
19 allows the information to be read into a commercially available
20 electronic database a statistical comparison of department
21 districts and the following information, calculated on a per capita
22 basis considering the most recent census data and listed for each
23 county and for the state for each fiscal year:

- 24 (1) the number of square miles;
- 25 (2) the number of vehicles registered;
- 26 (3) the population;
- 27 (4) daily vehicle miles;

- 1 (5) the number of centerline miles and lane miles;
- 2 (6) construction, maintenance, and contracted routine
3 and preventive maintenance expenditures;
- 4 (7) combined construction, maintenance, and
5 contracted routine and preventive maintenance expenditures;
- 6 (8) the number of district and division office
7 construction and maintenance employees;
- 8 (9) information regarding grant programs, including:
 - 9 (A) Motor Vehicle Crime [~~Automobile Theft~~]
10 Prevention Authority grants;
 - 11 (B) Routine Airport Maintenance Program grants;
 - 12 (C) Public Transportation Grant Program grants;
 - 13 (D) Medical Transportation Program grants; and
 - 14 (E) aviation grants or aviation capital
15 improvement grants;
- 16 (10) approved State Infrastructure Bank loans;
- 17 (11) Texas Traffic Safety Program grants and
18 expenditures;
- 19 (12) the dollar amount of any pass-through toll
20 agreements;
- 21 (13) the percentage of highway construction projects
22 completed on time;
- 23 (14) the percentage of highway construction projects
24 that cost:
 - 25 (A) more than the contract amount; and
 - 26 (B) less than the contract amount; and
- 27 (15) a description of real property acquired by the

1 department through the exercise of eminent domain, including the
2 acreage of the property and the location of the property.

3 SECTION 4.27. Section 1001.151(c), Transportation Code, is
4 amended to read as follows:

5 (c) Money appropriated to the department for Motor Vehicle
6 Crime [~~Automobile Burglary and Theft~~] Prevention Authority
7 purposes and other revenue collected or received by the Motor
8 Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority
9 may not be deposited into the fund.

10 SECTION 4.28. The following provisions are repealed:

11 (1) Sections 9 and 11, Article 4413(37), Revised
12 Statutes;

13 (2) the headings to Sections 3, 5, and 6, Article
14 4413(37), Revised Statutes; and

15 (3) the heading to Article 4413(37), Revised Statutes.

16 SECTION 4.29. (a) Except as provided by Subsection (b) of
17 this section, Section 1006.057, Transportation Code, as
18 transferred, redesignated, and amended by this Act, applies to a
19 person who is appointed before, on, or after the effective date of
20 this Act to the Automobile Burglary and Theft Prevention Authority
21 or Motor Vehicle Crime Prevention Authority, as applicable.

22 (b) A member of the Motor Vehicle Crime Prevention Authority
23 who, before the effective date of this Act, completed the training
24 program required by Sections 5(c), (d), and (e), Article 4413(37),
25 Revised Statutes, as that law existed before the effective date of
26 this Act, is required to complete additional training only on
27 subjects added by this Act to the training program as required by

1 Section 1006.057, Transportation Code, as transferred,
2 redesignated, and amended by this Act. A board member described by
3 this subsection may not vote, deliberate, or be counted as a member
4 in attendance at a meeting of the board held on or after December 1,
5 2019, until the member completes the additional training.

6 SECTION 4.30. (a) On the effective date of this Act:

7 (1) the name of the Automobile Burglary and Theft
8 Prevention Authority is changed to the Motor Vehicle Crime
9 Prevention Authority, and all powers, duties, rights, and
10 obligations of the Automobile Burglary and Theft Prevention
11 Authority are the powers, duties, rights, and obligations of the
12 Motor Vehicle Crime Prevention Authority;

13 (2) a member of the Automobile Burglary and Theft
14 Prevention Authority is a member of the Motor Vehicle Crime
15 Prevention Authority; and

16 (3) any appropriation for the Automobile Burglary and
17 Theft Prevention Authority is an appropriation for the Motor
18 Vehicle Crime Prevention Authority.

19 (b) On and after the effective date of this Act, a reference
20 in law to the Automobile Burglary and Theft Prevention Authority is
21 a reference to the Motor Vehicle Crime Prevention Authority.

22 (c) The Motor Vehicle Crime Prevention Authority is the
23 authority formerly known as the Automobile Burglary and Theft
24 Prevention Authority in all respects. All personnel, equipment,
25 data, documents, facilities, contracts, items, other property,
26 rules, decisions, and proceedings of or involving the Automobile
27 Burglary and Theft Prevention Authority are unaffected by the

1 change in the name of the authority.

2 ARTICLE 5. EFFECTIVE DATE

3 SECTION 5.01. This Act takes effect September 1, 2019.