

BILL ANALYSIS

C.S.H.B. 2741
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current statutes governing the Texas Department of Motor Vehicles (TxDMV) provide an efficient and accountable way for drivers and owners of commercial and noncommercial vehicles to receive motor vehicle services. Located primarily in the Occupations Code and the Transportation Code, the statutes regulate the sale or lease of motor vehicles, certificates of title and registration of vehicles, and oversize or overweight vehicle permits. The statutes were reorganized and updated in a previous legislative session to improve the agency's operations. The goal of C.S.H.B. 2741 is to continue the process of updating TxDMV statutes, including statutes that affect the registration and titling duties of county tax assessor-collectors. Among other provisions, C.S.H.B. 2741 creates offenses relating to deceptively similar registration insignia and license plates, and addresses response to emergencies or disasters, the disabled placard program, and deputy tax assessor-collectors who may provide vehicle titling and registration services.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the board of the Texas Department of Motor Vehicles in SECTIONS 7, 8, 30, 35, 61, 85, 89, 112, 126, 128, and 134 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTION 65 of this bill.

It is the committee's opinion that rulemaking authority previously granted to the Texas Department of Motor Vehicle's Motor Vehicle Board is transferred to the board of the Texas Department of Motor Vehicles in SECTION 76 of this bill.

It is the committee's opinion that rulemaking authority previously granted to the Texas Transportation Commission is transferred to the board of the Texas Department of Motor Vehicles in SECTION 106 of this bill.

It is the committee's opinion that rulemaking authority previously granted to the Texas Department of Transportation is transferred to the Texas Department of Motor Vehicles in SECTION 119 of this bill.

ANALYSIS

C.S.H.B. 2741 amends the Finance Code, Government Code, Occupations Code, and Transportation Code to update provisions relating to motor vehicle registration and titling by county tax assessor-collectors and the Texas Department of Motor Vehicles (TxDMV) and provisions relating to vehicle dealer regulation, motor carrier registration, and other motor vehicle functions of TxDMV. The bill includes numerous technical and conforming changes.

C.S.H.B. 2741 amends the Government Code to authorize the governor to suspend certain

registration and fuel tax requirements in response to an emergency or disaster declaration of another jurisdiction if strict compliance with the requirements would prevent, hinder, or delay necessary action in assisting another state with coping with an emergency or disaster. The bill specifies that to the extent federal law requires Texas to issue a special permit under federal law or an executive order, a suspension under these provisions is a special permit or an executive order.

C.S.H.B. 2741 amends the Occupations Code to define "division" as the TxDMV division that regulates the distribution and sale of motor vehicles, rather than the Motor Vehicle Division of TxDMV. The bill makes provisions relating to the director and other division personnel relate instead to division personnel and makes conforming changes. The bill clarifies that the authorization for the board of TxDMV by rule to delegate any power relating to a contested case hearing or to delegate the authority to issue a final order in a contested case hearing is in connection with a contested case hearing brought under provisions relating to the delegation of powers or to dealer's and manufacturer's vehicle license plates. The bill establishes that an action taken by a person to whom a power or other authority is delegated is considered an action of the board and may not be appealed to the board. The bill revises provisions relating to warranties and rights of vehicle owners to make numerous conforming changes, including in provisions relating to the conduct of proceedings, exhaustion of administrative remedies and the right to sue, assessment of costs for replacement of refund, judicial and administrative review of complaint, and remedies. The bill authorizes the board by rule to establish a procedure to allow parties to contested cases in which the final order is issued by a person with delegated authority to file motions for rehearing with the board.

C.S.H.B. 2741 specifies that certain information required in an application for a dealer's license is as determined by rule of the board of TxDMV, rather than as specified by law or TxDMV. The bill clarifies and makes technical and procedural updates in provisions relating to an application for a distributor's license, the expiration, renewal, and fees of licenses issued under provisions relating to the sale and lease of motor vehicles, and warranties and rights of vehicle owners.

C.S.H.B. 2741 amends the Transportation Code to authorize, for purposes of vehicle titling and registration, the owner of a motor vehicle to use the county assessor-collector of a county that borders the county in which the owner resides if the county assessor-collector agrees to accept an application and 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 TxDMV. The bill authorizes TxDMV to issue a title for a trailer that has a gross vehicle weight of 4,000 pounds or less if all other requirements for issuance of a title are met. The bill prohibits a justice of the peace or municipal court judge from issuing an order related to a title except as provided by provisions relating to the disposition of stolen property or the jurisdiction of justice courts. The bill prohibits a county or district court judge from ordering TxDMV to change the type of title for a nonrepairable vehicle titled after September 1, 2003, or a vehicle for which TxDMV has issued a certificate of authority to dispose of the vehicle. The bill specifies the conditions under which a person may obtain a title by filing a bond with TxDMV as an alternative to applying for a hearing.

C.S.H.B. 2741 requires a person named as the agent in the written limited power of attorney in connection with the transfer of a title to be deputized to perform vehicle registration functions as authorized by rules adopted under the bill's provisions rather than appointed by the commissioners court as a deputy to perform the functions. The bill updates provisions relating to the collection and disposition of title fees to reflect that the provisions pertain to the Texas Department of Transportation, rather than to TxDMV. The bill requires a county assessor-collector that transfers money to TxDMV under provisions relating to vehicle titling or registration to transfer the money electronically. The bill prohibits a late fee imposed under provisions relating to a title transfer from exceeding \$250 and makes this provision take effect on passage, or, if the bill does not receive the necessary vote, September 1, 2013. The bill authorizes the board of TxDMV, in addition to other title fees, by rule to set a fee to be assessed for the issuance of a paper title to cover the cost of administering the electronic titling system.

C.S.H.B. 2741 makes provisions relating to an application for vehicle registration as required by TxDMV rule also apply to an application for certain temporary trip permits issued by TxDMV. The bill authorizes, in lieu of filing an application for registration during a year, the owner of a vehicle registered in any state for that year or the preceding year to present evidence satisfactory to the county assessor-collector that the person owns the vehicle. The bill makes provisions relating to the determination of weight for registration purposes relate instead to the determination of weight and seating capacity. The bill requires TxDMV, in provisions relating to nonresident-owned vehicles used to transport farm products, to issue a permit receipt, rather than a distinguishing insignia, and requires the permit receipt to contain the required information and to be carried in the vehicle for which it is issued at all times during which it is valid. The bill updates fee provisions relating to a motor bus and a commercial farm vehicle to specify that the registration fee is all or half of the fee prescribed by provisions relating to vehicles that weigh less or more than 6,000 pounds, as applicable.

C.S.H.B. 2741 makes it a third degree felony offense to manufacture, sell, or possess a registration insignia or license plate deceptively similar to a registration insignia or license plate of TxDMV or to make a copy or likeness of a deceptively similar registration insignia or license plate with intent to sell the copy or likeness. The bill establishes that a registration insignia or license plate is deceptively similar if the insignia or license plate is not prescribed by TxDMV but a reasonable person would presume that it was prescribed by TxDMV. The bill authorizes a district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, to enjoin a violation or threatened violation of this offense on a showing that a violation has occurred or is likely to occur. The bill establishes an affirmative defense to prosecution that the registration insignia or license plate was produced pursuant to a licensing agreement with TxDMV.

C.S.H.B. 2741 authorizes TxDMV, if the transferor of vehicle registration has paid for more than one year of registration, to credit the transferor for any time remaining on the registration in annual increments. The bill, in provisions relating to dealer's and manufacturer's vehicle license plates, transfers rulemaking for certain contested cases from TxDMV's Motor Vehicle Board to the board of TxDMV and prohibits a decision or final order from being appealed to the board, rather than the Texas Transportation Commission.

C.S.H.B. 2741 makes the requirement to include the letters "DV" on specialty license plates for veterans with disabilities apply if the plate is issued for a vehicle other than a motorcycle and makes this provision take effect on passage, or, if the bill does not receive the necessary vote, September 1, 2013. The bill makes provisions relating to specialty license plates for persons retired from service in the merchant marine of the United States relate instead to plates for members and former members of the merchant marine of the United States. The bill authorizes, rather than requires, TxDMV to issue specialty license plates in recognition of the Texas Aerospace Commission. The bill makes provisions relating to the transfer and removal of license plates apply only to a passenger vehicle with a gross weight of 6,000 pounds or less and a light truck with a gross weight of 10,000 pounds or less. The bill expands the actions available for dismissal of a charge under provisions relating to obscuring a license plate to include showing that the vehicle was issued a plate by TxDMV that was attached to the vehicle at the time of the offense.

C.S.H.B. 2741 establishes that a person commits a Class A misdemeanor offense if the person with criminal negligence manufactures, sells, offers to sell, or otherwise distributes a license plate flipper that allows a license plate to be switched or hidden from view. The bill establishes that a person commits a Class B misdemeanor offense if the person with criminal negligence uses, purchases, or possesses a license plate flipper. The bill establishes a general penalty for license plate offenses, specifying that an offense under provisions relating to license plates is a misdemeanor punishable by a fine of not less than \$5 or more than \$200, and makes this

provision take effect on passage, or, if the bill does not receive the necessary vote, September 1, 2013.

C.S.H.B. 2741 authorizes TxDMV to adopt rules to allow full and partial refunds for rejected titling and registration transactions and to collect a fee from a person making a transaction with TxDMV using the state electronic Internet portal project. The bill requires all fees collected to be allocated to TxDMV to provide for the department's costs associated with administering provisions relating to the Internet portal project. The bill requires each county assessor-collector to process a registration renewal through an online system designated by TxDMV. The bill authorizes a county tax assessor-collector, with approval of the commissioners court of the county by order, to enter into an agreement with one or more counties to perform mail-in or online registration or titling duties. The bill authorizes such a contract to be terminated by a county that is a party to the contract. The bill requires the board of TxDMV, by rule, to prescribe the classification types of deputies performing titling and registration duties, the duties and obligations of the deputies, the type and amount of any bonds that may be required by a county assessor-collector for a deputy to perform titling and registration duties, and fees that a deputy may charge and retain. The bill repeals provisions relating to full service and limited service deputies. The bill authorizes a county assessor-collector, with the approval of the commissioners court of the county, to deputize an individual or business entity to perform titling and registration services in accordance with the adopted rules. The bill authorizes TxDMV, on the request of a deputy appointed under the bill's provisions, to enter into an agreement under which TxDMV leases equipment to the deputy for the use of the deputy in operating the automated registration and titling system. The bill authorizes TxDMV to require the deputy to post a bond in an amount equal to the value of the equipment, and it authorizes the deputy to install the equipment on the premises described in the agreement.

C.S.H.B. 2741 authorizes the operation of a neighborhood electric vehicle in certain master planned communities, on a public or private beach, or on a public highway for which the posted speed limit is not more than 35 miles per hour, if the vehicle is operated under certain conditions, and specifies that a person is not required to register a neighborhood electric vehicle operated in compliance with these provisions. The bill exempts a neighborhood electric vehicle operated under these provisions from certain financial responsibility requirements under the Texas Motor Vehicle Safety Responsibility Act.

C.S.H.B. 2741 prohibits a county or municipality, except as expressly authorized by provisions relating to vehicle size and weight, from requiring a permit, bond, fee, or license for the movement of a vehicle or combination of vehicles or any load carried by the vehicle or vehicles on the state highway system in the county or municipality that exceeds the weight or size limits on the state highway system. The bill establishes that a permit issued relating to vehicle size and weight is void on the failure of the owner or the owner's representative to comply with a rule of the board of TxDMV or with a condition placed on the permit by TxDMV. The bill clarifies the authority, including rulemaking authority, to set fees and issue permits in relation to oversize or overweight vehicles. The bill clarifies that the bond required to be filed by a motor carrier issued a permit to transport multiple loads of the same commodity over a state highway is payable to TxDOT. The bill prohibits TxDMV from issuing specialty license plates to a vehicle that is oil well servicing or drilling machinery unless the applicant complies with requirements relating to certain farm vehicles and drilling and construction equipment.

C.S.H.B. 2741 authorizes TxDMV to issue a special permit during a major disaster as declared by the president of the United States to an overweight or oversize vehicle or load that can easily be dismantled or divided and will be used only to deliver relief supplies. The bill sets the expiration date of the permit as not later than the 120th day after the date of the major disaster declaration. The bill authorizes the board of TxDMV to adopt rules necessary to implement these provisions, including rules that establish the requirements for obtaining a permit, and authorizes TxDMV to impose conditions on a permit holder to ensure the safe operation of a permitted vehicle and minimize damage to roadways, including requirements related to vehicle routing,

hours of operation, weight limits, and lighting and requirements for escort vehicles.

C.S.H.B. 2741 authorizes TxDMV to deny a motor carrier registration if the applicant's business is controlled by or affiliated with, or if the applicant is a motor carrier whose business is controlled by or affiliated with, a person whom the Department of Public Safety has determined has an unsatisfactory safety rating under certain federal regulations or has multiple violations of state commercial motor vehicle safety standards, a rule adopted under those standards, or provisions relating to rules of the road. The bill requires a motor carrier required to register with TxDMV to maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor, or another person authorized to issue the number. The bill establishes that a denial of an application for motor carrier registration, renewal of registration, or reinstatement of registration is not required to be preceded by notice and an opportunity for hearing. The bill authorizes an applicant to appeal a denial of an application for registration by filing an appeal with TxDMV within a certain time frame and requires the application, if the appeal of the denial is successful and the application is found to be compliant, to be considered to have been properly filed on the date the finding is entered.

C.S.H.B. 2741 transfers from TxDOT to TxDMV the authority to adopt rules that conform with federal rules requiring motor carriers operating foreign commercial motor vehicles in Texas to maintain financial responsibility.

C.S.H.B. 2741 provides for an application for a disabled parking placard to be submitted to the county assessor-collector of the county in which the applicant is seeking medical treatment if the applicant is not a resident of Texas. The bill authorizes an applicant, as an alternative to the requirement to provide a driver's license number or the number of a personal identification card, to provide the applicant's military identification number or driver's license number of a driver's license issued by another state or country, if the applicant is not a resident of Texas and is seeking medical treatment in Texas. The bill makes a provision establishing a four-year validation period for a disabled parking placard issued to a person with a permanent disability apply to only a Texas resident and establishes that such a placard issued to a person who is not a Texas resident is valid for six months. The bill requires a peace officer to destroy a seized placard rather than submit the placard to TxDMV.

C.S.H.B. 2741 includes TxDMV and a county tax assessor-collector among the entities to which the disclosure of a person's photographic image obtained in connection with a motor vehicle record is not prohibited. The bill authorizes rules adopted by the board of TxDMV regarding the method of payment for TxDMV goods and services to require an overpayment of a motor vehicle or salvage dealer license fee of less than \$10 to be credited toward a future fee requirement and a fee of more than \$10 to be refunded.

C.S.H.B. 2741 provides immunity from liability to the executive director of TxDMV, a board member, or a TxDMV employee for damages resulting from an official act or omission unless the act or omission constitutes intentional or malicious malfeasance and establishes that, to the extent the person is personally liable for damages for which the state provides indemnity, the state's liability for the indemnity is not affected. The bill requires the board of TxDMV by rule to prescribe the classification types of businesses that are authorized to perform certain TxDMV functions, the duties and obligations of an authorized business, the type and amount of any bonds that may be required for a business to perform certain functions, and the fees that may be charged or retained by an authorized business, and it authorizes the executive director of TxDMV to authorize a business entity to perform a department function in accordance with the prescribed rules.

C.S.H.B. 2741 authorizes a deputy assessor-collector appointed on or before August 31, 2013, to continue to perform authorized services until the board of TxDMV adopts rules regarding the types of deputies authorized to perform titling and registration duties under provisions added by the bill.

C.S.H.B. 2741 repeals the following provisions of the Occupations Code:

- Section 2301.101
- Section 2301.157
- Section 2301.259(b)
- Section 2301.606(a)

C.S.H.B. 2741 repeals the following provisions of the Transportation Code:

- Section 502.252(b)
- Section 503.009(b)
- Section 503.029(b)
- Section 503.030(b)
- Section 503.066(b)
- Section 520.008
- Section 520.009
- Section 520.0091
- Section 520.0092
- Section 623.0711(k)
- Section 623.093(f)
- Section 520.004, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011

EFFECTIVE DATE

Except as otherwise provided, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2741 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 348.005, Finance Code, is amended to read as follows:

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

(1) fees for registration, certificate of title, and license and any additional registration fees charged by a ~~[full-service]~~ deputy under Section 520.0091 ~~[502.114]~~, Transportation Code;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 348.005, Finance Code, is amended to read as follows:

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

(1) fees for registration, certificate of title, and license and any additional registration fees charged by a ~~[full-service]~~ deputy as authorized by rules adopted under Section 520.0071 ~~[502.114]~~, Transportation Code;

- (2) any taxes;
- (3) fees or charges prescribed by law and connected with the sale or inspection of the motor vehicle; and
- (4) charges authorized for insurance, service contracts, warranties, or a debt cancellation agreement by Subchapter C.

SECTION 2. Section 353.006, Finance Code, is amended to read as follows:

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

- (1) fees for registration, certificate of title, and license and any additional registration fees charged by a ~~[full-service]~~ deputy under Section 520.0091 ~~[502.114]~~, Transportation Code;
- (2) any taxes;
- (3) fees or charges prescribed by law and connected with the sale or inspection of the commercial vehicle;
- (4) charges authorized for insurance, service contracts, and warranties by Subchapter C; and
- (5) advances or payments authorized under Section 353.402(b) or (c) made by the retail seller to or for the benefit of the retail buyer.

SECTION 3. Section 418.016, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) To the extent authorized by federal law, the governor may suspend any of the following requirements in response to an emergency or disaster declaration of another jurisdiction if strict compliance with the requirement would prevent, hinder, or delay necessary action in assisting another state with coping with an emergency or disaster:

- (1) a registration requirement in an agreement entered into under the International Registration Plan under Section 502.091, Transportation Code;
- (2) a temporary registration permit requirement under Section 502.094, Transportation Code;
- (3) a provision of Subtitle E, Title 7, Transportation Code;

- (2) any taxes;
- (3) fees or charges prescribed by law and connected with the sale or inspection of the motor vehicle; and
- (4) charges authorized for insurance, service contracts, warranties, or a debt cancellation agreement by Subchapter C.

SECTION 2. Section 353.006, Finance Code, is amended to read as follows:

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

- (1) fees for registration, certificate of title, and license and any additional registration fees charged by a ~~[full-service]~~ deputy as authorized by rules adopted under Section 520.0071 ~~[502.114]~~, Transportation Code;
- (2) any taxes;
- (3) fees or charges prescribed by law and connected with the sale or inspection of the commercial vehicle;
- (4) charges authorized for insurance, service contracts, and warranties by Subchapter C; and
- (5) advances or payments authorized under Section 353.402(b) or (c) made by the retail seller to or for the benefit of the retail buyer.

SECTION 3. Section 418.016, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) The governor may suspend any of the following requirements in response to an emergency or disaster declaration of another jurisdiction if strict compliance with the requirement would prevent, hinder, or delay necessary action in assisting another state with coping with an emergency or disaster:

- (1) a registration requirement in an agreement entered into under the International Registration Plan under Section 502.091, Transportation Code, ~~to the extent authorized by federal law;~~
- (2) a temporary registration permit requirement under Section 502.094, Transportation Code;
- (3) a provision of Subtitle E, Title 7, Transportation Code, ~~to the extent authorized by federal law;~~

(4) a motor carrier registration requirement under Chapter 643, Transportation Code;
(5) a registration requirement under Chapter 645, Transportation Code; or

(6) a fuel tax requirement under the International Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq.

(g) For the purposes of Subsection (f), "emergency or disaster declaration of another jurisdiction" means an emergency declaration, a major disaster declaration, a state of emergency declaration, a state of disaster declaration, or a similar declaration made by:

(1) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.); or

(2) the governor of another state.

(h) To the extent federal law requires this state to issue a special permit under 23 U.S.C. Section 127 or an executive order, a suspension issued under Subsection (f) is a special permit or an executive order.

SECTION 4. Section 1201.206(f), Occupations Code, is amended.

SECTION 5. Section 2301.002(12), Occupations Code, is amended.

SECTION 6. The heading to Subchapter C, Chapter 2301, Occupations Code, is amended.

No equivalent provision.

(4) a motor carrier registration requirement under Chapter 643, Transportation Code;

(5) a registration requirement under Chapter 645, Transportation Code, to the extent authorized by federal law; or

(6) a fuel tax requirement under the International Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq., to the extent authorized by federal law.

(g) For the purposes of Subsection (f), "emergency or disaster declaration of another jurisdiction" means an emergency declaration, a major disaster declaration, a state of emergency declaration, a state of disaster declaration, or a similar declaration made by:

(1) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.); or

(2) the governor of another state.

(h) To the extent federal law requires this state to issue a special permit under 23 U.S.C. Section 127 or an executive order, a suspension issued under Subsection (f) is a special permit or an executive order.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Section 2301.154, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:

(b) The board by rule may delegate any power relating to a contested case hearing brought under this chapter or Chapter 503, Transportation Code, other than the power to issue a final order, to:

(1) one or more of the board's members;

(2) the executive director;

(3) the director; or

(4) one or more of the department's

employees.

(c) The board by rule may delegate the authority to issue a final order in a contested case hearing brought under this chapter or Chapter 503, Transportation Code, to:

- (1) one or more of the board's members;
- (2) the executive director; or
- (3) the director of a division within the department designated by the board or the executive director to carry out the requirements of this chapter.

(e) An action taken by a person to whom a power or other authority is delegated under Subsection (b) or (c), including the issuance of an order, is considered an action of the board and may not be appealed to the board.

SECTION 7. Section 2301.257(a), Occupations Code, is amended.

SECTION 8. Same as introduced version.

SECTION 8. Sections 2301.260(a) and (b), Occupations Code, are amended.

SECTION 9. Same as introduced version.

SECTION 9. Section 2301.264(d), Occupations Code, is amended.

SECTION 10. Same as introduced version.

SECTION 10. Section 2301.301(b), Occupations Code, is amended.

SECTION 11. Same as introduced version.

No equivalent provision.

SECTION 12. Section 2301.303, Occupations Code, is amended to read as follows:

Sec. 2301.303. RENEWAL OF DEALER'S LICENSE. A dealer shall renew the dealer's license on an application prescribed by the department [~~director~~]. The department [~~director~~] shall include in the renewal application a request for disclosure of material changes described by Section 2301.257.

SECTION 11. Section 2301.353, Occupations Code, is amended.

SECTION 13. Same as introduced version.

SECTION 12. Section 2301.358(a), Occupations Code, is amended to read as follows:

SECTION 14. Section 2301.358(a), Occupations Code, is amended to read as follows:

(a) A person who holds a license issued under this chapter may not participate in a new motor vehicle show or exhibition unless:

- (1) the person provides the department with written notice [~~at least 30 days before the date the show or exhibition opens~~]; and
- (2) the department grants written approval.

SECTION 13. Section 2301.401, Occupations Code, is amended.

SECTION 14. Section 2301.460, Occupations Code, is amended.

SECTION 15. Section 2301.461(a), Occupations Code, is amended.

SECTION 16. Section 2301.4651(a), Occupations Code, is amended.

~~No equivalent provision.~~

~~No equivalent provision.~~

(a) A person who holds a license issued under this chapter may not participate in a new motor vehicle show or exhibition unless:

- (1) the person provides the department with written notice [~~at least 30 days~~] before the ~~date the show or exhibition opens~~; and
- (2) the department grants written approval.

SECTION 15. Substantially the same as introduced version.

SECTION 16. Same as introduced version.

SECTION 17. Same as introduced version.

SECTION 18. Same as introduced version.

SECTION 19. Sections 2301.606(b) and (c), Occupations Code, are amended to read as follows:

(b) In a hearing [~~before the director~~] under this subchapter, a manufacturer, converter, or distributor may plead and prove as an affirmative defense to a remedy under this subchapter that a nonconformity:

- (1) is the result of abuse, neglect, or unauthorized modification or alteration of the motor vehicle; or
- (2) does not substantially impair the use or market value of the motor vehicle.

(c) The board or a person delegated power from the board under Section 2301.154 [~~director~~] may not issue an order requiring a manufacturer, converter, or distributor to make a refund or to replace a motor vehicle unless:

- (1) the owner or a person on behalf of the owner has mailed written notice of the alleged defect or nonconformity to the manufacturer, converter, or distributor; and
- (2) the manufacturer, converter, or distributor has been given an opportunity to cure the alleged defect or nonconformity.

SECTION 20. Section 2301.607(c),

Occupations Code, is amended to read as follows:

(c) If ~~[the administrative law judge does not issue]~~ a proposal for decision and recommendation for ~~[recommend to the director]~~ a final order are not issued before the 151st day after the date a complaint is filed under this subchapter, the department ~~[director]~~ shall provide written notice by certified mail to the complainant and to the manufacturer, converter, or distributor of the expiration of the 150-day period and of the complainant's right to file a civil action. The board or a person delegated power from the board under Section 2301.154 shall extend the 150-day period if a delay is requested or caused by the person who filed the complaint.

No equivalent provision.

SECTION 21. Section 2301.608, Occupations Code, is amended to read as follows:

Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR REFUND. (a) In an order issued under this subchapter, the board or a person delegated power from the board under Section 2301.154 ~~[director]~~ shall name the person responsible for paying the cost of any refund or replacement. A manufacturer, converter, or distributor may not cause a franchised dealer to directly or indirectly pay any money not specifically ordered by the board or a person delegated power from the board under Section 2301.154 ~~[director]~~.

(b) If the board or a person delegated power from the board under Section 2301.154 ~~[director]~~ orders a manufacturer, converter, or distributor to make a refund or replace a motor vehicle under this subchapter, the board or person ~~[director]~~ may order the franchised dealer to reimburse the owner, lienholder, manufacturer, converter, or distributor only for an item or option added to the vehicle by the dealer to the extent that the item or option contributed to the defect that served as the basis for the order.

(c) In a case involving a leased vehicle, the board or a person delegated power from the board under Section 2301.154 ~~[director]~~ may terminate the lease and apportion allowances or refunds, including the reasonable allowance for use, between the lessee and lessor of the vehicle.

No equivalent provision.

SECTION 22. Section 2301.609(a), Occupations Code, is amended to read as follows:

(a) A party to a proceeding [~~before the director~~] under this subchapter that is affected by a final order related to the proceeding [~~of the director~~] is entitled to judicial review of the order under the substantial evidence rule in a district court of Travis County.

No equivalent provision.

SECTION 23. Sections 2301.610(a) and (d), Occupations Code, are amended to read as follows:

(a) A manufacturer, distributor, or converter that has been ordered to repurchase or replace a vehicle shall, through its franchised dealer, issue a disclosure statement stating that the vehicle was repurchased or replaced by the manufacturer, distributor, or converter under this subchapter. The statement must accompany the vehicle through the first retail purchase following the issuance of the statement and must include the [~~board's~~] toll-free telephone number described by Subsection (d) that will enable the purchaser to obtain information about the condition or defect that was the basis of the order for repurchase or replacement.

(d) The department [~~board~~] shall maintain a toll-free telephone number to provide information to a person who requests information about a condition or defect that was the basis for repurchase or replacement by an order issued under this chapter [~~of the director~~]. The department [~~board~~] shall maintain an effective method of providing information to a person who makes a request.

SECTION 17. Section 2301.651(d), Occupations Code, is amended to read as follows:

(d) A license may not be denied, revoked, or suspended, and disciplinary action may not be taken under this subchapter, unless the license holder is given an opportunity for a hearing. The board may deny, revoke, or suspend a license or take disciplinary action by [~~except on~~] order only [~~of the board~~] after

SECTION 24. Section 2301.651(d), Occupations Code, is amended to read as follows:

(d) A license may not be denied, revoked, or suspended, and disciplinary action may not be taken under this subchapter, unless the respondent is given an opportunity for a hearing. The board may deny, revoke, or suspend a license or take disciplinary action by [~~except on~~] order only [~~of the board~~]

granting the applicant or license holder an opportunity for a hearing.

SECTION 18. Section 2301.703(a), Occupations Code, is amended.

No equivalent provision.

No equivalent provision.

SECTION 19. Section 2301.711,

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after the department grants the respondent an opportunity for a hearing.

SECTION 25. Same as introduced version.

SECTION 26. Section 2301.709, Occupations Code, is amended to read as follows:

Sec. 2301.709. ~~[PROPOSED DECISION;]~~ REVIEW BY BOARD. (a) ~~[In a contested case, the administrative law judge shall serve on each party a copy of the administrative law judge's proposal for decision and recommended order containing findings of fact and conclusions of law. A party may file exceptions and replies to the board.]~~

~~[(b)]~~ In reviewing a ~~[the]~~ case under this subchapter, the board or a person delegated power from the board under Section 2301.154 may consider only materials that are submitted timely.

~~[(b)]~~ ~~[(e)]~~ The board or a person delegated power from the board under Section 2301.154 may hear such oral argument from any party as the board may allow.

~~[(c)]~~ ~~[(d)]~~ The board or a person delegated power from the board under Section 2301.154 shall take any further action conducive to the issuance of a final order and shall issue a written final decision or order. A majority vote of a quorum of the board is required to adopt a final decision or order of the board.

SECTION 27. Section 2301.710, Occupations Code, is amended to read as follows:

Sec. 2301.710. DISMISSAL OF COMPLAINT. On the motion of any party, the board or other person delegated final order authority under Section 2301.154, without holding a contested case hearing, may issue a final order dismissing a complaint, protest, or response in accordance with the terms and procedures set forth in the [Rule 166a,] Texas Rules of Civil Procedure~~[-, or its successor]~~.

SECTION 28. Section 2301.711,

13.102.422

Occupations Code, is amended to read as follows:
Sec. 2301.711. ORDERS AND DECISIONS.

An order or decision of the board must:

- (1) include a separate finding of fact with respect to each specific issue the board is required by law to consider in reaching a decision;
- (2) set forth additional findings of fact and conclusions of law on which the order or decision is based;
- (3) give the reasons for the particular actions taken; and
- (4) be signed by the presiding officer or assistant presiding officer for the board[;

~~[(5) be attested to by the director; and
[(6) have the seal affixed to it].~~

No equivalent provision.

No equivalent provision.

Occupations Code, is amended to read as follows:
Sec. 2301.711. ORDERS AND DECISIONS. (a) The board or other person delegated final order authority under Section 2301.154 shall issue final orders for the implementation and enforcement of this chapter and Chapter 503, Transportation Code.

(b) An order or decision under this chapter of the board must:

- (1) include a separate finding of fact with respect to each specific issue [the board is] required by law to be considered [consider] in reaching a decision;
- (2) set forth additional findings of fact and conclusions of law on which the order or decision is based;
- (3) give the reasons for the particular actions taken; and
- (4) be signed by the presiding officer or assistant presiding officer for the board or other person delegated final order authority under Section 2301.154[;

~~[(5) be attested to by the director; and
[(6) have the seal affixed to it].~~

SECTION 29. Section 2301.712(b), Occupations Code, is amended to read as follows:

(b) If a person who brings a complaint under Subchapter M prevails in the case, the board or a person delegated power from the board under Section 2301.154 shall order the nonprevailing party in the case to reimburse the amount of the filing fee for the case.

SECTION 30. Section 2301.713, Occupations Code, is amended to read as follows:

Sec. 2301.713. REHEARING. (a) Except as provided by Subsection (b), a [A] party who seeks a rehearing of an order shall seek the rehearing in accordance with Chapter 2001, Government Code.

(b) The board by rule may establish a procedure to allow parties to contested cases in which the final order is issued by a person to whom final order authority is delegated under Section 2301.154 to file motions for rehearing with the board.

No equivalent provision.

SECTION 31. Section 2301.751(a), Occupations Code, is amended to read as follows:

(a) A party to a proceeding affected by a final order, rule, or decision or other final action of the board [~~or director under this chapter or under another law~~] with respect to a matter arising under this chapter or Chapter 503, Transportation Code, may seek judicial review of the action under the substantial evidence rule in:

- (1) a district court in Travis County; or
- (2) the court of appeals for the Third Court of Appeals District.

No equivalent provision.

SECTION 32. Section 2301.752(b), Occupations Code, is amended to read as follows:

(b) Citation for an appeal must be served on the executive director or the executive director's designee and each party of record in the matter. For an appeal initiated in the court of appeals, the court shall cause the citation to be issued.

No equivalent provision.

SECTION 33. Sections 2301.802(d) and (e), Occupations Code, are amended to read as follows:

(d) An interlocutory cease and desist order remains in effect until vacated or incorporated in a final order [~~of the board~~]. An appeal of an interlocutory cease and desist order must be made to the board before seeking judicial review as provided by this chapter.

(e) A permanent cease and desist order may be issued regardless of the requirements of Subsection (b) but only under the procedures for a final order [~~by the board~~] under this chapter. An appeal of a permanent cease and desist order is made in the same manner as an appeal of a final order under this chapter.

No equivalent provision.

SECTION 34. Section 2301.803(a), Occupations Code, is amended to read as follows:

(a) On the initiation of a [~~board~~] proceeding under this chapter or Chapter 503, Transportation Code, whether by complaint, protest, or otherwise, a person who receives notice from the board of a statutory stay

imposed by this chapter may not allow or commit any act or omission that would:

- (1) violate this chapter, Chapter 503, Transportation Code, [ø] any rule, order, or decision of the board, or an order or decision of a person delegated power from the board under Section 2301.154;
- (2) affect a legal right, duty, or privilege of any party to a proceeding under this chapter or Chapter 503, Transportation Code [~~before the board~~]; or
- (3) tend to render ineffectual an [~~a board~~] order in a pending proceeding.

No equivalent provision.

SECTION 35. Sections 2301.804(a) and (b), Occupations Code, are amended to read as follows:

(a) If it appears that a person has violated, is violating, or is threatening to violate this chapter, Chapter 503, Transportation Code, [ø] a board rule adopted under this chapter or Chapter 503, Transportation Code, or an order issued under this chapter or Chapter 503, Transportation Code, the board or the executive director, if authorized by the presiding officer of the board, may cause a suit to be instituted in a court for:

- (1) injunctive relief to restrain the person from committing the violation or threat of violation;
- (2) imposition of a civil penalty; or
- (3) both injunctive relief and a civil penalty.

(b) At the request of the board or the executive director, if authorized by the presiding officer of the board, the attorney general shall bring in the name of the state a suit for an injunction or a civil penalty as described by Subsection (a).

SECTION 20. Section 2302.103(a), Occupations Code, is amended.

SECTION 36. Same as introduced version.

SECTION 21. Section 2305.001, Occupations Code, is amended.

SECTION 37. Same as introduced version.

SECTION 22. Section 2305.007(a), Occupations Code, is amended.

SECTION 38. Same as introduced version.

SECTION 23. The heading to Subchapter

SECTION 39. Same as introduced version.

L, Chapter 201, Transportation Code, is amended.

SECTION 24. Section 201.931(2), Transportation Code, is amended.

SECTION 25. Section 501.021(a), Transportation Code, is amended.

SECTION 26. Sections 501.022(a) and (b), Transportation Code, are amended.

SECTION 27. Section 501.023(a), Transportation Code, is amended.

SECTION 28. Section 501.0234(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to a motor vehicle:

(1) that has been declared a total loss by an insurance company in the settlement or adjustment of a claim;

(2) for which the title has been surrendered in exchange for:

(A) a salvage vehicle title or salvage record of title issued under this chapter;

(B) a nonrepairable vehicle title or nonrepairable vehicle record of title issued under this chapter or Subchapter D, Chapter 683; or

(C) an ownership document issued by another state that is comparable to a document described by Paragraph (A) or (B);

(3) with a gross weight in excess of 11,000 pounds; or

(4) purchased by a commercial fleet buyer who is a [full-service] deputy under Section 520.0091 [520.008] and who utilizes the dealer title application process developed to provide a method to submit title transactions to the county in which the commercial fleet buyer is a [full-service] deputy.

SECTION 40. Same as introduced version.

SECTION 41. Same as introduced version.

SECTION 42. Same as introduced version.

SECTION 43. Same as introduced version.

SECTION 44. Section 501.0234(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to a motor vehicle:

(1) that has been declared a total loss by an insurance company in the settlement or adjustment of a claim;

(2) for which the title has been surrendered in exchange for:

(A) a salvage vehicle title or salvage record of title issued under this chapter;

(B) a nonrepairable vehicle title or nonrepairable vehicle record of title issued under this chapter or Subchapter D, Chapter 683; or

(C) an ownership document issued by another state that is comparable to a document described by Paragraph (A) or (B);

(3) with a gross weight in excess of 11,000 pounds; or

(4) purchased by a commercial fleet buyer who:

(A) is a [full-service] deputy authorized by rules adopted under Section 520.0071;

(B) [520.008 and who] utilizes the dealer title application process developed to provide a method to submit title transactions to the county in which the commercial fleet buyer is a [full-service] deputy; and

(C) has authority to accept an application for registration and application for title transfer that the county assessor-collector

may accept.

SECTION 29. Section 501.024(d), Transportation Code, is amended.

SECTION 45. Same as introduced version.

SECTION 30. Sections 501.031(a) and (c), Transportation Code, are amended.

SECTION 46. Same as introduced version.

SECTION 31. Section 501.032, Transportation Code, is amended.

SECTION 47. Same as introduced version.

SECTION 32. Section 501.033(a), Transportation Code, is amended.

SECTION 48. Same as introduced version.

SECTION 33. The heading to Section 501.036, Transportation Code, is amended to read as follows:

SECTION 49. Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.037 to read as follows:

Sec. 501.036. TITLE FOR FARM SEMITRAILER OR LIGHT TRAILER.

Sec. 501.037. TITLE FOR TRAILERS.

SECTION 34. Section 501.036, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) Notwithstanding any other provision of this chapter, the department may issue a title for a farm semitrailer [~~with a gross weight of more than 4,000 pounds~~] if:

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

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

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

(a-1) An owner of a trailer that has a gross vehicle weight of 4,000 pounds or less may apply for a title.

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

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

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

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

(2) pay the fee required by Section 501.138.

(2) pay the fee required by Section 501.138.

SECTION 35. The heading to Subchapter C, Chapter 501, Transportation Code, is amended.

SECTION 50. Same as introduced version.

SECTION 36. Section 501.051(b), Transportation Code, is amended.

SECTION 51. Same as introduced version.

SECTION 37. Section 501.052(e), Transportation Code, is amended.

SECTION 38. Subchapter C, Chapter 501, Transportation Code, is amended.

SECTION 39. Sections 501.053(a) and (e), Transportation Code, are amended to read as follows:

(a) As an alternative to the procedure provided by Section 501.052, the person may obtain a title by filing [file] a bond with the department if the vehicle is in the possession of the applicant and:

(1) there is no security interest on the vehicle;

(2) any lien on the vehicle is at least 10 years old; or

(3) the person provides a release of all liens with bond. [On the filing of the bond the person may obtain a title.]

(e) The board by rule may establish a fee to be collected under this section to be allocated to the department to provide for [cover] the cost of administering this section.

No equivalent provision.

SECTION 52. Same as introduced version.

SECTION 53. Same as introduced version.

SECTION 54. Section 501.053(a), Transportation Code, is amended to read as follows:

(a) As an alternative to the procedure provided by Section 501.052, the person may obtain a title by filing [file] a bond with the department if the vehicle is in the possession of the applicant and:

(1) there is no security interest on the vehicle;

(2) any lien on the vehicle is at least 10 years old; or

(3) the person provides a release of all liens with bond. [On the filing of the bond the person may obtain a title.]

SECTION 55. Section 501.076(c), Transportation Code, is amended to read as follows:

(c) The person named as the agent in the limited power of attorney must meet the following requirements:

(1) the person may be a person who has been deputized [appointed by the commissioners court as a deputy] to perform vehicle registration functions as authorized by rules adopted under Section 520.0071 [520.0091], a licensed vehicle auction company holding a wholesale general distinguishing number under Section 503.022, a person who has a permit similar to one of the foregoing that is issued by the state in which the owner is located, or another person authorized by law to execute title documents in the state in which the owner executes the documents; and

(2) the person may not be the transferee or an employee of the transferee. The person may not act as the agent of both the transferor and transferee in the transaction. For the purposes of this section, a person is

not the agent of both the transferor and transferee in a transaction unless the person has the authority to sign the documents pertaining to the transfer of title on behalf of both the transferor and the transferee.

SECTION 40. Section 501.095(b), Transportation Code, is amended.

SECTION 56. Same as introduced version.

SECTION 41. Sections 501.100(a) and (d), Transportation Code, are amended.

SECTION 57. Same as introduced version.

No equivalent provision.

SECTION 58. Section 501.138(b-2), Transportation Code, is amended to read as follows:

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation [~~department~~] shall remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month. The Texas Department of Transportation [~~department~~] shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149.

SECTION 42. Subchapter G, Chapter 501, Transportation Code, is amended.

SECTION 59. Same as introduced version.

SECTION 43. Section 501.146, Transportation Code, is amended.

SECTION 60. Same as introduced version.

SECTION 44. Section 501.148(c), Transportation Code, is amended to read as follows:

No equivalent provision.

(c) Of each late fee collected from a person

who does not hold a general distinguishing number by the department under Subsection (b), \$10 shall be allocated to the department to ~~may~~ be used only to fund a statewide public awareness campaign designed to inform and educate the public about the provisions of this chapter.

SECTION 45. Section 501.173, Transportation Code, is amended.

SECTION 46. Section 502.001, Transportation Code, is amended by amending Subdivision (7) and adding Subdivision (39-a) to read as follows:

(7) "Commercial motor vehicle" means a ~~commercial~~ motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail ~~[as defined by Section 644.001].~~

(39-a) "Shipping weight" means empty weight.

SECTION 47. Sections 502.040(b) and (d), Transportation Code, are amended.

SECTION 48. The heading to Section 502.043, Transportation Code, is amended.

SECTION 49. Section 502.043, Transportation Code, is amended.

No equivalent provision.

SECTION 50. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) For the purposes of this section:
(1) shipping weight is the weight generally

SECTION 61. Same as introduced version.

SECTION 62. Section 502.001, Transportation Code, is amended by amending Subdivision (7) and adding Subdivision (39-a) to read as follows:

(7) "Commercial motor vehicle" means a ~~commercial~~ motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail ~~[as defined by Section 644.001].~~

(39-a) "Shipping weight" means the weight generally accepted as the empty weight of a vehicle.

SECTION 63. Same as introduced version.

SECTION 64. Same as introduced version.

SECTION 65. Same as introduced version.

SECTION 66. The heading to Section 502.055, Transportation Code, is amended to read as follows:

Sec. 502.055. DETERMINATION OF WEIGHT AND SEATING CAPACITY.

SECTION 67. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) For the purposes of this section, the seating capacity of a bus is:

accepted as the correct shipping weight of a vehicle; and

(2) the seating capacity of a bus is:

(A) the manufacturer's rated seating capacity, excluding the operator's seat; or

(B) if the manufacturer has not rated the vehicle for seating capacity, a number computed by allowing one passenger for each 16 inches of seating on the bus, excluding the operator's seat, multiplied by 150 pounds.

(d) For registration purposes:

(1) the weight of a passenger car is the shipping weight of the car plus 100 pounds; and

(2) the weight of a municipal bus or private bus is calculated by adding the following and rounding to the next highest 100 pounds:

(A) the shipping weight of the bus; and

(B) the seating capacity multiplied by 150 pounds.

SECTION 51. Section 502.092(b), Transportation Code, is amended.

SECTION 52. Sections 502.094(c) and (d), Transportation Code, are amended.

SECTION 53. Section 502.168, Transportation Code, is amended.

SECTION 54. Subchapter E, Chapter 502, Transportation Code, is amended.

No equivalent provision.

(1) the manufacturer's rated seating capacity, excluding the operator's seat; or

(2) if the manufacturer has not rated the vehicle for seating capacity, a number computed by allowing one passenger for each 16 inches of seating on the bus, excluding the operator's seat, multiplied by 150 pounds.

(d) For registration purposes:

(1) the weight of a passenger car is the shipping weight of the car plus 100 pounds; and

(2) the weight of a municipal bus or private bus is calculated by adding the following and rounding to the next highest 100 pounds:

(A) the shipping weight of the bus; and

(B) the seating capacity multiplied by 150 pounds.

SECTION 68. Same as introduced version.

SECTION 69. Same as introduced version.

SECTION 70. Same as introduced version.

SECTION 71. Same as introduced version.

SECTION 72. Section 502.433(a), Transportation Code, is amended to read as follows:

(a) The registration fee for a commercial motor vehicle as a farm vehicle is 50 percent of the applicable fee under Section 502.252 or 502.253, as applicable, if the vehicle's owner will use the vehicle for commercial purposes only to transport:

(1) the person's own poultry, dairy, livestock, livestock products, timber in its natural state, or farm products to market or another place for sale or processing;

(2) laborers from their place of residence to the owner's farm or ranch; or

(3) without charge, materials, tools, equipment, or supplies from the place of purchase or storage to the owner's farm or ranch exclusively for the owner's use or for use on the farm or ranch.

SECTION 55. Section 502.473(d), Transportation Code, is amended.

SECTION 73. Same as introduced version.

SECTION 56. Subchapter K, Chapter 502, Transportation Code, is amended.

SECTION 74. Same as introduced version.

SECTION 57. Section 502.491, Transportation Code, as redesignated from Section 502.451, Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to incorporate amendments to Section 502.451, Transportation Code, made by Chapters 432 (S.B. 1057) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amended.

SECTION 75. Same as introduced version.

No equivalent provision.

SECTION 76. Sections 503.009(a), (c), and (d), Transportation Code, are amended to read as follows:

(a) The board [~~department's Motor Vehicle Board~~] may conduct hearings in contested cases brought under this chapter [~~and~~] as provided by this chapter and Chapter 2301, Occupations Code.

(c) A decision or final order issued under this section is final and may not be appealed, as a matter of right, to the board [~~commission~~].

(d) The board [~~department's Motor Vehicle Board~~] may adopt rules for the procedure, a hearing, or an enforcement proceeding for an action brought under this section.

SECTION 58. Section 504.202(e), Transportation Code, is amended.

SECTION 77. Same as introduced version.

SECTION 59. Section 504.306, Transportation Code, is amended.

SECTION 78. Same as introduced version.

SECTION 60. Section 504.610(a),

SECTION 79. Same as introduced version.

Transportation Code, is amended.

SECTION 61. Section 504.652(b), Transportation Code, is amended to read as follows:

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account in the general revenue fund. Money in the account may be used only by Texas AgriLife [~~Cooperative~~] Extension for graduate student assistantships within the Texas Master Gardener program and to support Texas AgriLife [~~Cooperative~~] Extension's activities related to the Texas Master Gardener program.

SECTION 62. Section 504.901, Transportation Code, is amended.

SECTION 63. Section 504.945(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant pays an administrative fee not to exceed \$10 and:

(1) remedies the defect before the defendant's first court appearance; ~~or~~ ~~and~~

(2) shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed [~~pays an administrative fee not to exceed \$10].~~

SECTION 64. Subchapter L, Chapter 504, Transportation Code, is amended by adding Sections 504.946 and 504.947 to read as follows:

Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) A person commits an offense if the person:

(1) manufactures, sells, or possesses a license plate deceptively similar to a license plate issued by the department; or

(2) makes a copy or likeness of a license plate deceptively similar to a license plate

SECTION 80. Section 504.652(b), Transportation Code, is amended to read as follows:

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account in the general revenue fund. Money in the account may be used only by Texas A&M AgriLife [~~Cooperative~~] Extension for graduate student assistantships within the Texas Master Gardener program and to support Texas A&M AgriLife [~~Cooperative~~] Extension's activities related to the Texas Master Gardener program.

SECTION 81. Same as introduced version.

SECTION 82. Section 504.945(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:

(1) remedies the defect before the defendant's first court appearance; ~~and~~

(2) pays an administrative fee not to exceed \$10; ~~and~~

(3) shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

SECTION 83. Subchapter L, Chapter 504, Transportation Code, is amended by adding Sections 504.946, 504.947, and 504.948 to read as follows:

Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) A person commits an offense if the person:

(1) manufactures, sells, or possesses a license plate deceptively similar to a license plate issued by the department; or

(2) makes a copy or likeness of a license plate deceptively similar to a license plate

issued by the department with intent to sell the copy or likeness.

(b) For the purposes of this section, a license plate is deceptively similar to a license plate issued by the department if it is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.

(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.

(d) It is an affirmative defense to a prosecution under this section that the license plate was produced pursuant to a licensing agreement with the department.

(e) An offense under this section is a felony of the third degree.

Sec. 504.947. GENERAL PENALTY. (a) A person commits an offense if the person violates a provision of this chapter and no other penalty is prescribed for the violation.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$5 or more than \$200.

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issued by the department with intent to sell the copy or likeness.

(b) For the purposes of this section, a license plate is deceptively similar to a license plate issued by the department if it is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.

(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.

(d) It is an affirmative defense to a prosecution under this section that the license plate was produced pursuant to a licensing agreement with the department.

(e) An offense under this section is a felony of the third degree.

Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE. (a) In this section "license plate flipper" means a manual, electric, or mechanical device designed or adapted to be installed on a motor vehicle and:

(1) switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator's vehicle; or

(2) hide a license plate from view by flipping the license plate so that the license plate number is not visible.

(b) A person commits an offense if the person with criminal negligence uses, purchases, or possesses a license plate flipper. An offense under this subsection is a Class B misdemeanor.

(c) A person commits an offense if the person with criminal negligence manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. An offense under this subsection is a Class A misdemeanor.

Sec. 504.948. GENERAL PENALTY. (a) A person commits an offense if the person violates a provision of this chapter and no other penalty is prescribed for the violation.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$5 or more than \$200.

SECTION 84. Same as introduced version.

13.102.422

Transportation Code, is amended.

No equivalent provision.

SECTION 85. Section 520.003, Transportation Code, is amended to read as follows:

Sec. 520.003. RULES; ~~[WAIVER OF] FEES; REFUNDS.~~ (a) The department may adopt rules to administer this chapter, including rules that:

(1) waive the payment of fees if a dealer has gone out of business and the applicant can show that fees were paid to the dealer; and

(2) allow full and partial refunds for rejected titling and registration transactions.

(b) The department may collect from a person making a transaction with the department using the state electronic Internet portal project a fee set under Section 2054.2591, Government Code. All fees collected under this subsection shall be allocated to the department to provide for the department's costs associated with administering Section 2054.2591, Government Code.

SECTION 66. Section 520.005, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Notwithstanding the requirements of Section ~~[Sections 520.008 and]~~ **520.0091**, the assessor-collector may license franchised and non-franchised motor vehicle dealers to title and register motor vehicles in accordance with rules adopted under Section 520.004. The county assessor-collector may pay a fee to a motor vehicle dealer independent of or as part of the portion of the fees that would be collected by the county for each title and registration receipt issued.

(d) Each county assessor-collector shall process a registration renewal through an online system designated by the department.

SECTION 86. Section 520.005, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Notwithstanding the requirements of Section **520.0071** ~~[Sections 520.008 and 520.0091]~~, the assessor-collector may license franchised and non-franchised motor vehicle dealers to title and register motor vehicles in accordance with rules adopted under Section 520.004. The county assessor-collector may pay a fee to a motor vehicle dealer independent of or as part of the portion of the fees that would be collected by the county for each title and registration receipt issued.

(d) Each county assessor-collector shall process a registration renewal through an online system designated by the department.

SECTION 67. Section 520.006(a-1), Transportation Code, as added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended.

SECTION 87. Same as introduced version.

SECTION 68. Subchapter A, Chapter 520, Transportation Code, is amended.

SECTION 69. Section 520.0091, Transportation Code, is amended to read as follows:

Sec. 520.0091. DEPUTY ASSESSOR-COLLECTORS.

(a) A county assessor-collector, with the approval of the commissioners court of the county, may deputize an individual or business entity to provide titling and registration services[=

~~[(1) issue motor vehicle registration receipts as a limited service deputy; or~~

~~[(2) issue motor vehicle registration receipts and prepare or accept applications for title transfers as a full service deputy].~~

(b) A county may require a deputized [An] individual or business entity to post [is eligible to be deputized as a limited service deputy if the person:

~~[(1) is trained to issue registration receipts by the county assessor-collector; and~~

~~[(2) posts] a bond payable to the county assessor-collector:~~

~~(1) [(A)] in an amount determined by the county [assessor-collector]; and~~

~~(2) [(B)] conditioned on the person's proper accounting and remittance of all fees the person collects.~~

(c) The board by rule may establish:

~~(1) classes of deputies who may provide titling and registration services under this section, and the duties of the deputies; and~~

~~(2) fees that a deputy may charge and retain [An individual or business entity is eligible to be deputized as a full service deputy if the person:~~

~~[(1) meets the requirements of Subsection (b); and~~

~~[(2) has experience in title transfers].~~

~~[(d) A person deputized under this section shall keep a separate account of the fees collected and a record of daily receipts.]~~

SECTION 88. Same as introduced version.

SECTION 89. Subchapter A, Chapter 520, Transportation Code, is amended by adding Section 520.0071 to read as follows:

Sec. 520.0071. DEPUTIES. (a) The board by rule shall prescribe:

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

~~(2) the duties and obligations of deputies;~~

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

~~(4) the fees that may be charged or retained by deputies.~~

(b) A county assessor-collector, with the approval of the commissioners court of the county, may deputize an individual or business entity to perform titling and registration services in accordance with rules adopted under Subsection (a).

SECTION 70. The heading to Section 520.0093, Transportation Code, is amended.

SECTION 71. Section 520.0093, Transportation Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (b-1) to read as follows:

(a) The department may [~~This section applies only to the~~] lease [of] equipment and provide related services to a:

(1) county for the operation of the automated registration and titling system in addition to the equipment provided by the department at no cost to the county under a formula prescribed by the department; and

(2) deputy appointed under Section 520.0091.

(b-1) On the request of a deputy appointed under Section 520.0091, the department may enter into an agreement under which the department leases equipment to the deputy for the use of the deputy in operating the automated registration and titling system. The department may require the deputy to post a bond in an amount equal to the value of the equipment.

(c) A county may install equipment leased under this section at offices of the county or of an agent of the county. A deputy appointed under Section 520.0091 may install equipment leased under this section on the premises described in the agreement.

(e) Under the agreement, the department shall charge an amount not less than the amount of the cost to the department to provide the [~~additional~~] equipment and any related services under the lease. All money collected under the lease shall be deposited to the credit of the state highway fund.

SECTION 72. Section 520.016(c), Transportation Code, is amended to read as follows:

(c) This section does not apply to a violation of Section 520.006 or [~~520.008, 520.009,~~] 520.0091 [~~, or 520.0092~~].

SECTION 73. Subchapter D, Chapter 551, Transportation Code, is amended.

SECTION 90. Same as introduced version.

SECTION 91. Section 520.0093, Transportation Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (b-1) to read as follows:

(a) The department may [~~This section applies only to the~~] lease [of] equipment and provide related services to a:

(1) county for the operation of the automated registration and titling system in addition to the equipment provided by the department at no cost to the county under a formula prescribed by the department; and

(2) deputy appointed under Section 520.0071.

(b-1) On the request of a deputy appointed under Section 520.0071, the department may enter into an agreement under which the department leases equipment to the deputy for the use of the deputy in operating the automated registration and titling system. The department may require the deputy to post a bond in an amount equal to the value of the equipment.

(c) A county may install equipment leased under this section at offices of the county or of an agent of the county. A deputy appointed under Section 520.0071 may install equipment leased under this section on the premises described in the agreement.

(e) Under the agreement, the department shall charge an amount not less than the amount of the cost to the department to provide the [~~additional~~] equipment and any related services under the lease. All money collected under the lease shall be deposited to the credit of the state highway fund.

SECTION 92. Section 520.016(c), Transportation Code, is amended to read as follows:

(c) This section does not apply to a violation of Section 520.006 or a rule adopted under Section 520.0071 [~~520.008, 520.009, 520.0091, or 520.0092~~].

SECTION 93. Same as introduced version.

SECTION 74. Section 551.402, Transportation Code, is amended.

SECTION 75. Section 601.052(a), Transportation Code, is amended.

No equivalent provision.

SECTION 76. Section 621.002(a), Transportation Code, is amended.

SECTION 77. Section 621.301(b), Transportation Code, is amended.

SECTION 78. Subchapter D, Chapter 621, Transportation Code, is amended by adding Section 621.304 to read as follows:

Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO REGULATE OVERWEIGHT VEHICLES AND LOADS.

A county or municipality may not require a permit, bond, fee, or license for the movement of a vehicle or combination of vehicles or any load carried by the vehicle or vehicles that exceeds the weight or size limits on the state highway system in the county or municipality.

SECTION 79. Subchapter G, Chapter 621, Transportation Code, is amended.

SECTION 80. Section 622.074,

SECTION 94. Same as introduced version.

SECTION 95. Same as introduced version.

SECTION 96. Section 621.001(4), Transportation Code, is amended to read as follows:

(4) "Director" means:

(A) the executive director of the department; or

(B) an employee of the department who is:

(i) a division or special office director or holds a rank higher than division or special office director; and

(ii) designated by the executive director [Texas Department of Motor Vehicles].

SECTION 97. Same as introduced version.

SECTION 98. Same as introduced version.

SECTION 99. Subchapter D, Chapter 621, Transportation Code, is amended by adding Section 621.304 to read as follows:

Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO REGULATE OVERWEIGHT VEHICLES AND LOADS ON STATE HIGHWAY SYSTEM. Except as expressly authorized

by this subtitle, a county or municipality may not require a permit, bond, fee, or license for the movement of a vehicle or combination of vehicles or any load carried by the vehicle or vehicles on the state highway system in the county or municipality that exceeds the weight or size limits on the state highway system.

SECTION 100. Same as introduced version.

SECTION 101. Same as introduced version.

Transportation Code, is amended.

SECTION 81. Section 622.901, Transportation Code, is amended.

SECTION 82. Section 623.011(b), Transportation Code, is amended.

SECTION 83. Sections 623.014(c) and (d), Transportation Code, are amended.

No equivalent provision.

SECTION 84. Section 623.0711(f), Transportation Code, is amended to read as follows:

SECTION 102. Same as introduced version.

SECTION 103. Same as introduced version.

SECTION 104. Same as introduced version.

SECTION 105. The heading to Section 623.0711, Transportation Code, is amended to read as follows:
Sec. 623.0711. PERMITS AUTHORIZED BY BOARD [~~COMMISSION~~].

SECTION 106. Sections 623.0711(a), (b), (c), (d), (f), (g), and (h), Transportation Code, are amended to read as follows:

(a) The board [~~commission~~] by rule may authorize the department to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations;

(b) The board [~~commission~~] may not authorize the issuance of a permit that would allow a vehicle to:

(1) violate federal regulations on size and weight requirements; or

(2) transport equipment that could reasonably be dismantled for transportation as separate loads.

(c) The board [~~commission~~] rules must require that, before the department issues a permit under this section, the department:

(1) determine that the state will benefit from the consolidated permitting process; and

(2) complete a route and engineering study that considers:

(A) the estimated number of loads to be transported by the motor carrier under the permit;

(B) the size and weight of the commodity;

(C) available routes that can accommodate the size and weight of the vehicle and load to be transported;

(f) The commission shall require the motor carrier to file a bond in an amount set by the commission, payable to the Texas Department of Transportation [~~department~~] and conditioned on the motor carrier paying to the Texas Department of Transportation [~~department~~] any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

SECTION 85. Section 623.078(b), Transportation Code, is amended.

SECTION 86. Section 623.144, Transportation Code, is amended to read as follows:

Sec. 623.144. REGISTRATION OF VEHICLE.

A permit under this subchapter may be issued only if the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.146

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(D) the potential roadway damage caused by repeated use of the road by the permitted vehicle;

(E) any disruption caused by the movement of the permitted vehicle; and

(F) the safety of the traveling public.

(d) The board [~~commission~~] rules may authorize the department to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.

(f) The board [~~commission~~] shall require the motor carrier to file a bond in an amount set by the board [~~commission~~], payable to the Texas Department of Transportation [~~department~~] and conditioned on the motor carrier paying to the Texas Department of Transportation [~~department~~] any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

(g) An application for a permit under this section must be accompanied by the permit fee established by the board [~~commission~~] for the permit, not to exceed \$9,000. The department shall send each fee to the comptroller for deposit to the credit of the state highway fund.

(h) In addition to the fee established under Subsection (g), the board [~~commission~~] rules must authorize the department to collect a consolidated permit payment for a permit under this section in an amount not to exceed 15 percent of the fee established under Subsection (g), to be deposited to the credit of the state highway fund.

SECTION 107. Same as introduced version.

SECTION 108. Section 623.144, Transportation Code, is amended to read as follows:

Sec. 623.144. REGISTRATION OF VEHICLE.

(a) A person may not operate a vehicle permitted [A permit] under this subchapter on a public highway unless [may be issued only if] the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has specialty [the

13.102.422

[504.504] if applicable to the vehicle.

~~distinguishing~~ license plates as provided by Section 502.146 [504.504] if applicable to the vehicle.

~~(b) The department may not issue specialty license plates to a vehicle described by Section 502.146(b)(3) unless the applicant complies with the requirements of that subsection.~~

SECTION 87. Section 623.149(a), Transportation Code, is amended.

SECTION 109. Same as introduced version.

SECTION 88. Section 623.194, Transportation Code, is amended.

SECTION 110. Same as introduced version.

SECTION 89. Section 623.199(a), Transportation Code, is amended.

SECTION 111. Same as introduced version.

SECTION 90. Chapter 623, Transportation Code, is amended by adding Subchapter R to read as follows:

SECTION 112. Chapter 623, Transportation Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL EMERGENCY

SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL EMERGENCY

Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a) Notwithstanding any other law, the department may issue a special permit during a major disaster as declared by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an overweight or oversize vehicle or load that: (1) can easily be dismantled or divided; and (2) will be used only to deliver relief supplies.

Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a) Notwithstanding any other law, the department may issue a special permit during a major disaster as declared by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an overweight or oversize vehicle or load that: (1) can easily be dismantled or divided; and (2) will be used only to deliver relief supplies.

(b) A permit issued under this section expires not later than the 120th day after the date of the major disaster declaration.

(b) A permit issued under this section expires not later than the 120th day after the date of the major disaster declaration.

Sec. 623.342. RULES. The board may adopt rules necessary to implement this subchapter, including rules that establish:

Sec. 623.342. RULES. The board may adopt rules necessary to implement this subchapter, including rules that establish the requirements for obtaining a permit.

(1) ~~the fee for a permit; and~~

(2) requirements for obtaining a permit.
Sec. 623.343. PERMIT CONDITIONS. The department may impose conditions on a permit holder to ensure the safe operation of a permitted vehicle and minimize damage to roadways, including requirements related to vehicle routing, hours of operation, weight limits, and lighting and requirements for

Sec. 623.343. PERMIT CONDITIONS. The department may impose conditions on a permit holder to ensure the safe operation of a permitted vehicle and minimize damage to roadways, including requirements related to vehicle routing, hours of operation, weight limits, and lighting and requirements for

escort vehicles.

Sec. 623.344. PERMIT FEES. (a) The department may collect a fee for each permit issued under this subchapter.

(b) A fee collected under this subchapter shall be sent to the comptroller for deposit to the credit of the state highway fund and may be appropriated only to the department.

(c) The department may collect a highway maintenance fee under Section 623.077 or a vehicle supervision fee under Section 623.078 from a person who holds a permit under this subchapter. The highway maintenance fee or vehicle supervision fee shall be sent to the comptroller and deposited as required by those sections.

No equivalent provision.

No equivalent provision.

No equivalent provision.

escort vehicles.

SECTION 113. Section 642.002(a), Transportation Code, is amended to read as follows:

- (a) A person commits an offense if:
 - (1) the person operates on a public street, road, or highway:
 - (A) a commercial motor vehicle that has three or more axles;
 - (B) a truck-tractor;
 - (C) a road-tractor; or
 - (D) a tow truck; and
 - (2) the vehicle does not have on each side of the power unit identifying markings that comply with the identifying marking requirements specified by 49 C.F.R. Section 390.21 or that:
 - (A) show the name of the owner or operator of the vehicle;
 - (B) have clearly legible letters and numbers of a height of at least two inches; and
 - (C) show the motor carrier registration number in clearly legible letters and numbers, if the vehicle is required to be registered under this chapter or Chapter 643.

SECTION 114. The heading to Section 643.054, Transportation Code, is amended to read as follows:

Sec. 643.054. DEPARTMENT APPROVAL AND DENIAL; ISSUANCE OF CERTIFICATE.

SECTION 115. Section 643.054, Transportation Code, is amended by amending Subsection (a) and adding

Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The department shall register a motor carrier under this subchapter if the carrier complies with Sections 643.052 and 643.053.

(a-1) The department may deny a registration if the applicant has had a registration revoked under Section 643.252.

(a-2) The department may deny a registration if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person, including the applicant, a relative, family member, corporate officer, or shareholder, whom the Department of Public Safety has determined has:

(1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or

(2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.

(a-3) The department may deny a registration if the applicant is a motor carrier whose business is operated, managed, or otherwise controlled by or affiliated with a person, including an owner, relative, family member, corporate officer, or shareholder, whom the Department of Public Safety has determined has:

(1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or

(2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.

No equivalent provision.

SECTION 116. Section 643.064, Transportation Code, is amended to read as follows:

Sec. 643.064. ~~[ISSUANCE OF]~~ UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBERS. (a) The department by rule shall provide for the issuance to a motor carrier of an identification number authorized by the Federal Motor Carrier Safety Administration. A rule must conform to rules of the Federal Motor Carrier Safety Administration or its successor.

(b) A motor carrier required to register under this subchapter shall maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor,

or another person authorized to issue the number.

No equivalent provision.

SECTION 117. Subchapter F, Chapter 643, Transportation Code, is amended by adding Section 643.2526 to read as follows:

Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL, OR REINSTATEMENT. (a) Notwithstanding any other law, a denial of an application for registration, renewal of registration, or reinstatement of registration under this chapter is not required to be preceded by notice and an opportunity for hearing.

(b) An applicant may appeal a denial under this chapter by filing an appeal with the department not later than the 26th day after the date the department issues notice of the denial to the applicant.

(c) If the appeal of the denial is successful and the application is found to be compliant with this chapter, the application shall be considered to have been properly filed on the date the finding is entered.

SECTION 91. Section 648.051(b), Transportation Code, is amended.

SECTION 118. Same as introduced version.

SECTION 92. Section 648.102(a), Transportation Code, is amended.

SECTION 119. Same as introduced version.

SECTION 93. Section 681.003(b), Transportation Code, is amended.

SECTION 120. Same as introduced version.

SECTION 94. Section 681.0031, Transportation Code, is amended.

SECTION 121. Same as introduced version.

SECTION 95. Section 681.004(c), Transportation Code, is amended.

SECTION 122. Same as introduced version.

SECTION 96. Section 681.012, Transportation Code, is amended.

SECTION 123. Same as introduced version.

SECTION 97. Section 728.002(d), Transportation Code, is amended.

SECTION 124. Same as introduced version.

SECTION 98. Section 730.007(c), Transportation Code, is amended.

SECTION 99. Section 1001.009(c), Transportation Code, is amended.

SECTION 100. Subchapter A, Chapter 1001, Transportation Code, is amended by adding Section 1001.012 to read as follows:

Sec. 1001.012. IMMUNITY FROM LIABILITY. (a) Notwithstanding any other law, the executive director, a board member, or an employee is not personally liable for damages resulting from an official act or omission unless the act or omission constitutes intentional or malicious malfeasance.

(b) The attorney general shall defend a person described by Subsection (a) in an action brought in connection with the act or omission by the person regardless of whether the person serves the board or department in any capacity at the time the action is brought.

(c) The state shall indemnify a person for a judgment in an action described by Subsection (a), but the state may seek contribution from the person if liability is otherwise permitted by this section.

No equivalent provision.

SECTION 125. Same as introduced version.

SECTION 126. Same as introduced version.

SECTION 127. Subchapter A, Chapter 1001, Transportation Code, is amended by adding Section 1001.012 to read as follows:

Sec. 1001.012. IMMUNITY FROM LIABILITY. (a) Notwithstanding any other law, the executive director, a board member, or an employee is not personally liable for damages resulting from an official act or omission unless the act or omission constitutes intentional or malicious malfeasance.

(b) To the extent a person described by Subsection (a) is personally liable for damages for which the state provides indemnity under Chapter 104, Civil Practice and Remedies Code, this section does not affect the state's liability for the indemnity.

SECTION 128. Subchapter A, Chapter 1001, Transportation Code, is amended by adding Section 1001.013 to read as follows:

Sec. 1001.013. PERFORMANCE OF CERTAIN DEPARTMENT FUNCTIONS BY AUTHORIZED BUSINESS. (a) The executive director of the department may authorize a business entity to perform a department function in accordance with rules adopted under Subsection (b).

(b) The board by rule shall prescribe:

(1) the classification types of businesses that are authorized to perform certain department functions;

(2) the duties and obligations of an authorized business;

(3) the type and amount of any bonds that may be required for a business to perform certain functions; and

(4) the fees that may be charged or retained by a business authorized under this section.

SECTION 101. Section 1001.023(b), Transportation Code, is amended.

SECTION 102. Section 1001.042, Transportation Code, is amended.

SECTION 103. Section 1001.101(2), Transportation Code, is amended to read as follows:

- (2) "License" includes:
- (A) a motor carrier registration issued under Chapter 643;
 - (B) a motor vehicle dealer, salvage dealer, manufacturer, distributor, representative, converter, or agent license issued by the department;
 - (C) specially designated or specialized license plates issued under Chapter 504; ~~and~~
 - (D) an apportioned registration issued according to the International Registration Plan under Section 502.091; ~~and~~
 - (E) a permit issued by the department that authorizes the operation of a vehicle and its load or a combination of vehicles and load exceeding size or weight limitations ~~[502.054]~~.

SECTION 104. The following laws are repealed:

- (1) Sections 2301.101, 2301.157, and 2301.259(b), Occupations Code;
- (2) Sections 502.252(b), 503.029(b), 503.030(b), 503.066(b), 520.008, 520.009, 520.0092, and 623.093(f), Transportation Code; and
- (3) Section 520.004, Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 105. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of

SECTION 129. Same as introduced version.

SECTION 130. Same as introduced version.

SECTION 131. Section 1001.101(2), Transportation Code, is amended to read as follows:

- (2) "License" includes:
- (A) a motor carrier registration issued under Chapter 643;
 - (B) a motor vehicle dealer, salvage dealer, manufacturer, distributor, representative, converter, or agent license issued by the department;
 - (C) specially designated or specialized license plates issued under Chapter 504; and
 - (D) an apportioned registration issued according to the International Registration Plan under Section 502.091 ~~[502.054]~~.

SECTION 132. The following laws are repealed:

- (1) Sections 2301.101, 2301.157, 2301.259(b), and 2301.606(a), Occupations Code;
- (2) Sections 502.252(b), 503.009(b), 503.029(b), 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092, 623.0711(k), and 623.093(f), Transportation Code; and
- (3) Section 520.004, Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 133. Same as introduced version.

this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

No equivalent provision.

SECTION 106. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 107. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Sections 501.146 and 504.202, Transportation Code, as amended by this Act, and Section 504.947, Transportation Code, as added by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Sections 501.146 and 504.202, Transportation Code, as amended by this Act, and Section 504.947, Transportation Code, as added by this Act, take effect September 1, 2013.

SECTION 134. A deputy appointed under Section 520.0091, Transportation Code, on or before August 31, 2013, may continue to perform the services authorized under Sections 520.008, 520.009, 520.0091, and 520.0092, Transportation Code, until the Texas Department of Motor Vehicles Board adopts rules regarding the types of deputies authorized to perform titling and registration duties under Section 520.0071, Transportation Code, as added by this Act.

SECTION 135. Same as introduced version.

SECTION 136. Substantially the same as introduced version.