

SUBJECT: Identifying vehicles with exempt license plates

COMMITTEE: Transportation — favorable, without amendment

VOTE: 6 ayes — Alexander, Bosse, Alonzo, Moreno, Siebert, Uher

0 nays

3 absent — Clemons, Edwards, Price

WITNESSES: None

BACKGROUND: The Texas Department of Transportation (TxDOT) is authorized to exempt from vehicle registration fees certain vehicles that are owned and used exclusively by the United States government, the state of Texas or any county, city or school district. The agencies must apply annually to TxDOT to register all vehicles, by the filing of an affidavit, and receive specially marked exempt license plates.

DIGEST: HB 2053 would require that exempt vehicles be marked with the name of the agency or officer that has custody of the vehicle. The bill would authorize peace officers to seize a vehicle with exempt plates that is not properly identified as a government vehicle. The bill would not apply to law enforcement agency vehicles registered under an alias for use in covert criminal investigations.

Exempt vehicles would have to be identified in letters at least two inches high clearly visible at a distance of 100 feet. Operators of vehicles seized for lack of proper markings would have 10 days from the day of release to mark the vehicle as required.

TxDOT would be prohibited from issuing exempt plates to vehicles owned by a person other than the certifying government entity unless the certifying authority certified in writing that the vehicle qualified for the exempt plates and that the identification requirements had been met.

The bill would take effect September 1, 1994.

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**SUPPORTERS SAY:** HB 2053 proposes a clarification and minor expansion of the laws relating to vehicles qualifying for exempt license plates in order to crack down on abuses by some drivers and agencies. Requiring these vehicles to have lettering identifying them as government vehicles would reduce opportunities for misuse and abuse of these vehicles. The state should assure that only vehicles legitimately entitled to the exempt status get the exemption and that the public knows exactly who is in charge of these vehicles.

Peace officers need authority to seize vehicles with exempt plates that are not in compliance with the lettering requirements imposed under this legislation. Vehicles with exempt plates are owned by the taxpayers and should be used for official business only. Every one of these vehicles should be properly identified and used only for public business.

Law enforcement vehicles that may be used for undercover police operations would be exempted from the lettering requirement. A floor amendment will be offered to satisfy some of the concerns raised in behalf of small-population counties and some other entities.

**OPPONENTS SAY:** This bill could impose a tremendous cost burden on counties, school districts and municipalities to bring their vehicles into compliance with the inscription provisions. An exemption from these requirements should be allowed for small government entities, or, at the minimum, there should be a phase-in period. In addition, some agencies other than law enforcement might need unmarked vehicles in some circumstances.

**NOTES:** The author said a floor amendment would be offered to limit the number of exempt-plate vehicles that would have meet the identification requirement.