

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-25-13

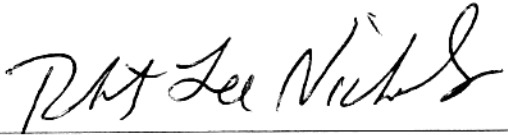
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

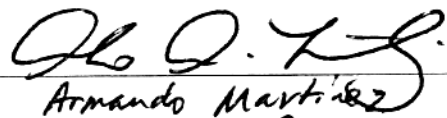
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2741 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.





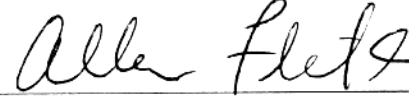
LARRY PHILLIPS

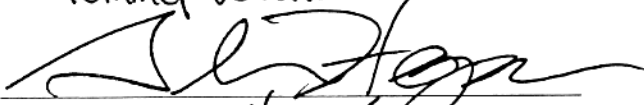




Armando Martinez

Tommy Williams

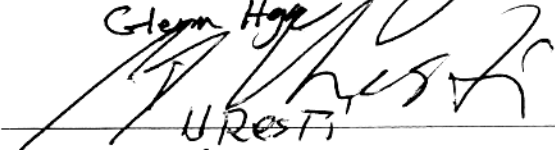




Glenn Hogg







URESTI





CAMPBELL

On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2741

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of motor vehicles by counties and the
3 Texas Department of Motor Vehicles; authorizing a fee; creating
4 an offense.

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

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

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

11 (1) fees for registration, certificate of title, and
12 license and any additional registration fees charged by a [~~full~~
13 ~~service~~] deputy as authorized by rules adopted under Section
14 520.0071 [~~502.114~~], Transportation Code;

15 (2) any taxes;

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

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

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

23 Sec. 353.006. ITEMIZED CHARGE. An amount in a retail
24 installment contract is an itemized charge if the amount is not

1 included in the cash price and is the amount of:

2 (1) fees for registration, certificate of title, and
3 license and any additional registration fees charged by a [~~full~~
4 ~~service~~] deputy as authorized by rules adopted under Section
5 520.0071 [~~502.114~~], Transportation Code;

6 (2) any taxes;

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

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

11 (5) advances or payments authorized under Section
12 353.402(b) or (c) made by the retail seller to or for the
13 benefit of the retail buyer.

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

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

22 (1) a registration requirement in an agreement
23 entered into under the International Registration Plan under
24 Section 502.091, Transportation Code, to the extent authorized
25 by federal law;

26 (2) a temporary registration permit requirement under
27 Section 502.094, Transportation Code;

1 (3) a provision of Subtitle E, Title 7,
2 Transportation Code, to the extent authorized by federal law;

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

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

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

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

15 (1) the president of the United States under the
16 Robert T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. Section 5121 et seq.); or

18 (2) the governor of another state.

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

23 SECTION 4. Section 1201.206(f), Occupations Code, is
24 amended to read as follows:

25 (f) If the owner of a manufactured home relocates the
26 home, the owner shall apply for the issuance of a new statement
27 of ownership and location not later than the 60th day after the

1 date the home is relocated. The department shall require that
2 the owner submit evidence that the home was relocated in
3 accordance with the requirements of the Texas Department of
4 Motor Vehicles [~~Transportation~~].

5 SECTION 5. Section 2301.002(12), Occupations Code, is
6 amended to read as follows:

7 (12) "Division" means the [~~Motor Vehicle Division of~~
8 ~~the~~] department division that regulates the distribution and
9 sale of motor vehicles.

10 SECTION 6. The heading to Subchapter C, Chapter 2301,
11 Occupations Code, is amended to read as follows:

12 SUBCHAPTER C. [~~DIRECTOR AND OTHER~~] DIVISION PERSONNEL

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

16 (b) The board by rule may delegate any power relating to a
17 contested case hearing brought under this chapter or Chapter
18 503, Transportation Code, other than the power to issue a final
19 order, to:

- 20 (1) one or more of the board's members;
- 21 (2) the executive director;
- 22 (3) the director; or
- 23 (4) one or more of the department's employees.

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

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

1 (2) the executive director; or

2 (3) the director of a division within the department
3 designated by the board or the executive director to carry out
4 the requirements of this chapter.

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

9 SECTION 8. Section 2301.257(a), Occupations Code, is
10 amended to read as follows:

11 (a) An application for a dealer's license must be on a
12 form prescribed by the department. The application must
13 include:

14 (1) the information required by Chapter 503,
15 Transportation Code; and

16 (2) information [~~relating to the applicant's~~
17 ~~financial resources, business integrity, business ability and~~
18 ~~experience, franchise if applicable, physical facilities,~~
19 ~~vehicle inventory, and other factors]~~ the board determines by
20 rule is [~~department considers]~~ necessary to determine the
21 applicant's qualifications to adequately serve the public.

22 SECTION 9. Sections 2301.260(a) and (b), Occupations Code,
23 are amended to read as follows:

24 (a) An application for a distributor's license must
25 disclose:

26 (1) the manufacturer for whom the distributor will
27 act;

1 (2) whether the manufacturer is licensed in this
2 state;

3 (3) ~~[the warranty covering the motor vehicles to be~~
4 ~~sold;~~

5 [+4+] the persons in this state who will be
6 responsible for compliance with the warranty covering the motor
7 vehicles to be sold;

8 (4) [+5+] the terms of the contract under which the
9 distributor will act for the manufacturer; and

10 (5) [+6+] the franchised dealers with whom the
11 distributor will do business.

12 (b) An applicant for a distributor's license that has a
13 responsibility under a warranty agreement must include a
14 statement regarding the manufacturer's compliance with
15 Subchapter I and Sections 2301.451-2301.476 ~~[provide the same~~
16 ~~information relating to the agreement as is provided by an~~
17 ~~applicant for a manufacturer's license under Section 2301.259].~~

18 SECTION 10. Section 2301.264(d), Occupations Code, is
19 amended to read as follows:

20 (d) The department may refund ~~[from funds appropriated to~~
21 ~~the department for that purpose]~~ a fee collected under this
22 chapter that is not due or that exceeds the amount due.

23 SECTION 11. Section 2301.301(b), Occupations Code, is
24 amended to read as follows:

25 (b) The department ~~[board]~~ may issue a license for a term
26 of less than the period prescribed under Subsection (a) to
27 coordinate the expiration dates of licenses held by a person

1 that is required to obtain more than one license to perform
2 activities under this chapter.

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

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

10 SECTION 13. Section 2301.353, Occupations Code, is amended
11 to read as follows:

12 Sec. 2301.353. PROHIBITION: PERFORMANCE OF OBLIGATION
13 UNDER AGREEMENT WITH MANUFACTURER. A franchised dealer may not
14 fail to perform an obligation placed on:

15 (1) the selling dealer in connection with the
16 preparation and delivery of a new motor vehicle for retail sale
17 as provided in the manufacturer's preparation and delivery
18 agreements [~~on file with the board~~] that are applicable to the
19 vehicle; or

20 (2) the dealer in connection with the manufacturer's
21 warranty agreements [~~on file with the board~~].

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

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

27 (1) the person provides the department with written

1 notice [~~at least 30 days~~] before the date the show or exhibition
2 opens; and

3 (2) the department grants written approval.

4 SECTION 15. Section 2301.401, Occupations Code, is amended
5 to read as follows:

6 Sec. 2301.401. WARRANTY, PREPARATION, AND DELIVERY

7 [~~FILING~~] REQUIREMENTS. (a) On request, a [A] manufacturer or
8 distributor shall provide to [~~file with~~] the department a copy
9 of the current requirements the manufacturer or distributor
10 imposes on its dealers with respect to the dealer's:

11 (1) duties under the manufacturer's or distributor's
12 warranty; and

13 (2) vehicle preparation and delivery obligations.

14 (b) Warranty or preparation and delivery requirements
15 placed on a dealer by a manufacturer are not enforceable unless
16 the requirements are reasonable [~~and are disclosed and filed as~~
17 ~~required by Subsection (a)~~].

18 SECTION 16. Section 2301.460, Occupations Code, is amended
19 to read as follows:

20 Sec. 2301.460. WARRANTY, PREPARATION, OR DELIVERY

21 AGREEMENT OBLIGATIONS. Notwithstanding the terms of any
22 franchise, a manufacturer, distributor, or representative may
23 not, after a complaint and a hearing, fail or refuse to perform
24 an obligation placed on the manufacturer in connection with the
25 preparation, delivery, and warranty of a new motor vehicle as
26 provided in the manufacturer's warranty, preparation, and
27 delivery agreements [~~on file with the board~~].

1 SECTION 17. Section 2301.461(a), Occupations Code, is
2 amended to read as follows:

3 (a) Notwithstanding the terms of any franchise or any
4 other law, a franchised dealer's preparation, delivery, and
5 warranty obligations [~~as filed with the board~~] are the dealer's
6 sole responsibility for product liability as between the dealer
7 and a manufacturer or distributor.

8 SECTION 18. Section 2301.4651(a), Occupations Code, is
9 amended to read as follows:

10 (a) This section applies to a manufacturer, distributor,
11 or representative that[+

12 [~~(1)~~] terminates or discontinues a franchise by [~~any~~
13 ~~means without complying with Section 2301.453, or~~

14 [~~(2) regardless of whether the manufacturer,~~
15 ~~distributor, or representative complies with Section 2301.453,~~
16 ~~terminates or discontinues a franchise by]:~~

17 (1) [~~(A)~~] discontinuing a line-make;

18 (2) [~~(B)~~] ceasing to do business in this state; or

19 (3) [~~(C)~~] changing the distributor or method of
20 distribution of its products in this state.

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

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

27 (1) is the result of abuse, neglect, or unauthorized

1 modification or alteration of the motor vehicle; or

2 (2) does not substantially impair the use or market
3 value of the motor vehicle.

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

8 (1) the owner or a person on behalf of the owner has
9 mailed written notice of the alleged defect or nonconformity to
10 the manufacturer, converter, or distributor; and

11 (2) the manufacturer, converter, or distributor has
12 been given an opportunity to cure the alleged defect or
13 nonconformity.

14 SECTION 20. Section 2301.607(c), Occupations Code, is
15 amended to read as follows:

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

27 SECTION 21. Section 2301.608, Occupations Code, is amended

1 to read as follows:

2 Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR
3 REFUND. (a) In an order issued under this subchapter, the
4 board or a person delegated power from the board under Section
5 2301.154 [director] shall name the person responsible for paying
6 the cost of any refund or replacement. A manufacturer,
7 converter, or distributor may not cause a franchised dealer to
8 directly or indirectly pay any money not specifically ordered by
9 the board or a person delegated power from the board under
10 Section 2301.154 [director].

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

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

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

27 (a) A party to a proceeding [~~before the director~~] under

1 this subchapter that is affected by a final order related to the
2 proceeding [~~of the director~~] is entitled to judicial review of
3 the order under the substantial evidence rule in a district
4 court of Travis County.

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

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

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

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

27 (d) A license may not be denied, revoked, or suspended,

1 and disciplinary action may not be taken under this subchapter,
2 unless the respondent is given an opportunity for a hearing. The
3 board may deny, revoke, or suspend a license or take
4 disciplinary action by ~~[except on]~~ order only ~~[of the board]~~
5 after the department grants the respondent an opportunity for a
6 hearing.

7 SECTION 25. Section 2301.703(a), Occupations Code, is
8 amended to read as follows:

9 (a) A hearing ~~[shall be conducted in any contested case]~~
10 arising under this chapter or a board rule adopted under this
11 chapter ~~[. The hearing]~~ must be conducted in accordance with
12 this chapter, any order, decision, or rule of the board, and
13 Chapter 2001, Government Code.

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

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

22 ~~[(b)]~~ In reviewing a [the] case under this subchapter, the
23 board or a person delegated power from the board under Section
24 2301.154 may consider only materials that are submitted timely.

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

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

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

9 Sec. 2301.710. DISMISSAL OF COMPLAINT. On the motion of
10 any party, the board or other person delegated final order
11 authority under Section 2301.154, without holding a contested
12 case hearing, may issue a final order dismissing a complaint,
13 protest, or response in accordance with the terms and procedures
14 set forth in the [Rule 166a,] Texas Rules of Civil Procedure[~~7~~
15 ~~or its successor~~].

16 SECTION 28. Section 2301.711, Occupations Code, is amended
17 to read as follows:

18 Sec. 2301.711. ORDERS AND DECISIONS. (a) The board or
19 other person delegated final order authority under Section
20 2301.154 shall issue final orders for the implementation and
21 enforcement of this chapter and Chapter 503, Transportation
22 Code.

23 (b) An order or decision under this chapter [~~of the board~~]
24 must:

25 (1) include a separate finding of fact with respect
26 to each specific issue [~~the board is~~] required by law to be
27 considered [~~consider~~] in reaching a decision;

1 (2) set forth additional findings of fact and
2 conclusions of law on which the order or decision is based;

3 (3) give the reasons for the particular actions
4 taken; and

5 (4) be signed by the presiding officer or assistant
6 presiding officer for the board or other person delegated final
7 order authority under Section 2301.154[+]

8 [~~5~~] ~~be attested to by the director, and~~

9 [~~6~~] ~~have the seal affixed to it~~].

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

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

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

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

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

27 SECTION 31. Section 2301.751(a), Occupations Code, is

1 amended to read as follows:

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

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

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

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

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

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

24 (e) A permanent cease and desist order may be issued
25 regardless of the requirements of Subsection (b) but only under
26 the procedures for a final order [~~by the board~~] under this
27 chapter. An appeal of a permanent cease and desist order is

1 made in the same manner as an appeal of a final order under this
2 chapter.

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

5 (a) On the initiation of a [~~board~~] proceeding under this
6 chapter or Chapter 503, Transportation Code, whether by
7 complaint, protest, or otherwise, a person who receives notice
8 from the board of a statutory stay imposed by this chapter may
9 not allow or commit any act or omission that would:

10 (1) violate this chapter, Chapter 503, Transportation
11 Code, [~~or~~] any rule, order, or decision of the board, or an
12 order or decision of a person delegated power from the board
13 under Section 2301.154;

14 (2) affect a legal right, duty, or privilege of any
15 party to a proceeding under this chapter or Chapter 503,
16 Transportation Code [~~before the board~~]; or

17 (3) tend to render ineffectual an [~~a board~~] order in
18 a pending proceeding.

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

21 (a) If it appears that a person has violated, is
22 violating, or is threatening to violate this chapter, Chapter
23 503, Transportation Code, [~~or~~] a board rule adopted under this
24 chapter or Chapter 503, Transportation Code, or an order issued
25 under this chapter or Chapter 503, Transportation Code, the
26 board or the executive director, if authorized by the presiding
27 officer of the board, may cause a suit to be instituted in a

1 court for:

2 (1) injunctive relief to restrain the person from
3 committing the violation or threat of violation;

4 (2) imposition of a civil penalty; or

5 (3) both injunctive relief and a civil penalty.

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

10 SECTION 36. Section 2302.103(a), Occupations Code, is
11 amended to read as follows:

12 (a) To apply for a salvage vehicle dealer license, a
13 person must submit to the department an application on a form
14 prescribed by the department [~~. The application must be signed~~
15 ~~by the applicant~~] and [~~accompanied by~~] the application fee.

16 SECTION 37. Section 2305.001, Occupations Code, is amended
17 by adding Subdivisions (5) and (6) to read as follows:

18 (5) "Board" means the board of the Texas Department
19 of Motor Vehicles.

20 (6) "Department" means the Texas Department of Motor
21 Vehicles.

22 SECTION 38. Section 2305.007(a), Occupations Code, is
23 amended to read as follows:

24 (a) Except as provided by Subsection (b), for the purpose
25 of enforcing or administering this chapter, Chapter 2302 of this
26 code, or Chapter 501 or 502, Transportation Code, a member of
27 the board [~~Texas Transportation Commission~~], an employee of the

1 department [~~Texas Transportation Commission or Texas Department~~
2 ~~of Transportation~~], a member of the Public Safety Commission, an
3 officer of the Department of Public Safety, or another peace
4 officer who is interested in tracing or locating a stolen motor
5 vehicle may at a reasonable time:

6 (1) enter the premises of a business regulated under
7 one of those chapters; and

8 (2) inspect or copy any document, record, vehicle,
9 part, or other item regulated under one of those chapters.

10 SECTION 39. The heading to Subchapter L, Chapter 201,
11 Transportation Code, is amended to read as follows:

12 SUBCHAPTER L. ELECTRONIC ISSUANCE OF OUTDOOR ADVERTISING
13 LICENSES

14 SECTION 40. Section 201.931(2), Transportation Code, is
15 amended to read as follows:

16 (2) "License" means [~~includes:~~

17 [~~(A) a permit issued by the department that~~
18 ~~authorizes the operation of a vehicle and its load or a~~
19 ~~combination of vehicles and load exceeding size or weight~~
20 ~~limitations; and~~

21 [~~(B)~~] a license or permit for outdoor
22 advertising issued under Chapter 391 or 394.

23 SECTION 41. Section 501.021(a), Transportation Code, is
24 amended to read as follows:

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

27 (1) the legal name and address of each purchaser and

1 seller at the first sale or a subsequent sale;

2 (2) the make of the motor vehicle;

3 (3) the body type of the vehicle;

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

9 (5) the serial number for the vehicle;

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

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

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

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

18 SECTION 42. Sections 501.022(a) and (b), Transportation
19 Code, are amended to read as follows:

20 (a) The owner of a motor vehicle registered in this state:

21 (1) except as provided by Section 501.029, shall
22 apply for title to the vehicle; and

23 (2) may not operate or permit the operation of the
24 vehicle on a public highway until the owner [~~obtains~~]:

25 (A) applies for title and registration for the
26 vehicle; or

27 (B) obtains a receipt evidencing title for

1 registration purposes only under Section 501.029.

2 (b) A person may not operate a motor vehicle registered in
3 this state on a public highway if the person knows or has reason
4 to believe that the owner has not applied for ~~[obtained]~~ a title
5 for the vehicle.

6 SECTION 43. Section 501.023(a), Transportation Code, is
7 amended to read as follows:

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

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

14 (A) the owner is domiciled; or

15 (B) the motor vehicle is purchased or
16 encumbered; ~~[or]~~

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

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

24 (B) is inoperable for a protracted period of
25 time; or

26 (3) if the county assessor-collector's office of the
27 county in which the owner resides is closed for a protracted

1 period of time as defined by the department, to the county
2 assessor-collector of a county that borders the county in which
3 the owner resides who agrees to accept the application.

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

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

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

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

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

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

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

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

21 (4) purchased by a commercial fleet buyer who:

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

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

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

4 SECTION 45. Section 501.024(d), Transportation Code, is
5 amended to read as follows:

6 (d) A title receipt with registration or permit authorizes
7 the operation of the motor vehicle on a public highway in this
8 state [~~for 10 days or~~] until the title is issued[~~, whichever~~
9 ~~period is shorter~~].

10 SECTION 46. Sections 501.031(a) and (c), Transportation
11 Code, are amended to read as follows:

12 (a) The department shall include on each title an optional
13 rights of survivorship agreement that:

14 (1) provides that if the agreement is between two or
15 more eligible persons, the motor vehicle will be owned [~~is held~~
16 ~~jointly~~] by the surviving owners when one or more of the owners
17 die [~~those persons with the interest of a person who dies to~~
18 ~~transfer to the surviving person or persons~~]; and

19 (2) provides for the acknowledgment by signature,
20 either electronically or by hand, of the persons.

21 (c) Ownership of the vehicle may be transferred only:

22 (1) by all the persons acting jointly, if all the
23 persons are alive; or [~~and~~]

24 (2) on the death of one of the persons, by the
25 surviving person or persons by transferring ownership of the
26 vehicle, in the manner otherwise required by law, with a copy of
27 the death certificate of the deceased person.

1 SECTION 47. Section 501.032, Transportation Code, is
2 amended by amending Subsections (a) and (b) and adding
3 Subsection (d) to read as follows:

4 (a) On proper application, the department shall assign a
5 vehicle identification number to a travel trailer, a trailer or
6 semitrailer [~~that has a gross vehicle weight that exceeds 4,000~~
7 ~~pounds~~], a frame, or an item of equipment, including a tractor,
8 farm implement, unit of special mobile equipment, or unit of
9 off-road construction equipment [~~on which~~]:

10 (1) on which a vehicle identification number was not
11 die-stamped by the manufacturer; [~~or~~]

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

15 (3) for which a vehicle identification number was
16 never assigned.

17 (b) The applicant shall die-stamp the assigned vehicle
18 identification number at the place designated by the department
19 on the travel trailer, trailer, semitrailer, frame, or
20 equipment.

21 (d) Only the department may issue vehicle identification
22 numbers.

23 SECTION 48. Section 501.033(a), Transportation Code, is
24 amended to read as follows:

25 (a) A person determined by law enforcement or a court to
26 be the owner of a motor vehicle, travel trailer, semitrailer, or
27 trailer, a part of a motor vehicle, travel trailer, semitrailer,

1 or trailer, a frame, or an item of equipment including a
2 tractor, farm implement, unit of special mobile equipment, or
3 unit of off-road construction equipment may apply to the
4 department for an assigned vehicle identification number that
5 has been removed, altered, [~~or~~] obliterated, or has never been
6 assigned.

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

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

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

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

18 (2) pay the fee required by Section 501.138.

19 SECTION 50. The heading to Subchapter C, Chapter 501,
20 Transportation Code, is amended to read as follows:

21 SUBCHAPTER C. REFUSAL TO ISSUE, ~~[AND]~~ REVOCATION, ~~[OR]~~
22 SUSPENSION, OR ALTERATION OF CERTIFICATE

23 SECTION 51. Section 501.051(b), Transportation Code, is
24 amended to read as follows:

25 (b) The department may rescind, cancel, or revoke an
26 application for a title if a notarized or county-stamped
27 affidavit is presented containing:

1 (1) a statement that the vehicle involved was a new
2 motor vehicle in the process of a first sale;

3 (2) a statement that the dealer, the applicant, and
4 any lienholder have canceled the sale;

5 (3) a statement that the vehicle:

6 (A) was never in the possession of the title
7 applicant; or

8 (B) was in the possession of the title
9 applicant; and

10 (4) the signatures of the dealer, the applicant, and
11 any lienholder.

12 SECTION 52. Section 501.052(e), Transportation Code, is
13 amended to read as follows:

14 (e) An applicant aggrieved by the determination under
15 Subsection (d) may appeal only to the county or district court
16 of the county of the applicant's residence. An applicant must
17 file an appeal not later than the fifth day after the date of
18 the assessor-collector's determination. The [~~county~~ court]
19 judge shall try the appeal in the manner of other civil
20 cases. All rights and immunities granted in the trial of a
21 civil case are available to the interested parties. If the
22 department's action is not sustained, the department shall
23 promptly issue a title for the vehicle.

24 SECTION 53. Subchapter C, Chapter 501, Transportation
25 Code, is amended by adding Section 501.0521 to read as follows:

26 Sec. 501.0521. COURT ORDERED TITLE CHANGES. (a) A justice
27 of the peace or municipal court judge may not issue an order

1 related to a title except as provided by Chapter 47, Code of
2 Criminal Procedure, or Section 27.031(a)(3), Government Code.

3 (b) A county or district court judge may not order the
4 department to change the type of title for:

5 (1) a nonrepairable vehicle titled after September 1,
6 2003; or

7 (2) a vehicle for which the department has issued a
8 certificate of authority under Section 683.054.

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

11 (a) As an alternative to the procedure provided by Section
12 501.052, the person may obtain a title by filing [file] a bond
13 with the department if the vehicle is in the possession of the
14 applicant and:

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

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

17 or

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

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

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

24 (1) the person may be a person who has been deputized
25 [~~appointed by the commissioners court as a deputy~~] to perform
26 vehicle registration functions as authorized by rules adopted
27 under Section 520.0071 [~~520.0091~~], a licensed vehicle auction

1 company holding a wholesale general distinguishing number under
2 Section 503.022, a person who has a permit similar to one of the
3 foregoing that is issued by the state in which the owner is
4 located, or another person authorized by law to execute title
5 documents in the state in which the owner executes the
6 documents; and

7 (2) the person may not be the transferee or an
8 employee of the transferee. The person may not act as the agent
9 of both the transferor and transferee in the transaction. For
10 the purposes of this section, a person is not the agent of both
11 the transferor and transferee in a transaction unless the person
12 has the authority to sign the documents pertaining to the
13 transfer of title on behalf of both the transferor and the
14 transferee.

15 SECTION 56. Section 501.095(b), Transportation Code, is
16 amended to read as follows:

17 (b) A person [~~An owner~~], other than a salvage vehicle
18 dealer, a used automotive parts recycler, or an insurance
19 company licensed to do business in this state, who acquired
20 ownership of a nonrepairable or salvage motor vehicle that has
21 not been issued a nonrepairable vehicle title, nonrepairable
22 record of title, salvage vehicle title, salvage record of
23 title, or a comparable ownership document issued by another
24 state or jurisdiction shall, before selling the motor vehicle,
25 surrender the properly assigned title for the motor vehicle to
26 the department and apply to the department for the appropriate
27 ownership document.

1 SECTION 57. Sections 501.100(a) and (d), Transportation
2 Code, are amended to read as follows:

3 (a) The owner of a motor [A] vehicle for which a
4 nonrepairable vehicle [~~certificate of~~] title issued prior to
5 September 1, 2003, or for which a salvage vehicle title or
6 salvage record of title has been issued may apply for [~~obtain~~] a
7 title after the motor vehicle has been repaired, rebuilt, or
8 reconstructed and, in addition to any other requirement of law,
9 only if the application:

10 (1) describes each major component part used to
11 repair the motor vehicle;

12 (2) states the name of each person from whom the
13 parts used in assembling the vehicle were obtained; and

14 (3) shows the identification number required by
15 federal law to be affixed to or inscribed on the part.

16 (d) In addition to the fee described by Subsection (b),
17 the applicant shall pay a \$65 rebuilder fee. The applicant shall
18 include the fee with the statement submitted under Section
19 502.156 for the vehicle.

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

22 (b-2) The comptroller shall establish a record of the
23 amount of the fees deposited to the credit of the Texas Mobility
24 Fund under Subsection (b-1). On or before the fifth workday of
25 each month, the Texas Department of Transportation [~~department~~]
26 shall remit to the comptroller for deposit to the credit of the
27 Texas emissions reduction plan fund an amount of money equal to

1 the amount of the fees deposited by the comptroller to the
2 credit of the Texas Mobility Fund under Subsection (b-1) in the
3 preceding month. The Texas Department of Transportation
4 [~~department~~] shall use for remittance to the comptroller as
5 required by this subsection money in the state highway fund that
6 is not required to be used for a purpose specified by Section 7-
7 a, Article VIII, Texas Constitution, and may not use for that
8 remittance money received by this state under the congestion
9 mitigation and air quality improvement program established under
10 23 U.S.C. Section 149.

11 SECTION 59. Subchapter G, Chapter 501, Transportation
12 Code, is amended by adding Section 501.139 to read as follows:

13 Sec. 501.139. ELECTRONIC FUNDS TRANSFER. A county
14 assessor-collector that transfers money to the department under
15 this chapter shall transfer the money electronically.

16 SECTION 60. Section 501.146, Transportation Code, is
17 amended by adding Subsection (d) to read as follows:

18 (d) A late fee imposed under this section may not exceed
19 \$250.

20 SECTION 61. Section 501.173, Transportation Code, is
21 amended by adding Subsection (c) to read as follows:

22 (c) In addition to other title fees, the board by rule may
23 set a fee to be assessed for the issuance of a paper title to
24 cover the cost of administering the electronic titling system.

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

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

7 (39-a) "Shipping weight" means the weight generally
8 accepted as the empty weight of a vehicle.

9 SECTION 63. Sections 502.040(b) and (d), Transportation
10 Code, are amended to read as follows:

11 (b) The application must be accompanied by personal
12 identification as determined by department rule and made in a
13 manner prescribed by the department:

14 (1) through the county assessor-collector of the
15 county in which the owner resides; [~~or~~]

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

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

23 (B) is inoperable for a protracted period of
24 time; or

25 (3) if the county assessor-collector's office in
26 which the owner resides is closed for a protracted period of
27 time as defined by the department, to the county assessor-

1 collector of a county that borders the county in which the owner
2 resides who agrees to accept the application.

3 (d) A county assessor-collector, a deputy county assessor-
4 collector, or a person acting on behalf of a county assessor-
5 collector is not liable to any person for:

6 (1) refusing to register a [~~motor~~] vehicle because of
7 the person's failure to submit evidence of residency that
8 complies with the department's rules; or

9 (2) registering a [~~motor~~] vehicle under this section.

10 SECTION 64. The heading to Section 502.043, Transportation
11 Code, is amended to read as follows:

12 Sec. 502.043. APPLICATION FOR REGISTRATION AND CERTAIN
13 PERMITS.

14 SECTION 65. Section 502.043, Transportation Code, is
15 amended by amending Subsections (a), (b), and (c) and adding
16 Subsection (c-1) to read as follows:

17 (a) An application for vehicle registration or a permit
18 described by Section 502.094 or 502.095 must:

19 (1) be made in a manner prescribed and include the
20 information required by the department by rule; and

21 (2) contain a full description of the vehicle as
22 required by department rule.

23 (b) The department shall deny the registration of or
24 permitting under Section 502.094 or 502.095 of a commercial
25 motor vehicle, truck-tractor, trailer, or semitrailer if the
26 applicant:

27 (1) has a business operated, managed, or otherwise

1 controlled or affiliated with a person who is ineligible for
2 registration or whose privilege to operate has been suspended,
3 including the applicant entity, a relative, family member,
4 corporate officer, or shareholder;

5 (2) has a vehicle that has been prohibited from
6 operating by the Federal Motor Carrier Safety Administration for
7 safety-related reasons;

8 (3) is a carrier whose business is operated, managed,
9 or otherwise controlled or affiliated with a person who is
10 ineligible for registration, including the owner, a relative, a
11 family member, a corporate officer, or a shareholder; or

12 (4) fails to deliver to the county assessor-collector
13 proof of the weight of the vehicle, the maximum load to be
14 carried on the vehicle, and the gross weight for which the
15 vehicle is to be registered.

16 (c) In lieu of filing an application during a year as
17 provided by Subsection (a), the owner of a vehicle registered in
18 any state for that year or the preceding year may present:

19 (1) the registration receipt and transfer receipt for
20 the vehicle; or

21 (2) other evidence satisfactory to the county
22 assessor-collector that the person owns the vehicle[~~, if any~~].

23 (c-1) A [The] county assessor-collector shall accept a
24 [the] receipt or evidence provided under Subsection (c) as an
25 application for renewal of the registration if the receipt or
26 evidence indicates the applicant owns the vehicle. This section
27 allows issuance for registration purposes only but does not

1 authorize the department to issue a title.

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

4 Sec. 502.055. DETERMINATION OF WEIGHT AND SEATING
5 CAPACITY.

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

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

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

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

16 (d) For registration purposes:

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

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

22 (A) the shipping weight of the bus; and

23 (B) the seating capacity multiplied by 150
24 pounds.

25 SECTION 68. Section 502.092(b), Transportation Code, is
26 amended to read as follows:

27 (b) The department shall issue a receipt for a permit

1 issued [~~distinguishing insignia for a vehicle issued a permit~~]
2 under this section in a manner provided by the department. The
3 permit receipt must contain the information required by this
4 section and be carried in the vehicle for which it is issued at
5 all times during which it is valid. [~~The insignia must be~~
6 ~~attached to the vehicle in lieu of regular license plates and~~
7 ~~must show the permit expiration date.~~] A permit issued under
8 this section is valid until the earlier of:

9 (1) the date the vehicle's registration in the
10 owner's home state or country expires; or

11 (2) the 30th day after the date the permit is issued.

12 SECTION 69. Sections 502.094(c) and (d), Transportation
13 Code, are amended to read as follows:

14 (c) A person may obtain a permit under this section by:

15 (1) applying to the county assessor-collector or [7]
16 the department[, ~~or the department's wire service agent, if the~~
17 ~~department has a wire service agent~~];

18 (2) paying a fee of \$25 for a 72-hour permit or \$50
19 for a 144-hour permit in the manner prescribed by the department
20 that may include a service charge for a credit card payment or
21 escrow account;

22 (3) furnishing to the county assessor-collector or
23 [7] the department[, ~~or the department's wire service agent,~~]
24 evidence of financial responsibility for the vehicle that
25 complies with Sections 502.046(c) and 601.168(a); and

26 (4) submitting a copy of the applicable federal
27 declaration form required by the Federal Motor Carrier Safety

1 Administration or its successor in connection with the
2 importation of a motor vehicle or motor vehicle equipment
3 subject to the federal motor vehicle safety, bumper, and theft
4 prevention standards.

5 (d) A county assessor-collector shall report and send a
6 fee collected under this section in the manner provided by
7 Section 502.198. [~~Each week, a wire service agent shall send to~~
8 ~~the department a report of all permits issued by the agent~~
9 ~~during the previous week.~~] The board by rule shall prescribe
10 the format and content of a report required by this subsection.

11 SECTION 70. Section 502.168, Transportation Code, is
12 amended to read as follows:

13 Sec. 502.168. FEE: MOTOR BUS. The fee for a registration
14 year for registration of a motor bus is the fee prescribed by
15 Section 502.252 [~~502.161~~] or 502.253 [~~502.162~~], as applicable.

16 SECTION 71. Subchapter E, Chapter 502, Transportation
17 Code, is amended by adding Section 502.199 to read as follows:

18 Sec. 502.199. ELECTRONIC FUNDS TRANSFER. A county
19 assessor-collector that transfers money to the department under
20 this chapter shall transfer the money electronically.

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

23 (a) The registration fee for a commercial motor vehicle as
24 a farm vehicle is 50 percent of the applicable fee under Section
25 502.252 or 502.253, as applicable, if the vehicle's owner will
26 use the vehicle for commercial purposes only to transport:

27 (1) the person's own poultry, dairy, livestock,

1 livestock products, timber in its natural state, or farm
2 products to market or another place for sale or processing;

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

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

9 SECTION 73. Section 502.473(d), Transportation Code, is
10 amended to read as follows:

11 (d) A court may dismiss a charge brought under Subsection
12 (a) if the defendant pays an administrative fee not to exceed
13 \$10 and:

14 (1) remedies the defect before the defendant's first
15 court appearance; or

16 (2) shows that the motor vehicle was issued a
17 registration insignia by the department that was attached to the
18 motor vehicle, establishing that the vehicle was registered for
19 the period during which the offense was committed[~~and~~

20 [~~(2) pays an administrative fee not to exceed \$10~~].

21 SECTION 74. Subchapter K, Chapter 502, Transportation
22 Code, is amended by adding Section 502.4755 to read as follows:

23 Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA. (a) A
24 person commits an offense if the person:

25 (1) manufactures, sells, or possesses a registration
26 insignia deceptively similar to the registration insignia of the
27 department; or

1 (2) makes a copy or likeness of an insignia
2 deceptively similar to the registration insignia of the
3 department with intent to sell the copy or likeness.

4 (b) For the purposes of this section, an insignia is
5 deceptively similar to the registration insignia of the
6 department if the insignia is not prescribed by the department
7 but a reasonable person would presume that it was prescribed by
8 the department.

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

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

18 (e) An offense under this section is:

19 (1) a felony of the third degree if the person
20 manufactures or sells a deceptively similar registration
21 insignia; or

22 (2) a Class C misdemeanor if the person possesses a
23 deceptively similar registration insignia, except that the
24 offense is a Class B misdemeanor if the person has previously
25 been convicted of an offense under this subdivision.

26 SECTION 75. Section 502.491, Transportation Code, as
27 redesignated from Section 502.451, Transportation Code, by

1 Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular
2 Session, 2011, is reenacted to incorporate amendments to Section
3 502.451, Transportation Code, made by Chapters 432 (S.B. 1057)
4 and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular
5 Session, 2011, and amended to read as follows:

6 Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) On
7 the sale or transfer of a [motor] vehicle, the registration
8 insignia issued for the [motor] vehicle shall be removed. The
9 registration period remaining at the time of sale or transfer
10 expires at the time of sale or transfer.

11 ~~[(a-1) On the sale of a used motor vehicle by a dealer,~~
12 ~~the dealer shall issue to the buyer new registration documents~~
13 ~~for an entire registration year.]~~

14 (b) On a sale or transfer of a [motor] vehicle in which
15 neither party holds a general distinguishing number issued under
16 Chapter 503, the part of the registration period remaining at
17 the time of the sale or transfer shall continue with the vehicle
18 being sold or transferred and does not transfer with the license
19 plates or registration validation insignia. To continue the
20 remainder of the registration period, the purchaser or
21 transferee must file the documents required under Section
22 501.145.

23 (c) On the sale or transfer of a [motor] vehicle to a
24 dealer, as defined by Section 503.001, who holds a general
25 distinguishing number issued under Chapter 503, the registration
26 period remaining at the time of the sale or transfer expires at
27 the time of the sale or transfer. On the sale of a used [motor]

1 vehicle by a dealer, the dealer shall issue to the buyer new
2 registration documents for an entire registration year.

3 (d) If the transferor has paid for more than one year of
4 registration, the department may credit the transferor for any
5 time remaining on the registration in annual increments.

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

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

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

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

18 SECTION 77. Section 504.202(e), Transportation Code, is
19 amended to read as follows:

20 (e) Other than license plates issued under Subsection (h),
21 license plates issued under this section must include:

22 (1) the letters "DV" [~~as a prefix or suffix to any~~
23 ~~numeral~~] on the plate if the plate is issued for a vehicle other
24 than a motorcycle; and

25 (2) the words "Disabled Veteran" and "U.S. Armed
26 Forces" at the bottom of each license plate.

27 SECTION 78. Section 504.306, Transportation Code, is

1 amended to read as follows:

2 Sec. 504.306. MEMBERS AND FORMER MEMBERS OF ~~[PERSONS~~
3 ~~RETIRED FROM SERVICE IN]~~ MERCHANT MARINE OF THE UNITED STATES.
4 The department shall issue specialty license plates for members
5 and former members of ~~[persons retired from service in]~~ the
6 merchant marine of the United States. The license plates must
7 include the words "Merchant Marine."

8 SECTION 79. Section 504.610(a), Transportation Code, is
9 amended to read as follows:

10 (a) The department may ~~[shall]~~ issue specialty license
11 plates in recognition of the Texas Aerospace Commission.
12 ~~[including the words "Texas Aerospace Commission."]~~ The
13 department shall design the license plates in consultation with
14 the Texas Aerospace Commission.

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

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

25 SECTION 81. Subchapter G, Chapter 504, Transportation
26 Code, is amended by adding Section 504.663 to read as follows:

27 Sec. 504.663. BIG BROTHERS BIG SISTERS LICENSE PLATES.

1 (a) The department shall issue specialty license plates in
2 recognition of the mentoring efforts of Big Brothers Big Sisters
3 of America organizations operating in this state. The department
4 shall design the license plates in consultation with a
5 representative from a Big Brothers Big Sisters of America
6 organization operating in this state and the attorney general.

7 (b) After deduction of the department's administrative
8 costs, the remainder of the fee for issuance of the license
9 plates shall be deposited to the credit of the Specialty License
10 Plates General Account in the general revenue fund. Money
11 deposited to the credit of the Specialty License Plates General
12 Account under this section may be used only by the attorney
13 general to provide grants to benefit Big Brothers Big Sisters of
14 America organizations operating in this state.

15 SECTION 82. Section 504.901, Transportation Code, is
16 amended by adding Subsection (e) to read as follows:

17 (e) This section applies only to:

18 (1) a passenger vehicle with a gross weight of 6,000
19 pounds or less; and

20 (2) a light truck with a gross weight of 10,000
21 pounds or less.

22 SECTION 83. Section 504.945(d), Transportation Code, is
23 amended to read as follows:

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

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

1 (2) pays an administrative fee not to exceed \$10; and
2 (3) shows that the vehicle was issued a plate by the
3 department that was attached to the vehicle, establishing that
4 the vehicle was registered for the period during which the
5 offense was committed.

6 SECTION 84. Subchapter L, Chapter 504, Transportation
7 Code, is amended by adding Sections 504.946, 504.947, and
8 504.948 to read as follows:

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

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

14 (2) makes a copy or likeness of a license plate
15 deceptively similar to a license plate issued by the department
16 with intent to sell the copy or likeness.

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

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

27 (d) It is an affirmative defense to a prosecution under

1 this section that the license plate was produced pursuant to a
2 licensing agreement with the department.

3 (e) An offense under this section is:

4 (1) a felony of the third degree if the person
5 manufactures or sells a deceptively similar license plate; or

6 (2) a Class C misdemeanor if the person possesses a
7 deceptively similar license plate, except that the offense is a
8 Class B misdemeanor if the person has previously been convicted
9 of an offense under this subdivision.

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

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

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

19 (b) A person commits an offense if the person with
20 criminal negligence uses, purchases, possesses, manufactures,
21 sells, offers to sell, or otherwise distributes a license plate
22 flipper. An offense under this subsection is a Class C
23 misdemeanor, except that the offense is a Class B misdemeanor if
24 the person has previously been convicted of an offense under
25 this subsection.

26 Sec. 504.948. GENERAL PENALTY. (a) A person commits an
27 offense if the person violates a provision of this chapter and

1 no other penalty is prescribed for the violation.

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

4 SECTION 85. Section 520.001, Transportation Code, is
5 amended to read as follows:

6 Sec. 520.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

7 (1) "Board" means the board of the Texas Department
8 of Motor Vehicles.

9 (2) "Department" [~~,"department"]~~ means the Texas

10 Department of Motor Vehicles.

11 SECTION 86. Section 520.003, Transportation Code, is
12 amended to read as follows:

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

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

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

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

1 SECTION 87. Section 520.005, Transportation Code, is
2 amended by amending Subsection (c) and adding Subsection (d) to
3 read as follows:

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

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

15 SECTION 88. Section 520.006(a-1), Transportation Code, as
16 added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of
17 the 82nd Legislature, Regular Session, 2011, is reenacted and
18 amended to read as follows:

19 (a-1) A county assessor-collector collecting fees on
20 behalf of a county that has been declared as a disaster area or
21 that is closed for a protracted period of time as defined by the
22 department for purposes of Section 501.023 or 502.040 may retain
23 the commission for fees collected, but shall allocate the fees
24 to the county declared as a disaster area or that is closed for
25 a protracted period of time.

26 SECTION 89. Subchapter A, Chapter 520, Transportation
27 Code, is amended by adding Section 520.0061 to read as follows:

1 Sec. 520.0061. CONTRACTS BETWEEN COUNTIES. (a) A county
2 tax assessor-collector, with approval of the commissioners court
3 of the county by order, may enter into an agreement with one or
4 more counties to perform mail-in or online registration or
5 titling duties.

6 (b) A contract entered into under Subsection (a) may be
7 terminated by a county that is a party to the contract.

8 SECTION 90. Subchapter A, Chapter 520, Transportation
9 Code, is amended by adding Section 520.0071 to read as follows:

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

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

14 (2) the duties and obligations of deputies;

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

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

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

24 SECTION 91. The heading to Section 520.0093,
25 Transportation Code, is amended to read as follows:

26 Sec. 520.0093. LEASE OF [ADDITIONAL] COMPUTER EQUIPMENT.

27 SECTION 92. Section 520.0093, Transportation Code, is

1 amended by amending Subsections (a), (c), and (e) and adding
2 Subsection (b-1) to read as follows:

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

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

9 (2) deputy appointed under Section 520.0071.

10 (b-1) On the request of a deputy appointed under Section
11 520.0071, the department may enter into an agreement under which
12 the department leases equipment to the deputy for the use of the
13 deputy in operating the automated registration and titling
14 system. The department may require the deputy to post a bond in
15 an amount equal to the value of the equipment.

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

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

26 SECTION 93. Section 520.016(c), Transportation Code, is
27 amended to read as follows:

1 (c) This section does not apply to a violation of Section
2 520.006 or a rule adopted under Section 520.0071 [~~520.008,~~
3 ~~520.009, 520.0091, or 520.0092~~].

4 SECTION 94. Subchapter D, Chapter 551, Transportation
5 Code, is amended by adding Section 551.304 to read as follows:

6 Sec. 551.304. LIMITED OPERATION. (a) An operator may
7 operate a neighborhood electric vehicle:

8 (1) in a master planned community:

9 (A) that has in place a uniform set of
10 restrictive covenants; and

11 (B) for which a county or municipality has
12 approved a plat;

13 (2) on a public or private beach; or

14 (3) on a public highway for which the posted speed
15 limit is not more than 35 miles per hour, if the neighborhood
16 electric vehicle is operated:

17 (A) during the daytime; and

18 (B) not more than two miles from the location
19 where the neighborhood electric vehicle is usually parked and
20 for transportation to or from a golf course.

21 (b) A person is not required to register a neighborhood
22 electric vehicle operated in compliance with this section.

23 SECTION 95. Section 551.402, Transportation Code, is
24 amended to read as follows:

25 Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas
26 Department of Motor Vehicles [~~Transportation~~] may not register a
27 golf cart for operation on a public highway regardless of

1 whether any alteration has been made to the golf cart.

2 (b) The Texas Department of Motor Vehicles [~~department~~]
3 may issue license plates for a golf cart only as authorized by
4 Section 504.510.

5 SECTION 96. Section 601.052(a), Transportation Code, is
6 amended to read as follows:

7 (a) Section 601.051 does not apply to:

8 (1) the operation of a motor vehicle that:

9 (A) is a former military vehicle or is at least
10 25 years old;

11 (B) is used only for exhibitions, club
12 activities, parades, and other functions of public interest and
13 not for regular transportation; and

14 (C) for which the owner files with the
15 department an affidavit, signed by the owner, stating that the
16 vehicle is a collector's item and used only as described by
17 Paragraph (B);

18 (2) the operation of a neighborhood electric vehicle
19 or a golf cart that is operated only as authorized by Section
20 551.304 or 551.403; or

21 (3) a volunteer fire department for the operation of
22 a motor vehicle the title of which is held in the name of a
23 volunteer fire department.

24 SECTION 97. Section 621.001(4), Transportation Code, is
25 amended to read as follows:

26 (4) "Director" means:

27 (A) the executive director of the department; or

1 (B) an employee of the department who is:

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

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

7 SECTION 98. Section 621.002(a), Transportation Code, is
8 amended to read as follows:

9 (a) A copy of the registration receipt issued under
10 Section 502.057 [~~502.178~~] for a commercial motor vehicle, truck-
11 tractor, trailer, or semitrailer shall be:

12 (1) carried on the vehicle when the vehicle is on a
13 public highway; and

14 (2) presented to an officer authorized to enforce
15 this chapter on request of the officer.

16 SECTION 99. Section 621.301(b), Transportation Code, is
17 amended to read as follows:

18 (b) The commissioners court may limit the maximum weights
19 to be moved on or over a county road, bridge, or culvert by
20 exercising its authority under this subsection in the same
21 manner and under the same conditions provided by Section 621.102
22 for the Texas Department of Transportation [~~commission~~] to limit
23 maximum weights on highways and roads to which that section
24 applies.

25 SECTION 100. Subchapter D, Chapter 621, Transportation
26 Code, is amended by adding Section 621.304 to read as follows:

27 Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO

1 REGULATE OVERWEIGHT VEHICLES AND LOADS ON STATE HIGHWAY SYSTEM.

2 Except as expressly authorized by this subtitle, a county or
3 municipality may not require a permit, bond, fee, or license for
4 the movement of a vehicle or combination of vehicles or any load
5 carried by the vehicle or vehicles on the state highway system
6 in the county or municipality that exceeds the weight or size
7 limits on the state highway system.

8 SECTION 101. Section 621.503, Transportation Code, is
9 amended by adding Subsection (d) to read as follows:

10 (d) A violation of this section is subject to
11 administrative enforcement under Subchapter N, Chapter 623,
12 except that administrative enforcement may not be imposed on a
13 person described by Subsection (a) if the person is an entity or
14 is owned by the same entity that operated the loaded vehicle and
15 has been assessed a criminal penalty under this subtitle for a
16 violation associated with the load.

17 SECTION 102. Section 621.506, Transportation Code, is
18 amended by amending Subsections (a) and (b) and adding
19 Subsections (b-1), (b-2), (b-3), and (i) to read as follows:

20 (a) A person commits an offense if the person:

21 (1) operates a vehicle or combination of vehicles in
22 violation of Section 621.101, 622.012, 622.031, 622.041,
23 622.0435, 622.051, 622.061, 622.133, 622.953, or 623.162; or

24 (2) loads a vehicle or causes a vehicle to be loaded
25 in violation of Section 621.503.

26 (b) Except as provided by Subsections (b-1), (b-2), and
27 (b-3), an [An] offense under this section is a misdemeanor

1 punishable:

2 (1) by a fine of not less than \$100 and not more than
3 \$250 [~~\$150~~];

4 (2) on conviction of an offense involving a vehicle
5 having a single axle weight or tandem axle weight that is
6 heavier than the vehicle's allowable weight, by a fine according
7 to the following schedule:

Pounds Overweight Fine Range

less than 2,500 \$100 to \$500

2,500-5,000 \$500 to \$1,000

more than 5,000 \$1,000 to \$2,500; or

8 (3) on conviction of an offense involving a vehicle
9 having a [~~single axle weight, tandem axle weight, or~~] gross
10 weight that is [~~more than 5,000 but not more than 10,000 pounds~~]
11 heavier than the vehicle's allowable weight, by a fine according
12 to the following schedule:

Pounds Overweight Fine Range

less than 2,500 \$100 to \$500

2,500-5,000 \$500 to \$1,000

5,001-10,000 \$1,000 to \$2,500

10,001-20,000 \$2,500 to \$5,000

20,001-40,000 \$5,000 to \$7,000

more than 40,000 \$7,000 to \$10,000.

13 (b-1) On conviction of a third offense punishable under
14 Subsection (b)(2) or (3), before the first anniversary of the
15 date of a previous conviction of an offense punishable under
16 Subsection (b)(2) or (3), the defendant shall be punished [of

1 ~~not less than \$300 or more than \$500;~~

2 ~~[(3) on conviction of an offense involving a vehicle~~
3 ~~having a single axle weight, tandem axle weight, or gross weight~~
4 ~~that is more than 10,000 pounds heavier than the vehicle's~~
5 ~~allowable weight, by a fine of not less than \$500 or more than~~
6 ~~\$1,000; or~~

7 ~~[(4) on conviction before the first anniversary of~~
8 ~~the date of a previous conviction under this section,] by a fine~~
9 in an amount not to exceed ~~[that is]~~ twice the maximum amount
10 specified by Subsection (b) (2) ~~[Subdivision (1), (2),]~~ or (3).

11 (b-2) A defendant operating a vehicle or combination of
12 vehicles at a weight for which a permit issued under this
13 subtitle would authorize the operation, but who does not hold
14 the permit, shall be punished by a fine in addition to the fine
15 imposed under Subsection (b) of not less than \$500 or more than
16 \$1,000, except that for a second or subsequent conviction under
17 this section, the offense is punishable by an additional fine of
18 not less than \$2,500 or more than \$5,000.

19 (b-3) A defendant operating a vehicle or combination of
20 vehicles at a weight in excess of 84,000 pounds with a load that
21 can reasonably be dismantled shall be punished by a fine in
22 addition to the fine imposed under Subsection (b) of not less
23 than \$500 or more than \$1,000, except that for a second or
24 subsequent conviction under this section, the offense is
25 punishable by an additional fine of not less than \$2,500 or more
26 than \$5,000.

27 (i) A fine may not be imposed under this section that

1 exceeds the minimum dollar amount that may be imposed unless the
2 vehicle's weight was determined by a portable or stationary
3 scale furnished or approved by the Department of Public Safety.

4 SECTION 103. Subchapter G, Chapter 621, Transportation
5 Code, is amended by adding Section 621.510 to read as follows:

6 Sec. 621.510. PERMIT VOID. A permit issued under this
7 chapter is void on the failure of the owner or the owner's
8 representative to comply with a rule of the board or with a
9 condition placed on the permit by the department.

10 SECTION 104. Section 622.012(b), Transportation Code, is
11 amended to read as follows:

12 (b) A truck may be operated at a weight that exceeds the
13 maximum single axle or tandem axle weight limitation by not more
14 than 10 percent if the gross weight is not heavier than 69,000
15 pounds and the department has issued a permit that authorizes
16 the operation of the vehicle under Section 623.0171.

17 SECTION 105. Section 622.074, Transportation Code, is
18 amended to read as follows:

19 Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This
20 subchapter does not apply to:

21 (1) farm equipment used for a purpose other than
22 construction;

23 (2) special mobile equipment owned by a dealer or
24 distributor;

25 (3) a vehicle used to propel special mobile equipment
26 that is registered as a farm vehicle under ~~[as defined by]~~
27 Section 502.433 ~~[502.163]~~; or

1 (4) equipment while being used by a commercial hauler
2 to transport special mobile equipment under hire of a person who
3 derives \$500 in gross receipts annually from a farming or
4 ranching enterprise.

5 SECTION 106. Section 622.901, Transportation Code, is
6 amended to read as follows:

7 Sec. 622.901. WIDTH EXCEPTIONS. The width limitation
8 provided by Section 621.201 does not apply to:

9 (1) highway building or maintenance machinery that is
10 traveling:

11 (A) during daylight on a public highway other
12 than a highway that is part of the national system of interstate
13 and defense highways; or

14 (B) for not more than 50 miles on a highway that
15 is part of the national system of interstate and defense
16 highways;

17 (2) a vehicle traveling during daylight on a public
18 highway other than a highway that is part of the national system
19 of interstate and defense highways or traveling for not more
20 than 50 miles on a highway that is part of the national system
21 of interstate and defense highways if the vehicle is:

22 (A) a farm tractor or implement of husbandry; or

23 (B) a vehicle on which a farm tractor or
24 implement of husbandry, other than a tractor or implement being
25 transported from one dealer to another, is being moved by the
26 owner of the tractor or implement or by an agent or employee of
27 the owner:

1 (i) to deliver the tractor or implement to
2 a new owner;

3 (ii) to transport the tractor or implement
4 to or from a mechanic for maintenance or repair; or

5 (iii) in the course of an agricultural
6 operation;

7 (3) machinery that is used solely for drilling water
8 wells, including machinery that is a unit or a unit mounted on a
9 conventional vehicle or chassis, and that is traveling:

10 (A) during daylight on a public highway other
11 than a highway that is part of the national system of interstate
12 and defense highways; or

13 (B) for not more than 50 miles on a highway that
14 is part of the national system of interstate and defense
15 highways;

16 (4) a vehicle owned or operated by a public, private,
17 or volunteer fire department;

18 (5) a vehicle registered under Section 502.431
19 [~~502.164~~]; or

20 (6) a recreational vehicle to which Section 622.903
21 applies.

22 SECTION 107. Section 623.011(b), Transportation Code, is
23 amended to read as follows:

24 (b) To qualify for a permit under this section:

25 (1) the vehicle must be registered under Chapter 502
26 for the maximum gross weight applicable to the vehicle under
27 Section 621.101, not to exceed 80,000 pounds;

1 (2) the security requirement of Section 623.012 must
2 be satisfied; and

3 (3) a base permit fee of \$90, any additional fee
4 required by Section 623.0111, and any additional fee set by the
5 board [~~department~~] under Section 623.0112 must be paid.

6 SECTION 108. Sections 623.012(a) and (b), Transportation
7 Code, are amended to read as follows:

8 (a) An applicant for a permit under Section 623.011, other
9 than a permit under that section to operate a vehicle loaded
10 with timber or pulp wood, wood chips, cotton, or agricultural
11 products in their natural state, and an applicant for a permit
12 under Section 623.321 shall file with the department:

13 (1) a blanket bond; or

14 (2) an irrevocable letter of credit issued by a
15 financial institution the deposits of which are guaranteed by
16 the Federal Deposit Insurance Corporation.

17 (b) The bond or letter of credit must:

18 (1) be in the amount of \$15,000 payable to the Texas
19 Department of Transportation and the counties of this state;

20 (2) be conditioned that the applicant will pay the
21 Texas Department of Transportation for any damage to a state
22 highway, and a county for any damage to a road or bridge of the
23 county, caused by the operation of the vehicle:

24 (A) for which the permit is issued at a heavier
25 weight than the maximum weights authorized by Subchapter B of
26 Chapter 621 or Section 621.301 or 623.321; or

27 (B) that is in violation of Section 623.323; and

1 (3) provide that the issuer is to notify the Texas
2 Department of Transportation and the applicant in writing
3 promptly after a payment is made by the issuer on the bond or
4 letter of credit.

5 SECTION 109. Sections 623.014(c) and (d), Transportation
6 Code, are amended to read as follows:

7 (c) The department shall issue the prorated credit if the
8 person:

9 (1) pays the fee adopted by the board [~~department~~];
10 and

11 (2) provides the department with:

12 (A) the original permit; or

13 (B) if the original permit does not exist,
14 written evidence in a form approved by the department that the
15 vehicle has been destroyed or is permanently inoperable.

16 (d) The fee adopted by the board [~~department~~] under
17 Subsection (c)(1) may not exceed the cost of issuing the credit.

18 SECTION 110. Subchapter B, Chapter 623, Transportation
19 Code, is amended by adding Section 623.0171 to read as follows:

20 Sec. 623.0171. PERMIT FOR READY-MIXED CONCRETE TRUCKS.

21 (a) In this section, "ready-mixed concrete truck" has the
22 meaning assigned by Section 622.011.

23 (b) The department may issue a permit that authorizes the
24 operation of a ready-mixed concrete truck with three axles.

25 (c) To qualify for a permit under this section, a base
26 permit fee of \$1,000 must be paid, except as provided by
27 Subsection (g).

1 (d) A permit issued under this section:

2 (1) is valid for one year, except as provided by
3 Subsection (g); and

4 (2) must be carried in the vehicle for which it is
5 issued.

6 (e) When the department issues a permit under this
7 section, the department shall issue a sticker to be placed on
8 the front windshield of the vehicle above the inspection
9 certificate issued to the vehicle. The department shall design
10 the form of the sticker to aid in the enforcement of weight
11 limits for vehicles.

12 (f) The sticker must:

13 (1) indicate the expiration date of the permit; and

14 (2) be removed from the vehicle when:

15 (A) the permit for operation of the vehicle
16 expires;

17 (B) a lease of the vehicle expires; or

18 (C) the vehicle is sold.

19 (g) The department may issue a permit under this section
20 that is valid for a period of less than one year. The department
21 shall prorate the applicable fee required by Subsection (c) for
22 a permit issued under this subsection as necessary to reflect
23 the term of the permit.

24 (h) Unless otherwise provided by state or federal law, a
25 county or municipality may not require a permit, fee, or license
26 for the operation of a ready-mixed concrete truck in addition to
27 a permit, fee, or license required by state law.

1 (i) Section 622.015 does not apply to an owner of a ready-
2 mixed concrete truck who holds a permit under this section for
3 the truck.

4 (j) Unless otherwise provided by state or federal law, a
5 ready-mixed concrete truck may operate on a state, county, or
6 municipal road, including a load-zoned county road or a frontage
7 road adjacent to a federal interstate highway, if the truck
8 displays a sticker required by Subsection (e) and does not
9 exceed the maximum gross weight authorized under Section
10 622.012.

11 (k) For the purposes of Subsection (l), the department by
12 rule shall require an applicant to designate in the permit
13 application the counties in which the applicant intends to
14 operate.

15 (l) Of the fee collected under this section for a permit:

16 (1) 50 percent of the amount collected shall be
17 deposited to the credit of the state highway fund; and

18 (2) the other 50 percent shall be divided among and
19 distributed to the counties designated in permit applications
20 under Subsection (k) according to department rule.

21 (m) At least once each fiscal year, the comptroller shall
22 send the amount due each county under Subsection (l) to the
23 county treasurer or officer performing the function of that
24 office for deposit to the credit of the county road and bridge
25 fund.

26 SECTION 111. Section 623.019, Transportation Code, is
27 amended by amending Subsections (b), (c), and (d) and adding

1 Subsection (h) to read as follows:

2 (b) Except as provided by Subsections (c) and (d), an
3 offense under Subsection (a) is a misdemeanor punishable by a
4 fine of not less than \$100 or more than \$250 [~~\$150~~].

5 (c) An offense under Subsection (a) is a misdemeanor and,
6 except as provided by Subsection (d), is punishable by a fine
7 according to the following schedules if the offense involves a
8 vehicle [~~of~~]:

9 (1) having a single axle weight or tandem axle weight
10 that is heavier than the vehicle's allowable weight:

Pounds Overweight Fine Range

less than 2,500 \$100 to \$500

2,500-5,000 \$500 to \$1,000

more than 5,000 \$1,000 to \$2,500; or

11 (2) [~~not less than \$300 or more than \$500 if the~~
12 ~~offense involves a vehicle~~] having a gross weight that is
13 heavier than the vehicle's allowable gross weight:

Pounds Overweight Fine Range

less than 2,500 \$100 to \$500

2,500-5,000 \$500 to \$1,000

5,001-10,000 \$1,000 to \$2,500

10,001-20,000 \$2,500 to \$5,000

20,001-40,000 \$5,000 to \$7,000

more than 40,000 \$7,000 to \$10,000

14 [~~5,000 but not heavier than 10,000 pounds over the vehicle's~~
15 ~~allowable gross weight; or~~

16 [~~(2) not less than \$500 or more than \$1,000 if the~~

1 ~~offense involves a vehicle having a gross weight that is at~~
2 ~~least 10,000 pounds heavier than the vehicle's allowable gross~~
3 ~~weight.]~~

4 (d) On conviction of a third offense under Subsection (a),
5 before the first anniversary of the date of a previous
6 conviction under that subsection [~~Subsection (a)~~], the defendant
7 shall be punished [~~an offense is punishable~~] by a fine in an
8 amount not to exceed [~~that is~~] twice the maximum amount
9 specified by Subsection (c).

10 (h) A fine may not be imposed under this section that
11 exceeds the minimum dollar amount that may be imposed unless the
12 vehicle's weight was determined by a portable or stationary
13 scale furnished or approved by the Department of Public Safety.

14 SECTION 112. The heading to Section 623.0711,
15 Transportation Code, is amended to read as follows:

16 Sec. 623.0711. PERMITS AUTHORIZED BY BOARD [~~COMMISSION~~].

17 SECTION 113. Sections 623.0711(a), (b), (c), (d), (f),
18 (g), and (h), Transportation Code, are amended to read as
19 follows:

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

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

27 (1) violate federal regulations on size and weight

1 requirements; or

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

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

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

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

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

13 (B) the size and weight of the commodity;

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

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

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

20 (F) the safety of the traveling public.

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

26 (f) The board [~~commission~~] shall require the motor carrier
27 to file a bond in an amount set by the board [~~commission~~],

1 payable to the Texas Department of Transportation [~~department~~]
2 and conditioned on the motor carrier paying to the Texas
3 Department of Transportation [~~department~~] any damage that is
4 sustained to a state highway because of the operation of a
5 vehicle under a permit issued under this section.

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

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

17 SECTION 114. Section 623.078(b), Transportation Code, is
18 amended to read as follows:

19 (b) The department [~~board~~] shall send each fee collected
20 under Subsection (a) to the comptroller for deposit to the
21 credit of the state highway fund.

22 SECTION 115. Section 623.144, Transportation Code, is
23 amended to read as follows:

24 Sec. 623.144. REGISTRATION OF VEHICLE. (a) A person may
25 not operate a vehicle permitted [~~A permit~~] under this subchapter
26 on a public highway unless [~~may be issued only if~~] the vehicle
27 is registered under Chapter 502 for the maximum gross weight

1 applicable to the vehicle under Section 621.101 or has specialty
2 [~~the distinguishing~~] license plates as provided by Section
3 502.146 [~~504.504~~] if applicable to the vehicle.

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

7 SECTION 116. Section 623.149(a), Transportation Code, is
8 amended to read as follows:

9 (a) The department may establish criteria to determine
10 whether oil well servicing, oil well clean out, or oil well
11 drilling machinery or equipment is subject to registration under
12 Chapter 502 or eligible for the distinguishing license plate
13 provided by Section 502.146 [~~504.504~~].

14 SECTION 117. Section 623.194, Transportation Code, is
15 amended to read as follows:

16 Sec. 623.194. REGISTRATION OF VEHICLE. A permit under
17 this subchapter may be issued only if the vehicle to be moved is
18 registered under Chapter 502 for the maximum gross weight
19 applicable to the vehicle under Section 621.101 or has the
20 distinguishing license plates as provided by Section 502.146
21 [~~504.504~~] if applicable to the vehicle.

22 SECTION 118. Section 623.199(a), Transportation Code, is
23 amended to read as follows:

24 (a) The department may establish criteria to determine
25 whether an unladen lift equipment motor vehicle that because of
26 its design for use as lift equipment exceeds the maximum weight
27 and width limitations prescribed by statute is subject to

1 registration under Chapter 502 or eligible for the
2 distinguishing license plate provided by Section 502.146
3 ~~[504.504]~~.

4 SECTION 119. Chapter 623, Transportation Code, is amended
5 by adding Subchapter Q to read as follows:

6 SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

7 Sec. 623.321. PERMIT. (a) The department may issue a
8 permit under this subchapter, as an alternative to a permit
9 issued under Section 623.011, authorizing a person to operate a
10 vehicle or combination of vehicles that is being used to
11 transport unrefined timber, wood chips, or woody biomass in a
12 county identified as a timber producing county in the most
13 recent edition of the Texas A&M Forest Service's Harvest Trends
14 Report as of May 15, 2013, at the weight limits prescribed by
15 Subsection (b).

16 (b) A person may operate over a road or highway a vehicle
17 or combination of vehicles issued a permit under this section at
18 a gross weight that is not heavier than 84,000 pounds, if the
19 gross load carried on any tandem axle of the vehicle or
20 combination of vehicles does not exceed 44,000 pounds.

21 (c) Section 621.508 does not apply to a vehicle or
22 combination of vehicles operated under this section.

23 (d) The department shall annually update the number of
24 timber producing counties described by Subsection (a) based on
25 the most recent edition of the Texas A&M Forest Service's
26 Harvest Trends Report.

27 Sec. 623.322. QUALIFICATION; REQUIREMENTS. (a) To

1 qualify for a permit under this subchapter for a vehicle or
2 combination of vehicles, a person must:

3 (1) pay a permit fee of \$1,500;

4 (2) designate in the permit application the timber
5 producing counties described by Section 623.321(a) in which the
6 vehicle or combination of vehicles will be operated; and

7 (3) satisfy the security requirement of Section
8 623.012.

9 (b) A permit issued under this subchapter:

10 (1) is valid for one year; and

11 (2) must be carried in the vehicle for which it is
12 issued.

13 Sec. 623.323. NOTIFICATION. (a) For purposes of this
14 section, "financially responsible party" means the owner of the
15 vehicle or combination of vehicles, the party operating the
16 vehicle or combination of vehicles, or a person that hires,
17 leases, rents, or subcontracts the vehicle or combination of
18 vehicles for use on a road maintained by a county or a state
19 highway.

20 (b) Before a vehicle or combination of vehicles for which
21 a permit is issued under this subchapter may be operated on a
22 road maintained by a county or a state highway, the financially
23 responsible party shall execute a notification document and
24 agree to reimburse the county or the state, as applicable, for
25 damage to a road or highway sustained as a consequence of the
26 transportation authorized by the permit. At a minimum, the
27 notification document must include:

1 (1) the name and address of the financially
2 responsible party;

3 (2) a description of each permit issued for the
4 vehicle or combination of vehicles;

5 (3) a description of the method of compliance by the
6 financially responsible party with Sections 601.051 and 623.012;

7 (4) the address or location of the geographic area in
8 which the financially responsible party wishes to operate a
9 vehicle or combination of vehicles and a designation of the
10 specific route of travel anticipated by the financially
11 responsible party, including the name or number of each road
12 maintained by a county or state highway;

13 (5) a calendar or schedule of duration that includes
14 the days and hours of operation during which the financially
15 responsible party reasonably anticipates using the county road
16 or state highway identified in Subdivision (4); and

17 (6) a list of each vehicle or combination of vehicles
18 by license plate number or other registration information, and a
19 description of the means by which financial responsibility is
20 established for each vehicle or combination of vehicles if each
21 vehicle or combination of vehicles is not covered by a single
22 insurance policy, surety bond, deposit, or other means of
23 financial assurance.

24 (c) A financially responsible party shall electronically
25 file the notification document described by Subsection (b) with
26 the department under rules adopted by the department not later
27 than the second business day before the first business day

1 listed by the financially responsible party under Subsection
2 (b)(5). The department shall immediately send an electronic
3 copy of the notification document to each county identified in
4 the notification document and the Texas Department of
5 Transportation and an electronic receipt for the notification
6 document to the financially responsible party. Not later than
7 the first business day listed by the financially responsible
8 party under Subsection (b)(5), a county or the Texas Department
9 of Transportation may inspect a road or highway identified in
10 the notification document. If an inspection is conducted under
11 this subsection, a county or the Texas Department of
12 Transportation shall:

13 (1) document the condition of the roads or highways
14 and take photographs of the roads or highways as necessary to
15 establish a baseline for any subsequent assessment of damage
16 sustained by the financially responsible party's use of the
17 roads or highways; and

18 (2) provide a copy of the documentation to the
19 financially responsible party.

20 (d) If an inspection has been conducted under Subsection
21 (c), a county or the Texas Department of Transportation, as
22 applicable, shall, not later than the fifth business day after
23 the expiration of the calendar or schedule of duration described
24 by Subsection (b)(5):

25 (1) conduct an inspection described by Subsection
26 (c)(1) to determine any damage sustained by the financially
27 responsible party's use of the roads or highways; and

1 (2) provide a copy of the inspection documentation to
2 the financially responsible party.

3 (e) The state or a county required to be notified under
4 this section may assert a claim against any security posted
5 under Section 623.012 or insurance filed under Section 643.103
6 for damage to a road or highway sustained as a consequence of
7 the transportation authorized by the permit.

8 (f) This section does not apply to a vehicle or combination
9 of vehicles that are being used to transport unrefined timber,
10 wood chips, or woody biomass from:

11 (1) a storage yard to the place of first processing;

12 or

13 (2) outside this state to a place of first processing
14 in this state.

15 Sec. 623.324. DISPOSITION OF FEE. (a) Of the fee
16 collected under Section 623.322 for a permit:

17 (1) 50 percent of the amount collected shall be
18 deposited to the credit of the state highway fund; and

19 (2) the other 50 percent shall be divided equally
20 among all counties designated in the permit application under
21 Section 623.322(a)(2).

22 (b) At least once each fiscal year, the comptroller shall
23 send the amount due each county under Subsection (a) to the
24 county treasurer or officer performing the function of that
25 office for deposit to the credit of the county road and bridge
26 fund.

27 Sec. 623.325. INTERSTATE AND DEFENSE HIGHWAYS. (a) This

1 subchapter does not authorize the operation on the national
2 system of interstate and defense highways in this state of a
3 vehicle of a size or weight greater than those permitted under
4 23 U.S.C. Section 127.

5 (b) If the United States authorizes the operation on the
6 national system of interstate and defense highways of a vehicle
7 of a size or weight greater than those permitted under 23 U.S.C.
8 Section 127 on September 1, 2013, the new limit automatically
9 takes effect on the national system of interstate and defense
10 highways in this state.

11 SECTION 120. Chapter 623, Transportation Code, is amended
12 by adding Subchapter R to read as follows:

13 SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL
14 EMERGENCY

15 Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a)
16 Notwithstanding any other law, the department may issue a
17 special permit during a major disaster as declared by the
18 president of the United States under the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42 U.S.C. Section
20 5121 et seq.) to an overweight or oversize vehicle or load that:

21 (1) can easily be dismantled or divided; and

22 (2) will be used only to deliver relief supplies.

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

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

1 requirements for obtaining a permit.

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

8 SECTION 121. Section 642.002(a), Transportation Code, is
9 amended to read as follows:

10 (a) A person commits an offense if:

11 (1) the person operates on a public street, road, or
12 highway:

13 (A) a commercial motor vehicle that has three or
14 more axles;

15 (B) a truck-tractor;

16 (C) a road-tractor; or

17 (D) a tow truck; and

18 (2) the vehicle does not have on each side of the
19 power unit identifying markings that comply with the identifying
20 marking requirements specified by 49 C.F.R. Section 390.21 or
21 that:

22 (A) show the name of the owner or operator of
23 the vehicle;

24 (B) have clearly legible letters and numbers of
25 a height of at least two inches; and

26 (C) show the motor carrier registration number
27 in clearly legible letters and numbers, if the vehicle is

1 required to be registered under this chapter or Chapter 643.

2 SECTION 122. The heading to Section 643.054,
3 Transportation Code, is amended to read as follows:

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

6 SECTION 123. Section 643.054, Transportation Code, is
7 amended by amending Subsection (a) and adding Subsections (a-1),
8 (a-2), and (a-3) to read as follows:

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

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

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

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

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

24 (a-3) The department may deny a registration if the
25 applicant is a motor carrier whose business is operated,
26 managed, or otherwise controlled by or affiliated with a person,
27 including an owner, relative, family member, corporate officer,

1 or shareholder, whom the Department of Public Safety has
2 determined has:

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

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

7 SECTION 124. Section 643.064, Transportation Code, is
8 amended to read as follows:

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

15 (b) A motor carrier required to register under this
16 subchapter shall maintain an authorized identification number
17 issued to the motor carrier by the Federal Motor Carrier Safety
18 Administration, its successor, or another person authorized to
19 issue the number.

20 SECTION 125. Subchapter F, Chapter 643, Transportation
21 Code, is amended by adding Section 643.2526 to read as follows:

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

27 (b) An applicant may appeal a denial under this chapter by

1 filing an appeal with the department not later than the 26th day
2 after the date the department issues notice of the denial to the
3 applicant.

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

8 SECTION 126. Section 648.051(b), Transportation Code, is
9 amended to read as follows:

10 (b) This subchapter supersedes that portion of any paired
11 city, paired state, or similar understanding governing foreign
12 commercial motor vehicles or motor carriers entered into under
13 Section 502.091 [~~502.054~~] or any other law.

14 SECTION 127. Section 648.102(a), Transportation Code, is
15 amended to read as follows:

16 (a) The Texas Department of Motor Vehicles
17 [~~Transportation~~] shall adopt rules that conform with 49 C.F.R.
18 Part 387 requiring motor carriers operating foreign commercial
19 motor vehicles in this state to maintain financial
20 responsibility.

21 SECTION 128. Section 681.003(b), Transportation Code, is
22 amended to read as follows:

23 (b) An application for a disabled parking placard must be:

24 (1) on a form furnished by the department;

25 (2) submitted to the county assessor-collector of the
26 county in which the person with the disability resides or in
27 which the applicant is seeking medical treatment if the

1 applicant is not a resident of this state; and

2 (3) accompanied by a fee of \$5 if the application is
3 for a temporary placard.

4 SECTION 129. Section 681.0031, Transportation Code, is
5 amended to read as follows:

6 Sec. 681.0031. APPLICANT'S [~~DRIVER'S LICENSE OR PERSONAL~~]
7 IDENTIFICATION [~~CARD NUMBER~~]. (a) The applicant shall include
8 on the application the applicant's:

9 (1) driver's license number or the number of a
10 personal identification card issued to the applicant under
11 Chapter 521;

12 (2) military identification number; or

13 (3) driver's license number of a driver's license
14 issued by another state or country if the applicant is not a
15 resident of this state and is seeking medical treatment in this
16 state. [~~The department shall provide for this information in~~
17 ~~prescribing the application form.~~]

18 (b) The county assessor-collector shall record on any
19 disabled parking placard issued to the applicant the following
20 information in the following order:

21 (1) the county number assigned by the comptroller to
22 the county issuing the placard;

23 (2) the first four digits of the applicant's driver's
24 license number, personal identification card number, or military
25 identification number; and

26 (3) the applicant's initials.

27 SECTION 130. Section 681.004(c), Transportation Code, is

1 amended to read as follows:

2 (c) A disabled parking placard issued to a person with a
3 permanent disability:

4 (1) is valid for:

5 (A) ~~[a period of]~~ four years for a resident of
6 this state; and

7 (B) six months for a person who is not a
8 resident of this state; and

9 (2) shall be replaced or renewed on request of the
10 person to whom the initial card was issued without presentation
11 of evidence of eligibility.

12 SECTION 131. Section 681.012, Transportation Code, is
13 amended to read as follows:

14 Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD. (a) A
15 law enforcement officer who believes that an offense under
16 Section 681.011(a) or (d) has occurred in the officer's presence
17 shall seize any disabled parking placard involved in the
18 offense. Not later than 48 hours after the seizure, the officer
19 shall determine whether probable cause existed to believe that
20 the offense was committed. If the officer does not find that
21 probable cause existed, the officer shall promptly return each
22 placard to the person from whom it was seized. If the officer
23 finds that probable cause existed, the officer, not later than
24 the fifth day after the date of the seizure, shall destroy the
25 ~~[submit each seized]~~ placard and notify ~~[to]~~ the department.

26 (a-1) A peace officer may seize a disabled parking placard
27 from a person who operates a vehicle on which a disabled parking

1 placard is displayed if the peace officer determines by
2 inspecting the person's driver's license, ~~[or]~~ personal
3 identification certificate, or military identification that the
4 disabled parking placard does not contain the first four digits
5 of the driver's license number, ~~[or]~~ personal identification
6 certificate number, or military identification number and the
7 initials of:

8 (1) the person operating the vehicle;

9 (2) the applicant on behalf of a person being
10 transported by the vehicle; or

11 (3) a person being transported by the vehicle.

12 (a-2) A peace officer shall destroy a seized ~~[submit each~~
13 ~~seized parking]~~ placard and notify ~~[to]~~ the department ~~[not~~
14 ~~later than the fifth day after the seizure]~~.

15 (b) On seizure of a placard ~~[submission to the department]~~
16 under Subsection (a) or (a-1) ~~[(a-2)]~~, a placard is revoked. On
17 request of the person from whom the placard was seized, the
18 department shall conduct a hearing and determine whether the
19 revocation should continue or the placard should be returned to
20 the person and the revocation rescinded.

21 SECTION 132. Section 728.002(d), Transportation Code, is
22 amended to read as follows:

23 (d) This section does not prohibit the quoting of a price
24 for a motor home or ~~[or]~~ tow truck~~[, or towable recreational~~
25 ~~vehicle]~~ at a show or exhibition described by Section 2301.358,
26 Occupations Code.

27 SECTION 133. Section 730.007(c), Transportation Code, is

1 amended to read as follows:

2 (c) This section does not:

3 (1) prohibit the disclosure of a person's
4 photographic image to:

5 (A) a law enforcement agency, the Texas
6 Department of Motor Vehicles, a county tax assessor-collector,
7 or a criminal justice agency for an official purpose;

8 (B) an agency of this state investigating an
9 alleged violation of a state or federal law relating to the
10 obtaining, selling, or purchasing of a benefit authorized by
11 Chapter 31 or 33, Human Resources Code; or

12 (C) an agency of this state investigating an
13 alleged violation of a state or federal law under authority
14 provided by Title 4, Labor Code; or

15 (2) prevent a court from compelling by subpoena the
16 production of a person's photographic image.

17 SECTION 134. Section 1001.009(c), Transportation Code, is
18 amended to read as follows:

19 (c) The rules adopted under Subsection (a) may:

20 (1) authorize the use of electronic funds transfer or
21 a valid debit or credit card issued by a financial institution
22 chartered by a state, the United States, or a nationally
23 recognized credit organization approved by the department; ~~and~~

24 (2) require the payment of a discount or service
25 charge for a credit card payment in addition to the fee; and

26 (3) require an overpayment of a motor vehicle or
27 salvage dealer license fee of:

1 (A) less than \$10 to be credited toward a future
2 fee requirement; and

3 (B) more than \$10 to be refunded.

4 SECTION 135. Subchapter A, Chapter 1001, Transportation
5 Code, is amended by adding Section 1001.012 to read as follows:

6 Sec. 1001.012. IMMUNITY FROM LIABILITY. (a)

7 Notwithstanding any other law, the executive director, a board
8 member, or an employee is not personally liable for damages
9 resulting from an official act or omission unless the act or
10 omission constitutes intentional or malicious malfeasance.

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

16 SECTION 136. Subchapter A, Chapter 1001, Transportation
17 Code, is amended by adding Section 1001.013 to read as follows:

18 Sec. 1001.013. PERFORMANCE OF CERTAIN DEPARTMENT FUNCTIONS

19 BY AUTHORIZED BUSINESS. (a) The executive director of the
20 department may authorize a business entity to perform a
21 department function in accordance with rules adopted under
22 Subsection (b).

23 (b) The board by rule shall prescribe:

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

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

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

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

5 SECTION 137. Section 1001.023(b), Transportation Code, is
6 amended to read as follows:

7 (b) The chair shall:

8 (1) preside over board meetings, make rulings on
9 motions and points of order, and determine the order of
10 business;

11 (2) represent the department in dealing with the
12 governor;

13 (3) report to the governor on the state of affairs of
14 the department at least quarterly;

15 (4) report to the board the governor's suggestions
16 for department operations;

17 (5) report to the governor on efforts, including
18 legislative requirements, to maximize the efficiency of
19 department operations through the use of private enterprise;

20 (6) periodically review the department's
21 organizational structure and submit recommendations for
22 structural changes to the governor, the board, and the
23 Legislative Budget Board;

24 (7) designate at least one employee [~~one or more~~
25 ~~employees~~] of the department as a civil rights officer
26 [~~division~~] of the department and receive regular reports from
27 the officer or officers [~~division~~] on the department's efforts

1 to comply with civil rights legislation and administrative
2 rules;

3 (8) create subcommittees, appoint board members to
4 subcommittees, and receive the reports of subcommittees to the
5 board as a whole;

6 (9) appoint a member of the board to act in the
7 absence of the chair and vice chair; and

8 (10) serve as the departmental liaison with the
9 governor and the Office of State-Federal Relations to maximize
10 federal funding for transportation.

11 SECTION 138. Section 1001.042, Transportation Code, is
12 amended to read as follows:

13 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board
14 shall develop and implement policies that clearly define the
15 respective responsibilities of the executive director and the
16 staff of the department.

17 SECTION 139. Section 1001.101(2), Transportation Code, is
18 amended to read as follows:

19 (2) "License" includes:

20 (A) a motor carrier registration issued under
21 Chapter 643;

22 (B) a motor vehicle dealer, salvage dealer,
23 manufacturer, distributor, representative, converter, or agent
24 license issued by the department;

25 (C) specially designated or specialized license
26 plates issued under Chapter 504; and

27 (D) an apportioned registration issued according

1 to the International Registration Plan under Section 502.091
2 [~~502.054~~].

3 SECTION 140. The following laws are repealed:

4 (1) Sections 2301.101, 2301.157, 2301.259(b), and
5 2301.606(a), Occupations Code;

6 (2) Sections 502.252(b), 503.009(b), 503.029(b),
7 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092,
8 622.013, 622.017, 622.018, 623.0711(k), and 623.093(f),
9 Transportation Code;

10 (3) Section 504.660(b), Transportation Code, as added
11 by Chapter 1381 (S.B. 1616), Acts of the 81st Legislature,
12 Regular Session, 2009; and

13 (4) Section 520.004, Transportation Code, as added by
14 Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular
15 Session, 2011.

16 SECTION 141. The changes in law made by this Act apply
17 only to an offense committed on or after the effective date of
18 this Act. An offense committed before the effective date of this
19 Act is governed by the law in effect on the date the offense was
20 committed, and the former law is continued in effect for that
21 purpose. For purposes of this section, an offense was committed
22 before the effective date of this Act if any element of the
23 offense occurred before that date.

24 SECTION 142. A deputy appointed under Section 520.0091,
25 Transportation Code, on or before August 31, 2013, may continue
26 to perform the services authorized under Sections 520.008,
27 520.009, 520.0091, and 520.0092, Transportation Code, until the

1 Texas Department of Motor Vehicles Board adopts rules regarding
2 the types of deputies authorized to perform titling and
3 registration duties under Section 520.0071, Transportation Code,
4 as added by this Act.

5 SECTION 143. To the extent of any conflict, this Act
6 prevails over another Act of the 83rd Legislature, Regular
7 Session, 2013, relating to nonsubstantive additions to and
8 corrections in enacted codes.

9 SECTION 144. (a) Except as provided by Subsection (b) of
10 this section, this Act takes effect September 1, 2013.

11 (b) Sections 501.146 and 504.202, Transportation Code, as
12 amended by this Act, and Section 504.948, Transportation Code,
13 as added by this Act, take effect immediately if this Act
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas
16 Constitution. If this Act does not receive the vote necessary
17 for immediate effect, Sections 501.146 and 504.202,
18 Transportation Code, as amended by this Act, and Section
19 504.948, Transportation Code, as added by this Act, take effect
20 September 1, 2013.

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Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 1. Section 348.005, Finance Code, is amended.	SECTION 1. Same as House version.	SECTION 1. Same as House version.
SECTION 2. Section 353.006, Finance Code, is amended.	SECTION 2. Same as House version.	SECTION 2. Same as House version.
SECTION 3. Section 418.016, Government Code, is amended.	SECTION 3. Same as House version.	SECTION 3. Same as House version.
SECTION 4. Section 1201.206(f), Occupations Code, is amended.	SECTION 4. Same as House version.	SECTION 4. Same as House version.
SECTION 5. Section 2301.002(12), Occupations Code, is amended..	SECTION 5. Same as House version.	SECTION 5. Same as House version.
SECTION 6. The heading to Subchapter C, Chapter 2301, Occupations Code, is amended.	SECTION 6. Same as House version.	SECTION 6. Same as House version.
SECTION 7. Section 2301.154, Occupations Code, is amended.	SECTION 7. Same as House version.	SECTION 7. Same as House version.
SECTION 8. Section 2301.257(a), Occupations Code, is amended.	SECTION 8. Same as House version.	SECTION 8. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 9. Sections 2301.260(a) and (b), Occupations Code, are amended.	SECTION 9. Same as House version.	SECTION 9. Same as House version.
SECTION 10. Section 2301.264(d), Occupations Code, is amended.	SECTION 10. Same as House version.	SECTION 10. Same as House version.
SECTION 11. Section 2301.301(b), Occupations Code, is amended.	SECTION 11. Same as House version.	SECTION 11. Same as House version.
SECTION 12. Section 2301.303, Occupations Code, is amended.	SECTION 12. Same as House version.	SECTION 12. Same as House version.
SECTION 13. Section 2301.353, Occupations Code, is amended.	SECTION 13. Same as House version.	SECTION 13. Same as House version.
SECTION 14. Section 2301.358(a), Occupations Code, is amended.	SECTION 14. Same as House version.	SECTION 14. Same as House version.
SECTION 15. Section 2301.401, Occupations Code, is amended.	SECTION 15. Same as House version.	SECTION 15. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 16. Section 2301.460, Occupations Code, is amended.	SECTION 16. Same as House version.	SECTION 16. Same as House version.
SECTION 17. Section 2301.461(a), Occupations Code, is amended.	SECTION 17. Same as House version.	SECTION 17. Same as House version.
SECTION 18. Section 2301.4651(a), Occupations Code, is amended.	SECTION 18. Same as House version.	SECTION 18. Same as House version.
SECTION 19. Sections 2301.606(b) and (c), Occupations Code, are amended.	SECTION 19. Same as House version.	SECTION 19. Same as House version.
SECTION 20. Section 2301.607(c), Occupations Code, is amended.	SECTION 20. Same as House version.	SECTION 20. Same as House version.
SECTION 21. Section 2301.608, Occupations Code, is amended.	SECTION 21. Same as House version.	SECTION 21. Same as House version.
SECTION 22. Section 2301.609(a), Occupations Code, is amended.	SECTION 22. Same as House version.	SECTION 22. Same as House version.
SECTION 23. Sections 2301.610(a) and (d), Occupations Code, are amended.	SECTION 23. Same as House version.	SECTION 23. Same as House version.

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	HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 24.	Section 2301.651(d), Occupations Code, is amended.	SECTION 24. Same as House version.	SECTION 24. Same as House version.
SECTION 25.	Section 2301.703(a), Occupations Code, is amended.	SECTION 25. Same as House version.	SECTION 25. Same as House version.
SECTION 26.	Section 2301.709, Occupations Code, is amended.	SECTION 26. Same as House version.	SECTION 26. Same as House version.
SECTION 27.	Section 2301.710, Occupations Code, is amended.	SECTION 27. Same as House version.	SECTION 27. Same as House version.
SECTION 28.	Section 2301.711, Occupations Code, is amended.	SECTION 28. Same as House version.	SECTION 28. Same as House version.
SECTION 29.	Section 2301.712(b), Occupations Code, is amended.	SECTION 29. Same as House version.	SECTION 29. Same as House version.
SECTION 30.	Section 2301.713, Occupations Code, is amended.	SECTION 30. Same as House version.	SECTION 30. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 31. Section 2301.751(a), Occupations Code, is amended.	SECTION 31. Same as House version.	SECTION 31. Same as House version.
SECTION 32. Section 2301.752(b), Occupations Code, is amended.	SECTION 32. Same as House version.	SECTION 32. Same as House version.
SECTION 33. Sections 2301.802(d) and (e), Occupations Code, are amended.	SECTION 33. Same as House version.	SECTION 33. Same as House version.
SECTION 34. Section 2301.803(a), Occupations Code, is amended.	SECTION 34. Same as House version.	SECTION 34. Same as House version.
SECTION 35. Sections 2301.804(a) and (b), Occupations Code, are amended.	SECTION 35. Same as House version.	SECTION 35. Same as House version.
SECTION 36. Section 2302.103(a), Occupations Code, is amended.	SECTION 36. Same as House version.	SECTION 36. Same as House version.
SECTION 37. Section 2305.001, Occupations Code, is amended.	SECTION 37. Same as House version.	SECTION 37. Same as House version.
SECTION 38. Section 2305.007(a), Occupations Code, is	SECTION 38. Same as House version.	SECTION 38. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
amended.		
SECTION 39. The heading to Subchapter L, Chapter 201, Transportation Code, is amended.	SECTION 39. Same as House version.	SECTION 39. Same as House version.
SECTION 40. Section 201.931(2), Transportation Code, is amended.	SECTION 40. Same as House version.	SECTION 40. Same as House version.
SECTION 41. Section 501.021(a), Transportation Code, is amended.	SECTION 41. Same as House version.	SECTION 41. Same as House version.
SECTION 42. Sections 501.022(a) and (b), Transportation Code, are amended.	SECTION 42. Same as House version.	SECTION 42. Same as House version.
SECTION 43. Section 501.023(a), Transportation Code, is amended.	SECTION 43. Same as House version.	SECTION 43. Same as House version.
SECTION 44. Section 501.0234(b), Transportation Code, is amended.	SECTION 44. Same as House version.	SECTION 44. Same as House version.
SECTION 45. Section 501.024(d), Transportation Code, is amended.	SECTION 45. Same as House version.	SECTION 45. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 46. Sections 501.031(a) and (c), Transportation Code, are amended.	SECTION 46. Same as House version.	SECTION 46. Same as House version.
SECTION 47. Section 501.032, Transportation Code, is amended.	SECTION 47. Same as House version.	SECTION 47. Same as House version.
SECTION 48. Section 501.033(a), Transportation Code, is amended.	SECTION 48. Same as House version.	SECTION 48. Same as House version.
SECTION 49. Subchapter B, Chapter 501, Transportation Code, is amended.	SECTION 49. Same as House version.	SECTION 49. Same as House version.
SECTION 50. The heading to Subchapter C, Chapter 501, Transportation Code, is amended.	SECTION 50. Same as House version.	SECTION 50. Same as House version.
SECTION 51. Section 501.051(b), Transportation Code, is amended.	SECTION 51. Same as House version.	SECTION 51. Same as House version.
SECTION 52. Section 501.052(e), Transportation Code, is amended.	SECTION 52. Same as House version.	SECTION 52. Same as House version.
SECTION 53. Subchapter C, Chapter 501, Transportation Code, is amended.	SECTION 53. Same as House version.	SECTION 53. Same as House version.

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HOUSE VERSION

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SECTION 54. Section 501.053(a), Transportation Code, is amended.

SECTION 54. Same as House version.

SECTION 54. Same as House version.

SECTION 55. Section 501.076(c), Transportation Code, is amended.

SECTION 55. Same as House version.

SECTION 55. Same as House version.

SECTION 56. Section 501.095(b), Transportation Code, is amended.

SECTION 56. Same as House version.

SECTION 56. Same as House version.

SECTION 57. Sections 501.100(a) and (d), Transportation Code, are amended.

SECTION 57. Same as House version.

SECTION 57. Same as House version.

SECTION 58. Section 501.138(b-2), Transportation Code, is amended.

SECTION 58. Same as House version.

SECTION 58. Same as House version.

SECTION 59. Subchapter G, Chapter 501, Transportation Code, is amended.

SECTION 59. Same as House version.

SECTION 59. Same as House version.

SECTION 60. Section 501.146, Transportation Code, is amended.

SECTION 60. Same as House version.

SECTION 60. Same as House version.

SECTION 61. Section 501.173, Transportation Code, is

SECTION 61. Same as House version.

SECTION 61. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
amended.		
SECTION 62. Section 502.001, Transportation Code, is amended.	SECTION 62. Same as House version.	SECTION 62. Same as House version.
SECTION 63. Sections 502.040(b) and (d), Transportation Code, are amended.	SECTION 63. Same as House version.	SECTION 63. Same as House version.
SECTION 64. The heading to Section 502.043, Transportation Code, is amended.	SECTION 64. Same as House version.	SECTION 64. Same as House version.
SECTION 65. Section 502.043, Transportation Code, is amended.	SECTION 65. Same as House version.	SECTION 65. Same as House version.
SECTION 66. The heading to Section 502.055, Transportation Code, is amended.	SECTION 66. Same as House version.	SECTION 66. Same as House version.
SECTION 67. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows: <u>(c) For the purposes of this section, the seating capacity of a bus is:</u> <u>(1) the manufacturer's rated seating capacity, excluding the operator's seat; or</u>	SECTION 67. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows: <u>(c) For the purposes of this section, the seating capacity of a bus is:</u> <u>(1) the manufacturer's rated seating capacity, excluding the operator's seat; or</u>	SECTION 67. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows: <u>(c) Same as House version.</u>

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(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.

(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)

(d) Same as House version.

(d) Same as House version.

SECTION 68. Section 502.092(b), Transportation Code, is amended.

SECTION 68. Same as House version.

SECTION 68. Same as House version.

SECTION 69. Sections 502.094(c) and (d), Transportation Code, are amended.

SECTION 69. Same as House version.

SECTION 69. Same as House version.

SECTION 70. Section 502.168, Transportation Code, is amended.

SECTION 70. Same as House version.

SECTION 70. Same as House version.

SECTION 71. Subchapter E, Chapter 502, Transportation Code, is amended.

SECTION 71. Same as House version.

SECTION 71. Same as House version.

SECTION 72. Section 502.433(a), Transportation Code, is amended.

SECTION 72. Same as House version.

SECTION 72. Same as House version.

SECTION 73. Section 502.473(d), Transportation Code, is amended.

SECTION 73. Same as House version.

SECTION 73. Same as House version.

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HOUSE VERSION

SENATE VERSION (IE)

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SECTION 74. Subchapter K, Chapter 502, Transportation Code, is amended by adding Section 502.4755 to read as follows:

Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA.

(a)

(b)

(c)

(d)

(e) An offense under this section is:

(1) a felony of the third degree *if the person manufactures or sells a deceptively similar registration insignia; or*

(2) a Class C misdemeanor if the person possesses a deceptively similar registration insignia, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision.

SECTION 75. 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

SECTION 74. Subchapter K, Chapter 502, Transportation Code, is amended by adding Section 502.4755 to read as follows:

Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA.

(a) Same as House version.

(b) Same as House version.

(c) Same as House version.

(d) Same as House version.

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

SECTION 75. Same as House version.

SECTION 74. Subchapter K, Chapter 502, Transportation Code, is amended by adding Section 502.4755 to read as follows:

Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA.

(a) Same as House version.

(b) Same as House version.

(c) Same as House version.

(d) Same as House version.

(e) Same as House version.

SECTION 75. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
the 82nd Legislature, Regular Session, 2011, and amended.		
SECTION 76. Sections 503.009(a), (c), and (d), Transportation Code, are amended.	SECTION 76. Same as House version.	SECTION 76. Same as House version.
SECTION 77. Section 504.202(e), Transportation Code, is amended.	SECTION 77. Same as House version.	SECTION 77. Same as House version.
SECTION 78. Section 504.306, Transportation Code, is amended.	SECTION 78. Same as House version.	SECTION 78. Same as House version.
SECTION 79. Section 504.610(a), Transportation Code, is amended.	SECTION 79. Same as House version.	SECTION 79. Same as House version.
SECTION 80. Section 504.652(b), Transportation Code, is amended.	SECTION 80. Same as House version.	SECTION 80. Same as House version.
SECTION 81. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.663 to read as follows: <u>Sec. 504.663. BIG BROTHERS BIG SISTERS LICENSE PLATES. (a) The department shall issue specialty license</u>	No equivalent provision.	SECTION 81. Same as House version.

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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

plates in recognition of the mentoring efforts of Big Brothers Big Sisters of America organizations operating in this state. The department shall design the license plates in consultation with a representative from a Big Brothers Big Sisters of America organization operating in this state and the attorney general.

(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 the Specialty License Plates General Account in the general revenue fund. Money deposited to the credit of the Specialty License Plates General Account under this section may be used only by the attorney general to provide grants to benefit Big Brothers Big Sisters of America organizations operating in this state.

SECTION 82. Section 504.901, Transportation Code, is amended.

SECTION 83. Section 504.945(d), Transportation Code, is amended.

SECTION 84. 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)

(b)

SECTION 81. Same as House version.

SECTION 82. Same as House version.

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) Same as House version.

(b) Same as House version.

SECTION 82. Same as House version.

SECTION 83. Same as House version.

SECTION 84. 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) Same as House version.

(b) Same as House version.

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HOUSE VERSION

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CONFERENCE

(c)

(c) Same as House version.

(c) Same as House version.

(d)

(d) Same as House version.

(d) Same as House version.

(e) An offense under this section is:

(1) a felony of the third degree if the person manufactures or sells a deceptively similar license plate; or

(2) a Class C misdemeanor if the person possesses a deceptively similar license plate, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision.

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

(e) Same as House version.

Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE.

Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE.

Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE.

(a)

(a) Same as House version.

(a) Same as House version.

(b) A person commits an offense if the person with criminal negligence uses, purchases, possesses, manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. An offense under this subsection is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subsection.

(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.

(b) Same as House version.

No equivalent provision.

(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.

Same as House version.

Sec. 504.948. GENERAL PENALTY.

Same as House version.

Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 85. Section 520.001, Transportation Code, is amended.	SECTION 84. Same as House version.	SECTION 85. Same as House version.
SECTION 86. Section 520.003, Transportation Code, is amended.	SECTION 85. Same as House version.	SECTION 86. Same as House version.
SECTION 87. Section 520.005, Transportation Code, is amended.	SECTION 86. Same as House version.	SECTION 87. Same as House version.
SECTION 88. 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 House version.	SECTION 88. Same as House version.
SECTION 89. Subchapter A, Chapter 520, Transportation Code, is amended.	SECTION 88. Same as House version.	SECTION 89. Same as House version.
SECTION 90. Subchapter A, Chapter 520, Transportation Code, is amended.	SECTION 89. Same as House version.	SECTION 90. Same as House version.
SECTION 91. The heading to Section 520.0093, Transportation Code, is amended.	SECTION 90. Same as House version.	SECTION 91. Same as House version.
SECTION 92. Section 520.0093, Transportation Code, is	SECTION 91. Same as House version.	SECTION 92. Same as House version.

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HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
amended.		
SECTION 93. Section 520.016(c), Transportation Code, is amended.	SECTION 92. Same as House version.	SECTION 93. Same as House version.
SECTION 94. Subchapter D, Chapter 551, Transportation Code, is amended.	SECTION 93. Same as House version.	SECTION 94. Same as House version.
SECTION 95. Section 551.402, Transportation Code, is amended to read as follows: Sec. 551.402. REGISTRATION NOT AUTHORIZED.	SECTION 94. Section 551.402, Transportation Code, is amended to read as follows: Sec. 551.402. REGISTRATION NOT AUTHORIZED.	SECTION 95. Same as Senate version.
(a) (b) The <u>Texas Department of Motor Vehicles</u> [department] may issue license plates for a golf cart <i>only</i> as authorized by <u>Subsection (c) [Section 504.510]</u> . (c) <u>The department shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.</u> (d) <u>The department may charge a fee for the cost of the license plate.</u>	(a) Same as House version. (b) The <u>Texas Department of Motor Vehicles</u> [department] may issue license plates for a golf cart <i>only</i> as authorized by <u>Section 504.510</u> . No equivalent provision. No equivalent provision.	
SECTION 96. Section 551.404, Transportation Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:	No equivalent provision.	Same as Senate version.

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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) [that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico] may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

- (1) borders or contains a portion of the Red River;
- (2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or
- (3) is adjacent to a county described by Subdivision (2) and:
 - (A) has a population of less than 30,000; and
 - (B) contains a part of a barrier island that borders the Gulf of Mexico.

SECTION 97. Section 601.052(a), Transportation Code, is amended.

SECTION 95. Same as House version.

SECTION 96. Same as House version.

SECTION 98. Section 621.001(4), Transportation Code, is amended.

SECTION 96. Same as House version.

SECTION 97. Same as House version.

SECTION 99. Section 621.002(a), Transportation Code, is amended.

SECTION 97. Same as House version.

SECTION 98. Same as House version.

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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 100. Section 621.301(b), Transportation Code, is amended.

SECTION 98. Same as House version.

SECTION 99. Same as House version.

SECTION 101. Subchapter D, Chapter 621, Transportation Code, is amended.

SECTION 99. Same as House version.

SECTION 100. Same as House version.

No equivalent provision.

SECTION __. Subsection (a), Section 621.353, Transportation Code, is amended. [FA1(4)]

Same as House version.

No equivalent provision.

SECTION __. Section 621.502, Transportation Code, is amended. [FA2(2)]

Same as House version.

No equivalent provision.

SECTION __. Section 621.503, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

SECTION 101. Section 621.503, Transportation Code, is amended by adding Subsection (d) to read as follows:

(a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds the weight limitations for operation of that vehicle provided by Section 621.101 or Chapter 623.

No equivalent provision.

(b) Intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by seven [~~15~~] percent or more.

No equivalent provision.

(d) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623, except that administrative enforcement may not be imposed on a *shipper*

(d) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623, except that administrative enforcement may not be imposed on a *person*

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of crude oil, natural gas liquids, gasoline, diesel fuel, or aviation fuel, as those terms are defined by Section 162.001, Tax Code, for a violation of this section. [FA2(2)]

described by Subsection (a) if the person is an entity or is owned by the same entity that operated the loaded vehicle and has been assessed a criminal penalty under this subtitle for a violation associated with the load.

No equivalent provision.

SECTION __. Section 621.506, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (i) to read as follows:

(a) A person commits an offense if the person:
(1) operates a vehicle or combination of vehicles in violation of Section 621.101, ~~622.012,~~ 622.031, 622.041, 622.0435, 622.051, 622.061, 622.133, 622.953, or 623.162; or
(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.
(b) ~~An~~ offense under this section is a misdemeanor punishable:

(1) by a fine of not less than ~~\$500~~ ~~[\$100]~~ and not more than ~~\$1,250~~ ~~[\$150]~~;

(2) on conviction of an offense involving:

(A) a Class 1 weight violation, by a fine of not less than \$2,500 or more than \$4,500;

(B) a Class 2 weight violation, by a fine of not less than \$4,500 or more than \$8,000; or

(C) a Class 3 weight violation, by a fine of not less than \$9,250 or more than \$18,000 [a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$300 or more than \$500]; and

(3) [on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight

SECTION 102. Section 621.506, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), (b-3), and (i) to read as follows:

(a) A person commits an offense if the person:
(1) operates a vehicle or combination of vehicles in violation of Section 621.101, ~~622.012,~~ 622.031, ~~622.041,~~ ~~622.0435,~~ 622.051, ~~622.061,~~ 622.133, 622.953, or 623.162; or
(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) Except as provided by Subsections (b-1), (b-2), and (b-3), an [An] offense under this section is a misdemeanor punishable:

(1) by a fine of not less than ~~\$100~~ and not more than ~~\$250~~ ~~[\$150]~~;

(2) on conviction of an offense involving a vehicle having a single axle weight or tandem axle weight that is heavier than the vehicle's allowable weight, by a fine according to the following schedule:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>more than 5,000</u>	<u>\$1,000 to \$2,500; or</u>

(3) on conviction of an offense involving a vehicle having a [single axle weight, tandem axle weight, or] gross weight that is [more than 5,000 but not more than 10,000 pounds] heavier than the vehicle's allowable weight, by a fine according to the following schedule:

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~~that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or~~

~~[(4)] on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$4,000 or more than \$5,500;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$6,000 or more than \$9,000; or~~

~~(C) a Class 3 weight violation, by a fine of not less than \$12,500 or more than \$22,000 [by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3)].~~

~~(b-1) For purposes of Subsection (b)(2), (3), or (4), a previous offense under this section includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.~~

~~(b-2) In this section:~~

~~(1) a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is a Class 1 weight violation, if the excess weight is more than 5,000 pounds; and~~

~~(2) a vehicle having a gross weight that is more than the vehicle's allowable weight is:~~

~~(A) a Class 1 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;~~

~~(B) a Class 2 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and~~

~~(C) a Class 3 weight violation, if the excess weight is more than 20,000 pounds.~~

~~(i) A violation of this section is subject to administrative~~

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>5,001-10,000</u>	<u>\$1,000 to \$2,500</u>
<u>10,001-20,000</u>	<u>\$2,500 to \$5,000</u>
<u>20,001-40,000</u>	<u>\$5,000 to \$7,000</u>
<u>more than 40,000</u>	<u>\$7,000 to \$10,000.</u>

~~(b-1) On conviction of a third offense punishable under Subsection (b)(2) or (3), before the first anniversary of the date of a previous conviction of an offense punishable under Subsection (b)(2) or (3), the defendant shall be punished [of not less than \$300 or more than \$500;~~

~~[(3) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or~~

~~[(4) on conviction before the first anniversary of the date of a previous conviction under this section,] by a fine in an amount not to exceed [that is] twice the maximum amount specified by Subsection (b)(2) [Subdivision (1), (2),] or (3).~~

~~(b-2) A defendant operating a vehicle or combination of vehicles at a weight for which a permit issued under this subtitle would authorize the operation, but who does not hold the permit, shall be punished by a fine in addition to the fine imposed under Subsection (b) of not less than \$500 or more than \$1,000, except that for a second or subsequent conviction under this section, the offense is punishable by an additional fine of not less than \$2,500 or more than \$5,000.~~

~~(b-3) A defendant operating a vehicle or combination of vehicles at a weight in excess of 84,000 pounds with a load~~

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enforcement under Subchapter N, Chapter 623. [FA2(2)]

that can reasonably be dismantled shall be punished by a fine in addition to the fine imposed under Subsection (b) of not less than \$500 or more than \$1,000, except that for a second or subsequent conviction under this section, the offense is punishable by an additional fine of not less than \$2,500 or more than \$5,000.

(i) A fine may not be imposed under this section that exceeds the minimum dollar amount that may be imposed unless the vehicle's weight was determined by a portable or stationary scale furnished or approved by the Department of Public Safety.

No equivalent provision.

SECTION __. Subchapter G, Chapter 621, Transportation Code, is amended. [FA2(2)]

Same as House version.

No equivalent provision.

SECTION __. Section 621.507(b), Transportation Code, is amended. [FA2(2)]

Same as House version.

SECTION 102. Subchapter G, Chapter 621, Transportation Code, is amended.

SECTION 100. Same as House version.

SECTION 103. Same as House version.

No equivalent provision.

No equivalent provision.

SECTION 104. Section 622.012(b), Transportation Code, is amended to read as follows:

(b) A truck may be operated at a weight that exceeds the maximum single axle or tandem axle weight limitation by not more than 10 percent if the gross weight is not heavier than 69,000 pounds and the department has issued a permit that authorizes the operation of the vehicle under Section 623.0171.

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SECTION 103. Section 622.074, Transportation Code, is amended.

SECTION 101. Same as House version.

SECTION 105. Same as House version.

SECTION 104. Section 622.901, Transportation Code, is amended.

SECTION 102. Same as House version.

SECTION 106. Same as House version.

SECTION 105. Section 623.011(b), Transportation Code, is amended to read as follows:

(b) To qualify for a permit under this section:

(1) the vehicle must be registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101, not to exceed 80,000 pounds;

(2) the security requirement of Section 623.012 must be satisfied; and

(3) a base permit fee of **\$90**, any additional fee required by Section 623.0111, and any additional fee set by the board [~~department~~] under Section 623.0112 must be paid.

SECTION 103. Section 623.011(b), Transportation Code, is amended to read as follows:

(b) To qualify for a permit under this section:

(1) the vehicle must be registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101, not to exceed 80,000 pounds;

(2) the security requirement of Section 623.012 must be satisfied; and

(3) a base permit fee of **\$180 [~~\$90~~]**, any additional fee required by Section 623.0111, and any additional fee set by the board [~~department~~] under Section 623.0112 must be paid. [FA1(1)]

SECTION 107. Same as House version.

No equivalent provision.

SECTION __. Subsections (a) and (c), Section 623.0111, Transportation Code, are amended.

Same as House version.

No equivalent provision.

Same as House version.

SECTION 108. Sections 623.012(a) and (b), Transportation Code, are amended to read as follows:

(a) An applicant for a permit under Section 623.011, other than a permit under that section to operate a vehicle loaded with timber or pulp wood, wood chips, cotton, or agricultural

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products in their natural state, and an applicant for a permit under Section 623.321 shall file with the department:

- (1) a blanket bond; or
- (2) an irrevocable letter of credit issued by a financial institution the deposits of which are guaranteed by the Federal Deposit Insurance Corporation.

(b) The bond or letter of credit must:

- (1) be in the amount of \$15,000 payable to the Texas Department of Transportation and the counties of this state;
- (2) be conditioned that the applicant will pay the Texas Department of Transportation for any damage to a state highway, and a county for any damage to a road or bridge of the county, caused by the operation of the vehicle;
 - (A) for which the permit is issued at a heavier weight than the maximum weights authorized by Subchapter B of Chapter 621 or Section 621.301 or 623.321; or
 - (B) that is in violation of Section 623.323; and
- (3) provide that the issuer is to notify the Texas Department of Transportation and the applicant in writing promptly after a payment is made by the issuer on the bond or letter of credit.

SECTION 106. Sections 623.014(c) and (d), Transportation Code, are amended.

SECTION 104. Same as House version.

SECTION 109. Same as House version.

No equivalent provision.

Same as House version.

SECTION 110. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0171 to read as follows:
Sec. 623.0171. PERMIT FOR READY-MIXED CONCRETE TRUCKS. (a) In this section, "ready-mixed concrete truck" has the meaning assigned by Section

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622.011.

(b) The department may issue a permit that authorizes the operation of a ready-mixed concrete truck with three axles.

(c) To qualify for a permit under this section, a base permit fee of \$1,000 must be paid, except as provided by Subsection (g).

(d) A permit issued under this section:

(1) is valid for one year, except as provided by Subsection (g); and

(2) must be carried in the vehicle for which it is issued.

(e) When the department issues a permit under this section, the department shall issue a sticker to be placed on the front windshield of the vehicle above the inspection certificate issued to the vehicle. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(f) The sticker must:

(1) indicate the expiration date of the permit; and

(2) be removed from the vehicle when:

(A) the permit for operation of the vehicle expires;

(B) a lease of the vehicle expires; or

(C) the vehicle is sold.

(g) The department may issue a permit under this section that is valid for a period of less than one year. The department shall prorate the applicable fee required by Subsection (c) for a permit issued under this subsection as necessary to reflect the term of the permit.

(h) Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a ready-mixed concrete truck in addition to a permit, fee, or license required by state law.

(i) Section 622.015 does not apply to an owner of a ready-

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mixed concrete truck who holds a permit under this section for the truck.

(j) Unless otherwise provided by state or federal law, a ready-mixed concrete truck may operate on a state, county, or municipal road, including a load-zoned county road or a frontage road adjacent to a federal interstate highway, if the truck displays a sticker required by Subsection (e) and does not exceed the maximum gross weight authorized under Section 622.012.

(k) For the purposes of Subsection (l), the department by rule shall require an applicant to designate in the permit application the counties in which the applicant intends to operate.

(l) Of the fee collected under this section for a permit:

(1) 50 percent of the amount collected shall be deposited to the credit of the state highway fund; and

(2) the other 50 percent shall be divided among and distributed to the counties designated in permit applications under Subsection (k) according to department rule.

(m) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (l) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

No equivalent provision..

SECTION __. Section 623.019, Transportation Code, is amended by amending Subsections (b), (c), (e), and (f) and

SECTION 111. Section 623.019, Transportation Code, is amended by amending Subsections (b), (c), and (d) and

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adding Subsections (b-1) and (b-2) to read as follows:

(b) ~~An~~ ~~Except as provided by Subsections (c) and (d), an~~ offense under Subsection (a) is a misdemeanor punishable:

(1) by a fine of not less than \$500 [~~\$100~~] or more than \$1,250;

(2) on conviction of an offense involving:

(A) a Class 1 weight violation, by a fine of not less than \$2,500 or more than \$4,500;

(B) a Class 2 weight violation, by a fine of not less than \$4,500 or more than \$8,000; or

(C) a Class 3 weight violation, by a fine of not less than \$9,250 or more than \$18,000; and

(3) on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:

(A) a Class 1 weight violation, by a fine of not less than \$4,000 or more than \$5,500;

(B) a Class 2 weight violation, by a fine of not less than \$6,000 or more than \$9,000; or

(C) a Class 3 weight violation, by a fine of not less than \$12,500 or more than \$22,000 [~~\$150~~].

(b-1) For purposes of Subsection (b)(2), (3), or (4), a previous offense under this section includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.

(b-2) In this section:

(1) a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is a Class 1 weight violation, if the excess weight is more than 5,000 pounds; and

(2) a vehicle having a gross weight that is more than the

adding Subsection (h) to read as follows:

(b) ~~Except as provided by Subsections (c) and (d), an~~ offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$100 or more than ~~\$250~~ [~~\$150~~].

~~(c) An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine according to the following schedules if the offense involves a vehicle [of]:~~

~~(1) having a single axle weight or tandem axle weight that is heavier than the vehicle's allowable weight:~~

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>more than 5,000</u>	<u>\$1,000 to \$2,500; or</u>

~~(2) [not less than \$300 or more than \$500 if the offense involves a vehicle] having a gross weight that is heavier than the vehicle's allowable gross weight:~~

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>5,001-10,000</u>	<u>\$1,000 to \$2,500</u>
<u>10,001-20,000</u>	<u>\$2,500 to \$5,000</u>
<u>20,001-40,000</u>	<u>\$5,000 to \$7,000</u>
<u>more than 40,000</u>	<u>\$7,000 to \$10,000</u>

~~[5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or~~

~~](2) not less than \$500 or more than \$1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.]~~

~~(d) On conviction of a third offense under Subsection (a), before the first anniversary of the date of a previous~~

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vehicle's allowable weight is:

(A) a Class 1 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;

(B) a Class 2 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and

(C) a Class 3 weight violation, if the excess weight is more than 20,000 pounds.

(c) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623.

~~[An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine of:~~

~~[(1) not less than \$300 or more than \$500 if the offense involves a vehicle having a gross weight that is heavier than 5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or~~

~~[(2) not less than \$500 or more than \$1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.]~~

(e) A governmental entity collecting a fine under this section [Subsection (e)] shall send an amount equal to 50 percent of the fine to the comptroller.

(f) A justice of the peace has jurisdiction of any offense under this section. A municipal court has jurisdiction of an offense under this section in which the fine does not exceed \$10,000 [500]. A county or district court has jurisdiction of an offense under this section in which the fine exceeds \$10,000. [FA2(2)]

conviction under that subsection [Subsection (a)], the defendant shall be punished [an offense is punishable] by a fine in an amount not to exceed [that is] twice the maximum amount specified by Subsection (c).

(h) A fine may not be imposed under this section that exceeds the minimum dollar amount that may be imposed unless the vehicle's weight was determined by a portable or stationary scale furnished or approved by the Department of Public Safety.

SECTION 107. The heading to Section 623.0711.

SECTION 105. Same as House version.

SECTION 112. Same as House version.

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Transportation Code, is amended.		
SECTION 108. Sections 623.0711(a), (b), (c), (d), (f), (g), and (h), Transportation Code, are amended.	SECTION 106. Same as House version.	SECTION 113. Same as House version.
SECTION 109. Section 623.078(b), Transportation Code, is amended.	SECTION 107. Same as House version.	SECTION 114. Same as House version.
No equivalent provision.	SECTION __. Section 623.082(b), Transportation Code, is amended. [FA2(2)]	Same as House version.
SECTION 110. Section 623.144, Transportation Code, is amended.	SECTION 108. Same as House version.	SECTION 115. Same as House version.
SECTION 111. Section 623.149(a), Transportation Code, is amended.	SECTION 109. Same as House version.	SECTION 116. Same as House version.
SECTION 112. Section 623.194, Transportation Code, is amended.	SECTION 110. Same as House version.	SECTION 117. Same as House version.
SECTION 113. Section 623.199(a), Transportation Code, is amended.	SECTION 111. Same as House version.	SECTION 118. Same as House version.
No equivalent provision.	SECTION __. Section 623.271, Transportation Code, is	Same as House version.

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amended. [FA2(2)]

No equivalent provision.

SECTION __. Section 623.272, Transportation Code, is amended. [FA2(2)]

Same as House version.

No equivalent provision.

Same as House version.

SECTION 119. Chapter 623, Transportation Code, is amended by adding Subchapter Q to read as follows:
SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER
Sec. 623.321. PERMIT. (a) The department may issue a permit under this subchapter, as an alternative to a permit issued under Section 623.011, authorizing a person to operate a vehicle or combination of vehicles that is being used to transport unrefined timber, wood chips, or woody biomass in a county identified as a timber producing county in the most recent edition of the Texas A&M Forest Service's Harvest Trends Report as of May 15, 2013, at the weight limits prescribed by Subsection (b).
(b) A person may operate over a road or highway a vehicle or combination of vehicles issued a permit under this section at a gross weight that is not heavier than 84,000 pounds, if the gross load carried on any tandem axle of the vehicle or combination of vehicles does not exceed 44,000 pounds.
(c) Section 621.508 does not apply to a vehicle or combination of vehicles operated under this section.
(d) The department shall annually update the number of timber producing counties described by Subsection (a) based on the most recent edition of the Texas A&M Forest Service's Harvest Trends Report.
Sec. 623.322. QUALIFICATION; REQUIREMENTS. (a)

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To qualify for a permit under this subchapter for a vehicle or combination of vehicles, a person must:
(1) pay a permit fee of \$1,500;
(2) designate in the permit application the timber producing counties described by Section 623.321(a) in which the vehicle or combination of vehicles will be operated; and
(3) satisfy the security requirement of Section 623.012.
(b) A permit issued under this subchapter:
(1) is valid for one year; and
(2) must be carried in the vehicle for which it is issued.
Sec. 623.323. NOTIFICATION. (a) For purposes of this section, "financially responsible party" means the owner of the vehicle or combination of vehicles, the party operating the vehicle or combination of vehicles, or a person that hires, leases, rents, or subcontracts the vehicle or combination of vehicles for use on a road maintained by a county or a state highway.
(b) Before a vehicle or combination of vehicles for which a permit is issued under this subchapter may be operated on a road maintained by a county or a state highway, the financially responsible party shall execute a notification document and agree to reimburse the county or the state, as applicable, for damage to a road or highway sustained as a consequence of the transportation authorized by the permit. At a minimum, the notification document must include:
(1) the name and address of the financially responsible party;
(2) a description of each permit issued for the vehicle or combination of vehicles;
(3) a description of the method of compliance by the financially responsible party with Sections 601.051 and 623.012;

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(4) the address or location of the geographic area in which the financially responsible party wishes to operate a vehicle or combination of vehicles and a designation of the specific route of travel anticipated by the financially responsible party, including the name or number of each road maintained by a county or state highway;

(5) a calendar or schedule of duration that includes the days and hours of operation during which the financially responsible party reasonably anticipates using the county road or state highway identified in Subdivision (4); and

(6) a list of each vehicle or combination of vehicles by license plate number or other registration information, and a description of the means by which financial responsibility is established for each vehicle or combination of vehicles if each vehicle or combination of vehicles is not covered by a single insurance policy, surety bond, deposit, or other means of financial assurance.

(c) A financially responsible party shall electronically file the notification document described by Subsection (b) with the department under rules adopted by the department not later than the second business day before the first business day listed by the financially responsible party under Subsection (b)(5). The department shall immediately send an electronic copy of the notification document to each county identified in the notification document and the Texas Department of Transportation and an electronic receipt for the notification document to the financially responsible party. Not later than the first business day listed by the financially responsible party under Subsection (b)(5), a county or the Texas Department of Transportation may inspect a road or highway identified in the notification document. If an inspection is conducted under this

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subsection, a county or the Texas Department of Transportation shall:

(1) document the condition of the roads or highways and take photographs of the roads or highways as necessary to establish a baseline for any subsequent assessment of damage sustained by the financially responsible party's use of the roads or highways; and

(2) provide a copy of the documentation to the financially responsible party.

(d) If an inspection has been conducted under Subsection (c), a county or the Texas Department of Transportation, as applicable, shall, not later than the fifth business day after the expiration of the calendar or schedule of duration described by Subsection (b)(5):

(1) conduct an inspection described by Subsection (c)(1) to determine any damage sustained by the financially responsible party's use of the roads or highways; and

(2) provide a copy of the inspection documentation to the financially responsible party.

(e) The state or a county required to be notified under this section may assert a claim against any security posted under Section 623.012 or insurance filed under Section 643.103 for damage to a road or highway sustained as a consequence of the transportation authorized by the permit.

(f) This section does not apply to a vehicle or combination of vehicles that are being used to transport unrefined timber, wood chips, or woody biomass from:

(1) a storage yard to the place of first processing; or

(2) outside this state to a place of first processing in this state.

Sec. 623.324. DISPOSITION OF FEE. (a) Of the fee collected under Section 623.322 for a permit:

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(1) 50 percent of the amount collected shall be deposited to the credit of the state highway fund; and

(2) the other 50 percent shall be divided equally among all counties designated in the permit application under Section 623.322(a)(2).

(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

Sec. 623.325. INTERSTATE AND DEFENSE

HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127.

(b) If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127 on September 1, 2013, the new limit automatically takes effect on the national system of interstate and defense highways in this state.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 114. Chapter 623, Transportation Code, is amended.

SECTION 112. Same as House version.

SECTION 120. Same as House version.

SECTION 115. Section 642.002(a), Transportation Code, is amended.

SECTION 113. Same as House version.

SECTION 121. Same as House version.

House Bill 2741
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 116. The heading to Section 643.054, Transportation Code, is amended.	SECTION 114. Same as House version.	SECTION 122. Same as House version.
SECTION 117. Section 643.054, Transportation Code, is amended.	SECTION 115. Same as House version.	SECTION 123. Same as House version.
SECTION 118. Section 643.064, Transportation Code, is amended.	SECTION 116. Same as House version.	SECTION 124. Same as House version.
SECTION 119. Subchapter F, Chapter 643, Transportation Code, is amended.	SECTION 117. Same as House version.	SECTION 125. Same as House version.
SECTION 120. Section 648.051(b), Transportation Code, is amended.	SECTION 118. Same as House version.	SECTION 126. Same as House version.
SECTION 121. Section 648.102(a), Transportation Code, is amended.	SECTION 119. Same as House version.	SECTION 127. Same as House version.
SECTION 122. Section 681.003(b), Transportation Code, is amended to read as follows: (b) An application for a disabled parking placard must be: (1) on a form furnished by the department;	SECTION 120. Section 681.003(b), Transportation Code, is amended to read as follows: (b) An application for a disabled parking placard must be: (1) on a form furnished by the department;	SECTION 128. Same as Senate version.

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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) submitted to the county assessor-collector of the county:
(A) in which the person with the disability resides *if the person has a permanent disability*;
(B) in which the person with the disability resides or is being treated at a medical facility if the person has a temporary disability; or
(C) in which the *person with the disability* is seeking medical treatment if the *person* is not a resident of this state; and
(3) accompanied by a fee of \$5 if the application is for a temporary placard.

(2) submitted to the county assessor-collector of the county in which the person with the disability resides or in which the *applicant* is seeking medical treatment if the *applicant* is not a resident of this state; and

(3) accompanied by a fee of \$5 if the application is for a temporary placard.

SECTION 123. Section 681.0031, Transportation Code, is amended.

SECTION 121. Same as House version.

SECTION 129. Same as House version.

SECTION 124. Section 681.004(c), Transportation Code, is amended.

SECTION 122. Same as House version.

SECTION 130. Same as House version.

SECTION 125. Section 681.012, Transportation Code, is amended.

SECTION 123. Same as House version.

SECTION 131. Same as House version.

SECTION 126. Section 728.002(d), Transportation Code, is amended.

SECTION 124. Same as House version.

SECTION 132. Same as House version.

SECTION 127. Section 730.007(c), Transportation Code, is

SECTION 125. Same as House version.

SECTION 133. Same as House version.

House Bill 2741
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
amended.		
SECTION 128. Section 1001.009(c), Transportation Code, is amended.	SECTION 126. Same as House version.	SECTION 134. Same as House version.
SECTION 129. Subchapter A, Chapter 1001, Transportation Code, is amended.	SECTION 127. Same as House version.	SECTION 135. Same as House version.
SECTION 130. Subchapter A, Chapter 1001, Transportation Code, is amended.	SECTION 128. Same as House version.	SECTION 136. Same as House version.
SECTION 131. Section 1001.023(b), Transportation Code, is amended.	SECTION 129. Same as House version.	SECTION 137. Same as House version.
SECTION 132. Section 1001.042, Transportation Code, is amended.	SECTION 130. Same as House version.	SECTION 138. Same as House version.
SECTION 133. Section 1001.101(2), Transportation Code, is amended.	SECTION 131. Same as House version.	SECTION 139. Same as House version.
SECTION 134. (a) The comptroller of public accounts shall conduct a study of the fiscal effect to both this state and the motorcycle industry in this state of the avoidance of the use	No equivalent provision.	Same as Senate version.

House Bill 2741
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

tax due on certain off-road vehicles purchased in other states.

(b) The study must include:

(1) an evaluation of the provisions of current Texas law and the practices by out-of-state motorcycle dealers that allow for the incidence of tax avoidance;

(2) an estimate of the total amount of revenue owed to but not collected by this state and the total number of jobs lost in this state due to the incidence of tax avoidance and competitive practices by out-of-state motorcycle dealers;

(3) an evaluation of the manner in which the laws and enforcement practices of other states avoid an incidence of this type of tax avoidance in those states;

(4) the identification of any potential actions within the comptroller's current authority that could significantly reduce the rate of tax avoidance and protect the motorcycle industry in this state from improper competition from out-of-state motorcycle dealers; and

(5) an evaluation of potential changes to current law that could reduce the rate of tax avoidance and protect the motorcycle industry in this state from improper competition from out-of-state motorcycle dealers, including making certain off-road vehicles subject to the motor vehicle tax under Chapter 152, Tax Code, rather than the sales and use tax under Chapter 151, Tax Code.

(c) Not later than December 1, 2013, the comptroller of public accounts shall submit a report of the results of the study and any recommendations to the house ways and means committee and the senate finance committee.

(d) To the extent reasonable and practicable, the comptroller of public accounts shall take actions identified under Subsection (b)(4) of this section to reduce the rate of tax avoidance described by Subsection (a) of this section.

House Bill 2741
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(e) Notwithstanding any other provision of this Act, this section takes 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 this section to have immediate effect, this section takes effect September 1, 2013.

SECTION 135.

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), **504.510**, 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.

No equivalent provision.

Associated CCR Draft: 13.145.210

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, **623.019(d)**, 623.0711(k), and 623.093(f), Transportation Code; and [FA2(1)]

(3) Section 520.004, Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION __.

Section 504.660(b), Transportation Code, as added by Chapter 1381 (S.B. 1616), Acts of the 81st Legislature, Regular Session, 2009, is repealed. [FA3]

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SECTION 140. [Part]

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, **622.013**, **622.015**, **622.017**, **622.018**, 623.0711(k), and 623.093(f), Transportation Code;

(4) Section 520.004, Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 140. [Part]

The following laws are repealed:

(3) Section 504.660(b), Transportation Code, as added by Chapter 1381 (S.B. 1616), Acts of the 81st Legislature, Regular Session, 2009; and

13.145.572

House Bill 2741
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p>SECTION 136.</p> <p>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 this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.</p> <p>No equivalent provision.</p>	<p>SECTION 133.</p> <p>(a) 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 this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. [FA1(2)]</p> <p>(b) The changes in law made by this Act to Section 623.011, Transportation Code, apply only to an application for a permit that is filed on or after the effective date of this Act. [FA1(3)]</p>	<p>SECTION 141.</p> <p>Same as House version.</p>
<p>SECTION 137. 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.</p>	<p>SECTION 134. Same as House version.</p>	<p>SECTION 142. Same as House version.</p>
<p>SECTION 138. Not later than December 31, 2013, the Texas Department of Motor Vehicles shall establish a procedure for the issuance of license plates for golf carts to be used for operation on a public highway, as required by Section 551.402, Transportation Code, as amended by this Act.</p>	<p>No equivalent provision.</p>	<p>Same as Senate version.</p>

House Bill 2741
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 139. 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 135. Same as House version.

SECTION 143. Same as House version.

SECTION 140. Effective Date.

SECTION 136. Same as House version.

SECTION 144. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2741 by Phillips (Relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles; authorizing a fee; creating an offense.), **Conference Committee Report**

Although the bill is anticipated to generate revenue for the state and units of local government, the fiscal implications of the bill cannot be determined at this time due to a lack of data on the violations subject to the penalties and number of applicants for certain titles and permits authorized by the bill.

The bill would amend the Occupations Code to authorize the board of the Department of Motor Vehicles (DMV) to take certain disciplinary actions after granting an applicant or license holder the opportunity for a hearing rather than requiring a hearing as specified under current law. The bill would amend the Transportation Code to authorize the owner of a trailer with a gross vehicle weight of 4,000 pounds or less to apply for a title. The bill would make the \$65 rebuilder fee applicable to the issuance of rebuilt salvage titles to include trailers and semitrailers. The bill would authorize the board of the DMV by rule to establish a fee for the issuance of a paper title to cover the administrative costs of an electronic titling system. The bill would authorize the DMV to credit a person for any time remaining on a multi-year vehicle registration when the person sells or trades the registered vehicle to a dealer. The bill would establish offenses for the manufacture, sale, or possession of a registration insignia or license plate that is deceptively similar to an insignia or license plate issued by the DMV. The bill would require the DMV to issue Big Brothers Big Sisters specialty license plates. The bill would require the fees from issuance of the plates, after deductions for administrative costs, to be deposited to the Specialty License Plates General Account in the General Revenue Fund to be used by the Attorney General to provide grants to benefit the Big Brothers Big Sisters of America organizations operating in Texas.

The bill would increase fines and penalties for offenses under the Transportation Code Chapter 621, relating to vehicle size and weight, and Chapter 623, relating to permitting of certain vehicles. The fines prescribed by the bill would vary depending on the amount by which a vehicle exceeds the allowable gross weight or axle weight.

The bill would authorize the DMV to issue a permit that authorizes the operation of a ready-mixed concrete truck with three axles. The bill would establish an annual fee of \$1,000 for the permit and would authorize the DMV to issue a permit that is valid for less than one year and to prorate the fee accordingly. The bill would require 50 percent of each fee to be deposited to the State Highway Fund (Fund 6) and require the Comptroller to distribute the remainder to the counties designated in the permit application.

The bill would authorize the Department of Motor Vehicles (DMV) to issue annual permits for vehicles transporting unrefined timber, wood chips, or biomass at an annual fee of \$1,500. The permit would be issued as an alternative to a permit required by Section 623.011, Transportation Code. The bill would require 50 percent of the fee to be deposited to Fund 6 and the remaining 50 percent to be divided equally among all counties designated on the permit application. The bill would require a financially responsible party associated with the permitted vehicles to provide a notification document to the DMV indicating the roads on which the vehicles will travel and agree to reimburse a county or the state, as applicable, for damage to a road or highway caused by the transportation authorized under the permit. The bill would authorize the Texas Department of Transportation (TxDOT) or a county to inspect and document the condition of a highway or road identified in the notification to establish a baseline condition for any assessment of damage sustained by the financially responsible party's use of the highway or road.

The bill would authorize the DMV to issue a special permit during a major disaster declared by the President of the United States to an overweight or oversize vehicle or load that will be used only to deliver relief supplies. The bill would authorize the board of the DMV to adopt rules to establish the fee and requirements for the special permit.

Except as otherwise provided by the bill, the bill would take effect on September 1, 2013.

This analysis assumes that the implementation of the fines and penalties prescribed by the bill for offenses under Transportation Code Chapters 621 and Chapter 623 would increase state revenue, and that depending on the number and type of assessed penalties, the amount of revenue generated may be significant. However, the fiscal implications of the bill cannot be determined due to a lack of data on the violations that will be subject to penalties.

Based on the information and analysis provided by the DMV, it is assumed the implementation of the new permit for vehicles transporting unprocessed wood products and for certain ready-mixed concrete trucks would result in an insignificant net revenue gain to Fund 6 and counties and any costs associated with implementing these provisions of the bill could be absorbed within the agency's existing resources. Based on the information provided by TxDOT, it is assumed any direct costs or duties associated with implementing the associated provisions of the bill could be absorbed within existing resources.

Because the timing and duration of a declared emergency or disaster is unknown, the revenue from the issuance for the issuance of permits to deliver relief supplies cannot be determined.

The bill would authorize a person to apply for title for a trailer that has a gross vehicle weight of 4,000 pounds or less. Based on the information provided by the DMV, it is assumed the issuance of titles for these trailers would result in an insignificant revenue gain to the State.

For this analysis, it is assumed the number of offenders convicted or whose cases would now be dismissed under the provisions of the bill would not result in a significant impact on the programs and workload of state correctional agencies.

Local Government Impact

The bill would generate \$5 in revenue for each trailer or semitrailer title transaction in a county. This would be a positive revenue gain to counties but is not anticipated to be significant. It is assumed the bill would result in an indeterminate revenue gain to County Road and Bridge Funds.

Source Agencies: 601 Department of Transportation, 608 Department of Motor Vehicles
LBB Staff: UP, AG, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2741 by Phillips (Relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles; authorizing a fee; creating an offense.), **Conference Committee Report**

The bill would amend the various codes as they relate to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles. The provisions of the bill that create new felony criminal offenses are the subject of this analysis. Under the provisions of the bill, certain activities related to Texas Department of Motor Vehicles registration insignia or license plates would be punishable as a felony of the third degree. The change in law for certain activities related to Texas Department of Motor Vehicles license plates would take effect immediately if the bill receives a vote of two-thirds of all the members elected to each house. Otherwise, the change in law for certain activities related to Texas Department of Motor Vehicles registration insignia or license plates would take effect September 1, 2013.

A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands upon the correctional resources of counties or of the state due to longer terms of probation, or longer terms of confinement in county jail, state jail, or prison. For this analysis, it is assumed the number of offenders convicted under the provisions of the bill would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.


Source Agencies:

LBB Staff: UP, GG, LM

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2741 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5-25-13

(date)