REVISOR'S REPORT

TRANSPORTATION CODE
TITLES 1, 2, 3, 4, 6, AND 7

VOLUME VII

A NONSUBSTANTIVE REVISION
OF THE STATUTES RELATING TO
TRANSPORTATION

Including
Carriers
Aviation
Navigation
Roadways
Vehicles and Traffic

To be submitted to the 74th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas
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crossing is made only at an intersection of the highway with another public street, road, or highway; and
(5) any headlights and taillights are lighted when the crossing is made.
(c) This section does not apply to the driving or operation of an all-terrain vehicle owned by this state, a county, or a municipality by a person authorized to operate or drive the vehicle.

Revised Law
Sec. 663.038. VIOLATION OF CHAPTER; OFFENSE. (a) A person commits an offense if the person violates a provision of this chapter.
(b) Except as otherwise provided by Title 6 or this title, an offense under this section is a Class C misdemeanor. (V.A.C.S. Art. 6701c-5, Sec. 10.)

Source Law
Sec. 10. (a) A person who violates a provision of this article commits an offense.
(b) Except as provided by other articles of this title, an offense under this article is a Class C misdemeanor.

Revisor's Note
Section 10(b), V.A.C.S. Article 6701c-5, refers to "this title," meaning Title 116, Vernon's Texas Civil Statutes. Title 116, Vernon's Texas Civil Statutes, is codified in this title and in Title 6 of this code, and the revised law is drafted accordingly.

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CHAPTER 680. MISCELLANEOUS PROVISIONS

SUBCHAPTER A. SALE OF MOTORCYCLE WITHOUT SERIAL NUMBERS

Revised Law

Sec. 680.001. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Public Safety.

(2) "Motorcycle" has the meaning assigned that term by Section 661.001.

(3) "Person" means an individual, partnership, firm, corporation, association, or other private entity. (V.A.C.S. Art. 6687-11, Sec. 1; New.)

Source Law

Art. 6687-11
Sec. 1. In this Act:
(1) "Motorcycle" has the meaning assigned to it in Section 1, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c-3, Vernon's Texas Civil Statutes).
(2) "Person" means an individual, partnership, firm, corporation, association, or other private entity.

Revisor's Note

(1) Section 1(1), V.A.C.S. Article 6687-11, refers to Section 1, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c-3, Vernon's Texas Civil Statutes). That section is codified in this code in Section 661.001, and the revised law is drafted accordingly.

(2) The definition of "department" to refer to the Department of Public Safety is added to the revised law for drafting convenience and to eliminate
unnecessary repetition of the substance of the
definition.

Revised Law

Sec. 680.002. SALE OF MOTORCYCLE WITHOUT SERIAL NUMBERS. A
person may not sell a motorcycle manufactured after January 1,
1976, unless:

(1) the serial number of the frame and the serial
number of the engine are affixed so that they may not be removed
without defacing the frame or engine; and

(2) the manufacturer has filed with the department a
statement that:

(A) identifies the part to which each number is
affixed;

(B) gives the exact dimensions of the part; and

(C) gives the location on the part to which the
number is affixed. (V.A.C.S. Art. 6687-11, Sec. 2.)

Source Law

Sec. 2. No person may sell a motorcycle
manufactured after January 1, 1976, unless:

(1) the frame serial number and the engine
serial number are affixed in a manner which prevents
their removal without defacing the frame or engine; and

(2) the manufacturer has filed with the
Department of Public Safety a statement identifying and
giving the exact dimensions of the part to which each
number is affixed and the location on that part to
which the number is affixed.

Revised Law

Sec. 680.003. OFFENSE; PENALTY. (a) An individual who
violates Section 680.002 commits an offense.

(b) An offense under this section is a misdemeanor
punishable by:

(1) a fine not to exceed $200;

(2) confinement in county jail for a term not to
exceed 30 days; or

(3) both the fine and confinement.

(c) Each sale of a motorcycle in violation of this

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subchapter is a separate offense. (V.A.C.S. Art. 6687-11, Secs. 4(a), (c).

Source Law

Sec. 4. (a) An individual who violates any provision of this Act is guilty of a misdemeanor and upon conviction shall be fined not more than $200 or confined in the county jail not more than 30 days or both.

(c) Each sale of a motorcycle in violation of this Act constitutes a separate offense.

Revised Law

Sec. 680.004. CIVIL PENALTY. A partnership, firm, corporation, or association that violates Section 680.002 is liable to the state for a civil penalty of not more than $500 for each offense. (V.A.C.S. Art. 6687-11, Sec. 4(b).)

Source Law

(b) A partnership, firm, corporation, or association which violates any provision of this Act shall be assessed a civil penalty of not more than $500 for each offense.

Revised Law

Sec. 680.005. DIRECTOR TO ADOPT RULES AND DEVELOP FORMS. The director of the department shall adopt rules and develop forms to administer this subchapter. (V.A.C.S. Art. 6687-11, Sec. 3.)

Source Law

Sec. 3. The director of the Department of Public Safety shall promulgate reasonable rules and regulations, including the promulgation of forms, to implement the provisions of this Act.

Revisor's Note

Section 3, V.A.C.S. Article 6687-11, refers to "reasonable rules and regulations." The reference to "reasonable" is omitted from the revised law as unnecessary. The reference to "regulations" is omitted because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a
regulation, and that definition applies to the revised law.

[Sections 680.006-680.010 reserved for expansion]

SUBCHAPTER B. TOLLS FOR MOTORCYCLE; USE OF PREFERENTIAL LANE BY MOTORCYCLE

Revised Law

Sec. 680.011. DEFINITIONS. In this subchapter:

(1) "Motorcycle" has the meaning assigned by Section 502.001 and includes a motorcycle equipped with a sidecar.

(2) "Preferential lane" means a traffic lane on a street or highway where motor vehicle usage is limited to:

(A) buses;

(B) vehicles occupied by a minimum number of persons; or

(C) car pool vehicles. (V.A.C.S. Art. 6701c-4a, Secs. 1, 3(a).)

Source Law

Art. 6701c-4a
Sec. 1. In this Act, "motorcycle" has the meaning assigned by Section 1, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), and its subsequent amendments and includes a motorcycle equipped with a sidecar.

Sec. 3. (a) In this section, "preferential lane" means a traffic lane on a street or highway where motor vehicle usage is limited to buses, vehicles occupied by a minimum number of persons, or car pool vehicles.

Revisor's Note

Section 1, V.A.C.S. Article 6701c-4a, refers to Section 1, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), "and its subsequent amendments." That section is codified in this code as Section 502.001, and the revised law is drafted accordingly. The reference to subsequent
amendments of that statute is omitted from the revised law because Section 312.008, Government Code, provides that unless expressly provided otherwise, a reference to any portion of a statute applies to all reenactments, revisions, or amendments of the statute. That provision applies to the revised law.

Revised Law

Sec. 680.012. TOLL FOR MOTORCYCLE. A person who operates a toll road, toll bridge, or turnpike may not impose a toll for the operation of a motorcycle on the road, bridge, or turnpike that is greater than the toll imposed for the operation of a passenger car on the road, bridge, or turnpike. (V.A.C.S. Art. 6701c-4a, Sec. 2.)

Source Law

Sec. 2. No person or entity, including the state or a political subdivision of this state, that operates a toll road, toll bridge, or turnpike may impose a toll for the operation of a motorcycle on the toll road, toll bridge, or turnpike that is greater than the toll imposed for the operation of a passenger car on the toll road, toll bridge, or turnpike.

Reviser's Note

Section 2, V.A.C.S. Article 6701c-4a, refers to a "person or entity, including the state or a political subdivision of this state." The reference to "entity, including the state or a political subdivision of this state" is omitted from the revised law because under Section 311.005(2), Government Code (Code Construction Act), "person" is defined to include a government, a governmental subdivision, and any legal entity. That definition applies to the revised law.

Revised Law

Sec. 680.013. USE OF PREFERENTIAL LANE BY MOTORCYCLE. A motorcycle may be operated in a preferential lane that is not closed to all vehicular traffic. (V.A.C.S. Art. 6701c-4a,
Sec. 3(b).)

Source Law

(b) A motorcycle may be operated in a preferential lane that has not been otherwise closed to all vehicular traffic.

SUBTITLE H. PARKING, TOWING, AND STORAGE OF VEHICLES

CHAPTER 681. PRIVILEGED PARKING

Sec. 681.001. DEFINITIONS

Sec. 681.002. DISABLED PARKING PLACARD

Sec. 681.003. PARKING PLACARD APPLICATION

Sec. 681.004. ISSUANCE OF PARKING PLACARD; EXPIRATION

Sec. 681.005. DUTIES OF ASSESSOR-COLLECTOR

Sec. 681.006. PARKING PRIVILEGES: PERSONS WITH DISABILITIES

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Sec. 681.009. DESIGNATION OF PARKING SPACES BY POLITICAL SUBDIVISION OR PRIVATE PROPERTY OWNER

Sec. 681.010. ENFORCEMENT

Sec. 681.011. OFFENSES; PRESUMPTION

SUBTITLE H. PARKING, TOWING, AND STORAGE OF VEHICLES

CHAPTER 681. PRIVILEGED PARKING

Revised Law

Sec. 681.001. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of Transportation.

(2) "Disability" means a condition in which a person has:

(A) mobility problems that substantially impair the person's ability to ambulate;

(B) visual acuity of 20/200 or less in the
better eye with correcting lenses; or

(C) visual acuity of more than 20/200 but with a limited field of vision in which the widest diameter of the visual field subtends an angle of 20 degrees or less.

(3) "Disabled parking placard" means a placard issued under Section 681.002.

(4) "International symbol of access" means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled. (V.A.C.S. Art. 6675a-5e.1, Secs. 1(c) (part), 2(a); New.)

Source Law

[Sec. 1]
(c) In this Act:
(1) "Removable windshield identification card" means a [two-sided, hooked placard which includes on each side:
(A) the international symbol of access, which is at least three inches in height, centered on the placard, and white on a blue shield for permanent disability cards and white on a red shield for temporary disability cards;
(B) an identification number;
(C) a date of expiration; and
(D) the seal or other identification of the State Department of Highways and Public Transportation.]
(2) "International symbol of access" means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

Sec. 2. (a) A person is disabled who has mobility problems that substantially impair the person's ability to ambulate, or who is legally blind. In this Act, "legally blind" means having not more than 20/200 of visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Revisor's Note

(1) V.A.C.S. Article 6675a-5e.1 refers to a "removable windshield identification card." The revised law substitutes "disabled parking placard" for "removable windshield identification card" because "disabled parking placard" provides a more accurate description. The portions of Subsection (c)(1),
Section 681.002 of this chapter. The revised law includes a reference to that section for the reader's convenience.

(2) The definition of "department" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law
Sec. 681.002. DISABLED PARKING PLACARD. (a) The department shall provide for the issuance of a disabled parking placard to a person with a disability.

(b) A disabled parking placard must be two-sided and hooked and include on each side:

(1) the international symbol of access, which must be at least three inches in height, be centered on the placard, and be:

(A) white on a blue shield for a placard issued to a person with a permanent disability; or

(B) white on a red shield for a placard issued to a person with a temporary disability;

(2) an identification number;

(3) an expiration date; and

(4) the seal or other identification of the department.

(c) The department shall furnish the disabled parking placards to each county assessor-collector. (V.A.C.S. Art. 6675a-5e.1, Secs. 1(b) (part), (c) (part), 5(a).)

Source Law
[Sec. 1]
(b) In addition, the department shall provide removable windshield identification cards for issuance to disabled persons. These cards shall be of a design prescribed by Subsection (c). . . .

(c) [In this Act:
"Removable windshield identification card" means a two-sided, hooked placard which includes on each side:

(A) the international symbol of access, which is at least three inches in height, centered on the placard, and white on a blue shield for permanent disability cards and white on a red shield for temporary disability cards;

(B) an identification number;

(C) a date of expiration; and

(D) the seal or other identification of the State Department of Highways and Public Transportation.

Sec. 5. (a) The department shall furnish the removable windshield identification cards to the appropriate county tax assessor-collector.

Revisor's Note

(1) Sections 1 and 5, V.A.C.S. Article 6675a-5e.1, refer to "removable windshield identification cards." The revised law substitutes "disabled parking placard" for "removable windshield identification card" for the reason stated in Revisor's Note (1) under Section 681.001 of this code.

(2) Section 1(c)(1)(D), V.A.C.S. Article 6675a-5e.1, refers to the State Department of Highways and Public Transportation. In 1991, the name of the agency was changed by amendment to Article 6663, Revised Statutes (Section 1.01, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991), to the Texas Department of Transportation. The revised law is drafted accordingly.

Revised Law

Sec. 681.003. PARKING PLACARD APPLICATION. (a) An owner of a motor vehicle regularly operated by or for the transportation of a person with a disability may apply for a disabled parking placard.

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

(1) on a form furnished by the department;

(2) submitted to the county assessor-collector of the county in which the person with the disability resides; and
accompanied by a fee of $5.

(c) The first application must be accompanied by acceptable medical proof that the operator or regularly transported passenger has a disability. A written statement from a physician is not required as acceptable medical proof if:

(1) the person with a disability:

(A) has had a limb, hand, or foot amputated; or

(B) must use a wheelchair; and

(2) the applicant and the county assessor-collector issuing the disabled parking placard execute an affidavit attesting to the person's disability. (V.A.C.S. Art. 6675a-5e.1, Secs. 2(b) (part), (c) (part), 3 (part)).

Source Law

[Sec. 2]

(b) Owners of motor vehicles regularly operated by or for the transportation of persons described in Subsection (a) of this section may make application to the department through the county tax collector of the county in which they reside for... a removable windshield identification card on a form prescribed and furnished by the department.... The first such application must be accompanied by acceptable medical proof that the operator or regularly transported passenger is currently or permanently disabled.

(c) A written statement from a physician is not required as acceptable medical proof under this section if:

(1) the disabled person is an amputee who has had a limb, hand, or foot amputated or if the disabled person is confined to a wheelchair; and

(2) the applicant and the county tax collector or his designee issuing the... removable windshield identification card execute a sworn affidavit attesting to the applicant's disability.

Sec. 3. ... Applications for removable windshield identification cards shall be submitted to the county tax collector of the disabled person's county and shall be accompanied by $5....

Reviser's Note

(1) Sections 2 and 3, V.A.C.S. Article 6675a-5e.1, refer to a "removable windshield identification card." The revised law substitutes "disabled parking placard" for "removable windshield identification card" for the reason stated in Reviser's Note (1) under Section 681.001 of this code.
(2) The revised law substitutes "county assessor-collector" for "tax collector" because "county assessor-collector" is the title for that official. See Sections 14, 16, and 16a, Article VIII, Texas Constitution, and Section 6.21, Tax Code.

Revised Law
Sec. 681.004. ISSUANCE OF PARKING PLACARD; EXPIRATION. (a) A person with a permanent disability may receive:

(1) two disabled parking placards, if the person does not receive a set of special license plates under Section 502.253; or

(2) one disabled parking placard, if the person receives a set of special license plates under Section 502.253.

(b) A person with a temporary disability may receive two disabled parking placards.

(c) A disabled parking placard issued to a person with a permanent disability is valid for a maximum period of five years and may be replaced or renewed on request of the person to whom the initial card was issued.

(d) A disabled parking placard issued to a person with a temporary disability expires after the period set by the department and may be renewed at the end of that period if the disability remains. (V.A.C.S. Art. 6675a-5e.1, Secs. 1(b) (part), 2(b) (part).)

Source Law
[Sec. 1]
(b) Cards issued to permanently disabled persons are valid for a maximum period of five years. A card issued to a permanently disabled person may be replaced or renewed on request of the person to whom the initial card was issued. Cards issued to temporarily disabled persons become invalid after a definite time to be determined by the department.

[Sec. 2]
(b) A permanently disabled person may receive a set of special license plates and one removable windshield identification card or may receive no special license plates and two removable windshield identification cards. A temporarily disabled person may receive two removable windshield identification
cards that may be renewed at the end of the period for which they were issued if the disability remains.

Revisor's Note

(1) Section 2, V.A.C.S. Article 6675a-5e.1, refers to "removable windshield identification cards."
The revised law substitutes "disabled parking placard" for "removable windshield identification card" for the reason stated in Revisor's Note (1) under Section 681.001 of this code.

(2) V.A.C.S. Article 6675a-5e.1 provides for the issuance of special license plates and removable windshield identification cards to individuals with permanent disabilities. The provisions of that article relating to the issuance of special license plates are revised as Section 502.253 of this code. For the reader's convenience, the revised law duplicates the limitation in Section 502.253 on the number of special license plates and removable windshield identification cards that an individual may receive.

Revised Law

Sec. 681.005. DUTIES OF COUNTY ASSESSOR-COLLECTOR. Each county assessor-collector shall send to the department:

(1) each fee collected under Section 681.003, to be deposited in the state highway fund to defray the cost of providing the disabled parking placard; and

(2) a copy of each application for a disabled parking placard. (V.A.C.S. Art. 6675a-5e.1, Sec. 3 (part).)

Source Law

Sec. 3. The county tax collector shall forward the fees to the department for deposit in the State Highway Fund to defray the cost of providing the removable windshield identification cards. The county tax collector shall also forward a copy of the application for a removable windshield identification card to the department.
Reviser's Note

The revised law substitutes "county assessor-collector" for "tax collector" for the reason stated in Reviser's Note (2) under Section 681.003 of this code.

Revised Law

Sec. 681.006. PARKING PRIVILEGES: PERSONS WITH DISABILITIES. (a) A vehicle may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities if:

(1) the vehicle is being operated by or for the transportation of a person with a disability; and

(2) there are:

(A) displayed on the vehicle special license plates issued under Section 502.253; or

(B) placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(b) The owner of a vehicle is exempt from the payment of a fee or penalty imposed by a governmental unit for parking at a meter or in a space with a limitation on the length of time for parking if:

(1) the vehicle is being operated by or for the transportation of a person with a disability; and

(2) there are:

(A) displayed on the vehicle special license plates issued under Section 502.253; or

(B) placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(c) The exemption provided by Subsection (b) does not apply to a fee or penalty imposed by a branch of the United States government.

(d) This section does not permit a vehicle to be parked at a time when or a place where parking is prohibited. (V.A.C.S.
ARTICLE 8675A-5E.1, SEC. 6.

Sec. 6. (a) Any vehicle upon which such special license plates are displayed or in which a removable windshield identification card is placed on the rearview mirror of the front windshield, when being operated by or for the transportation of a disabled person, shall be allowed to park for unlimited periods in any parking space or parking area designated specifically for the physically handicapped.

(b) The owner of a vehicle on which the special license plates are displayed or in which a removable windshield identification card is placed on the rearview mirror of the front windshield is exempt from the payment of fees or penalties imposed by a governmental authority for parking at a meter or in a space with a limitation on the length of time for parking, unless the vehicle was not parked at the time by or for the transportation of a disabled person. This exemption does not apply to fees or penalties imposed by a branch of the United States government. This section does not permit parking a vehicle at a place or time that parking is prohibited.

Reviser's Note

(1) Section 6, V.A.C.S. Article 6675A-5E.1, refers to "such special license plates" and "the special license plates," meaning license plates issued under Article 6675A-5E.1. The provisions of Article 6675A-5E.1 relating to the issuance of special license plates are revised as Section 502.253 of this code. The revised law includes a reference to that section.

(2) Section 6, V.A.C.S. Article 6675A-5E.1, refers to a "removable windshield identification card." The revised law substitutes "disabled parking placard" for "removable windshield identification card" for the reason stated in Reviser's Note (1) under Section 681.001 of this code.

Revised Law

Sec. 681.007. PARKING PRIVILEGES: VEHICLES DISPLAYING INTERNATIONAL SYMBOL OF ACCESS. A vehicle may be parked and is exempt from the payment of a fee or penalty in the same manner as a vehicle that has displayed on the vehicle special license plates.
issued under Section 502.253 or a disabled parking placard as provided by Section 681.006 if there is displayed on the vehicle a license plate or placard that:

(1) bears the international symbol of access; and

(2) is issued by a state or by a state or province of a foreign country to the owner or operator of the vehicle for the transportation of a person with a disability. (V.A.C.S. Art. 6675a-5e.1, Sec. 6D.)

Source Law

Sec. 6D. A vehicle displaying a license plate or removable windshield identification card that bears the international symbol of access and that is issued by a state as defined by Section 311.005, Government Code, or a state or province of a foreign country to the owner or operator of the vehicle for the transportation of disabled persons may be parked and is exempt from the payment of fees as provided by Sections 6 and 6A of this Act to the same extent as a vehicle bearing special license plates or a removable windshield identification card issued under Section 1 of this Act.

Revisor's Note

(1) Section 6D, V.A.C.S. Article 6675a-5e.1, refers to "a state as defined by Section 311.005, Government Code." The revised law omits the reference to Section 311.005, Government Code (Code Construction Act), as unnecessary because that section applies to the revised law in the absence of an express reference.

(2) Section 6D, V.A.C.S. Article 6675a-5e.1, refers to Sections 6 and 6A of "this Act," meaning V.A.C.S. Article 6675a-5e.1. The relevant portion of Section 6 is codified in this chapter as Section 681.006, and the revised law is drafted accordingly. The reference to Section 6A is omitted from the revised law because that section does not provide any parking privileges.

(3) Section 6D, V.A.C.S. Article 6675a-5e.1, refers to "special license plates," meaning license plates issued under Article 6675a-5e.1. The provisions
of Article 6675a-5e.1 relating to the issuance of special license plates are revised as Section 502.253 of this code. The revised law includes a reference to that section.

Revised Law

Sec. 681.008. PARKING PRIVILEGES: VETERANS WITH DISABILITIES; CONGRESSIONAL MEDAL OF HONOR RECIPIENTS. A vehicle on which license plates issued under Section 502.254 or 502.255 are displayed is exempt from the payment of a parking fee, including a fee collected through a parking meter, charged by a governmental authority other than a branch of the federal government, when being operated by or for the transportation of:

(1) the person who registered the vehicle under Section 502.254(a) or 502.255; or

(2) a person described in Section 502.254(b) if the vehicle is registered under that subsection. (V.A.C.S. Arts. 6675a-5e, Subsec. (e), 6675a-5e.2, Subsec. (f).)

Source Law

[Art. 6675a-5e]
(e) A vehicle on which these specially designed plates are displayed is exempt from the payment of parking fees, including those collected through parking meters, charged by any governmental authority other than a branch of the federal government:

(1) when being operated by or for the transportation of the person who registered the vehicle under Subsection (a) of this section; or

(2) when being operated by or for the transportation of a disabled veteran, as defined in Subsection (b) of this section, and when registered under that subsection.

[Art. 6675a-5e.2]
(f) A person operating a vehicle bearing license plates issued under this section has the same parking privileges as a person operating a vehicle bearing plates issued under Section 5e of this Act for disabled veterans.

Reviser's Note

(1) Subsection (e), V.A.C.S. Article 6675a-5e, refers to "these specially designed license plates," meaning license plates issued under Article 6675a-5e.
The provisions of Article 6675a-5e relating to the issuance of special license plates are revised as Section 502.254 of this code. The revised law includes a reference to that section.

(2) Subsection (e), V.A.C.S. Article 6675a-5e, refers to Subsections (a) and (b) of "this section," meaning V.A.C.S. Article 6675a-5e. Those statutes are codified in this code as Sections 502.254(a) and 502.254(b), respectively, and the revised law is drafted accordingly.

(3) Subsection (f), V.A.C.S. Article 6675a-5e.2, refers to "license plates issued under this section," meaning Article 6675a-5e.2. The provisions of Article 6675a-5e.2 relating to the issuance of special license plates are revised as Section 502.255 of this code. The revised law includes a reference to that section.

Revised Law

Sec. 681.009. DESIGNATION OF PARKING SPACES BY POLITICAL SUBDIVISION OR PRIVATE PROPERTY OWNER. (a) A political subdivision or a person who owns or controls property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities.

(b) A political subdivision must designate a parking space or area by conforming to the standards and specifications adopted by the commissioner of licensing and regulation under Section 5(c), Article 9102, Revised Statutes, relating to the identification and dimensions of parking spaces for persons with disabilities. A person who owns or controls private property used for parking may designate a parking space or area without conforming to those standards and specifications, unless required to conform by law.

(c) A political subdivision may require a private property owner or a person who controls property used for parking:
(1) to designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities; or

(2) to conform to the standards and specifications referred to in Subsection (b) when designating a parking space or area for persons with disabilities.

(d) The department shall provide at cost a design and stencil for use by a political subdivision or person who owns or controls property used for parking to designate spaces as provided by this section. (V.A.C.S. Art. 6675a-5e.1, Secs. 5(b), 6A(a), (b).)

Source Law

[Sec. 5]

(b) The department shall provide at cost a design and stencil for use by political subdivisions or persons who own or control property used for parking to designate parking spaces as provided by this Act.

Sec. 6A. (a) A political subdivision or a person who owns or controls property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons. A political subdivision designates a space or area by conforming to the rules promulgated by the State Purchasing and General Services Commission under Subsection (c) of Section 7.05 of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), relating to the identification and dimensions of parking spaces for the disabled. A person who owns or controls private property used for parking may designate a parking space or area specifically for the disabled without conforming to these rules relating to the identification and dimensions of parking spaces for the disabled, unless required to conform by state or local law.

(b) A political subdivision may require a private property owner or a person who controls property used for parking:

(1) to designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons; or

(2) to conform to the identification and dimension requirements referred to in Subsection (a) of this section when designating a parking space or area for the disabled.
Revisor's Note

Section 6A(a), V.A.C.S. Article 6675a-5e.1, refers to "rules promulgated by the State Purchasing and General Services Commission under Subsection (c) of Section 7.05 of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes)." Section 4.01, Chapter 8, Acts of the 72nd Legislature, 2nd Called Session, 1991, amended that act by transferring Article 7, relating to architectural barriers, to Article 9102, Revised Statutes, and by transferring authority over accessibility standards from the State Purchasing and General Services Commission to the commissioner of licensing and regulation. Section 8, Article 9102, Revised Statutes, provides that a reference in law to Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), means Article 9102. The revised law is drafted accordingly.

Revised Law

Sec. 681.010. ENFORCEMENT. (a) A peace officer or a person designated by a political subdivision to enforce parking regulations may file a charge against a person who commits an offense under this chapter at a parking space or area designated as provided by Section 681.009.

(b) A security officer commissioned under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) and employed by the owner of private property may file a charge against a person who commits an offense under this chapter at a parking space or area designated by the owner of the property as provided by Section 681.009. (V.A.C.S. Art. 6675a-5e.1, Sec. 6A(d).)

Source Law

(d) A peace officer or a person designated by a political subdivision to enforce parking regulations
may file charges against a person who commits an offense under this Act at a parking space or a parking area designated specifically for the temporarily or permanently disabled by a political subdivision or a private property owner as provided by Subsection (a) of this section. A security officer commissioned under the Private Investigators and Private Security Agencies Act, as amended, (Article 4413(29bb), Vernon's Texas Civil Statutes), and employed by the owner of private property may file charges against a person who commits an offense under this Act at a parking space or area designated for the disabled by the owner of the private property as provided by Subsection (a) of this section.

Revisor's Note
Section 6A(d), V.A.C.S. Article 6675a-5e.1, refers to Subsection (a) of "this section," meaning Section 6A, V.A.C.S. Article 6675a-5e.1. That statute is codified in this chapter as Section 681.009, and the revised law is drafted accordingly.

Revised Law
Sec. 681.011. OFFENSES; PRESUMPTION. (a) A person commits an offense if:

1. the person parks a vehicle on which are displayed license plates issued under Section 502.253 or a disabled parking placard in a parking space or area designated specifically for persons with disabilities by:
   A. a political subdivision; or
   B. a person who owns or controls private property used for parking as to which a political subdivision has provided for the application of this section under Subsection (f);

2. the person does not have a disability; and

3. the person is not transporting a person with a disability.

(b) A person commits an offense if the person parks a vehicle on which license plates issued under Section 502.253 are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities by:

1. a political subdivision; or
(2) A person who owns or controls private property used for parking as to which a political subdivision has provided for the application of this section under Subsection (f).

(c) A person commits an offense if the person parks a vehicle so that the vehicle blocks an architectural improvement designed to aid persons with disabilities, including an access or curb ramp.

(d) A person commits an offense if the person lends a disabled parking placard issued to the person to a person who uses the placard in violation of this section.

(e) In a prosecution under this section, it is presumed that the registered owner of the motor vehicle is the person who parked the vehicle at the time and place the offense occurred.

(f) A political subdivision may provide that this section applies to a parking space or area for persons with disabilities on private property that is designated in compliance with the identification requirements referred to in Section 681.009(b).

(g) An offense under this section is a Class C misdemeanor.

(V.A.C.S. Art. 6675a-5e.1, Secs. 6A(c), 10, 11.)

Source Law

[Sec. 6A]

(c) A political subdivision may provide for the application of Section 10 of this Act to any parking space or area for the disabled on private property designated in compliance with the identification requirements referred to in Subsection (a) of this section.

Sec. 10. (a) A person commits an offense if the person is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person and parks a vehicle with such special license plates or displaying a removable windshield identification card in a parking space or parking area designated specifically for the disabled by a political subdivision or by a person who owns or controls private property used for parking for which a political subdivision has provided for the application of this section under Subsection (c) of Section 6A of this Act.

(b) A person commits an offense if the person parks a vehicle neither displaying special license plates nor displaying a removable windshield identification card in a parking space or parking area designated specifically for the disabled by a political subdivision or by a person who owns or controls private property used for parking for which a political subdivision has provided for the application of this section.
section under Subsection (c) of Section 6A of this Act.

(c) A person commits an offense if the person parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

(d) A person commits an offense if he lends a removable windshield identification card issued to him under this Act to a person who uses the removable windshield identification card in violation of this section.

(e) An offense under this section is a Class C misdemeanor.

Sec. 11. In a prosecution of an offense under Section 10 of this Act, it is presumed that the registered owner of the motor vehicle that is the subject of the prosecution is the person who parked the vehicle at the time and place the offense occurred.

Reviser's Note

(1) Section 6A(c), V.A.C.S. Article 6675a-5e.1, refers to "Subsection (a) of this section," meaning Section 6A, V.A.C.S. Article 6675a-5e.1. The relevant portion of that statute is codified in this chapter as Section 681.009(b), and the revised law is drafted accordingly.

(2) Section 10, V.A.C.S. Article 6675a-5e.1, refers to "special license plates," meaning license plates issued under Article 6675a-5e.1. The provisions of Article 6675a-5e.1 relating to the issuance of special license plates are revised as Section 502.253 of this code. The revised law includes a reference to that section.

(3) Section 10, V.A.C.S. Article 6675a-5e.1, refers to a "removable windshield identification card." The revised law substitutes "disabled parking placard" for "removable windshield identification card" for the reason stated in Reviser's Note (1) under Section 681.001 of this code.

CHAPTER 682. ADMINISTRATIVE ADJUDICATION OF VEHICLE PARKING AND STOPPING OFFENSES IN CERTAIN MUNICIPALITIES

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CHAPTER 682. ADMINISTRATIVE ADJUDICATION OF VEHICLE PARKING AND STOPPING OFFENSES IN CERTAIN MUNICIPALITIES

Revised Law
Sec. 682.001. APPLICABILITY. This chapter applies only to a municipality that:
(1) has a population greater than 125,000 and operates under a council-manager form of government; or
(2) has a population of 500,000 or more. (V.A.C.S. Art. 6701d-24, Sec. 9.)

Source Law
Sec. 9. This article applies only to a municipality that:
(1) has a population in excess of 125,000 according to the most recent federal census which operates under a council-manager form of government; or
(2) has a population of 500,000 or more according to the most recent federal census.

Revisor's Note
Section 9, V.A.C.S. Article 6701d-24, describes population numbers that are to be determined according to the most recent federal census. The revised law omits the references to the federal census because the references are unnecessary. Section 311.005(3), Government Code (Code Construction Act), and Section 74C263 JD-D 3651
312.011(20), Government Code, define "population" as population according to the most recent federal decennial census. That definition applies to the revised law.

Revised Law

Sec. 682.002. CIVIL OFFENSE. A municipality may declare the violation of a municipal ordinance relating to parking or stopping a vehicle to be a civil offense. (V.A.C.S. Art. 6701d-24, Sec. 1 (part).)

Source Law

Art. 6701d-24
Sec. 1. A municipality may declare the violation of city ordinances relating to parking and stopping vehicles to be civil offenses . . . .

Revisor's Note

Section 1, V.A.C.S. Article 6701d-24, refers to "city" ordinances. The revised law substitutes the term "municipal" for "city" because that is the term used in the Local Government Code.

Revised Law

Sec. 682.003. ADOPTION OF ORDINANCE ESTABLISHING HEARING PROCEDURE. A municipality may by ordinance establish an administrative adjudication hearing procedure under which a civil fine may be imposed. (V.A.C.S. Art. 6701d-24, Secs. 1 (part), 2(a) (part).)

Source Law

Sec. 1. [A municipality may] . . . prescribe civil fines pursuant to the procedures for administrative adjudication as provided by this article.

Sec. 2. (a) A municipality may adopt an ordinance establishing an administrative adjudication hearing procedure . . . .

Revised Law

Sec. 682.004. CONTENT OF ORDINANCE. An ordinance adopted
under this chapter must provide that a person charged with
violating a parking or stopping ordinance is entitled to a hearing
and provide for:

(1) the period during which a hearing must be held;
(2) the appointment of a hearing officer with
authority to administer oaths and issue orders compelling the
attendance of witnesses and the production of documents; and
(3) the amount and disposition of civil fines, costs,
and fees. (V.A.C.S. Art. 6701d-24, Secs. 2(a) (part), 7.)

Source Law

Sec. 2. (a) . . . The ordinance must provide:
(1) a period for persons charged with
violating a parking or stopping ordinance to have a
hearing; and
(2) for appointment of hearing officers
who have authority to administer oaths and to issue
orders compelling the attendance of witnesses and the
production of documents.

Sec. 7. The ordinance must provide for the
amount and disposition of civil fines, costs, and fees.

Revised Law

Sec. 682.005. ENFORCEMENT OF ORDER CONCERNING WITNESSES AND
DOCUMENTS. A municipal court may enforce an order of the hearing
officer compelling the attendance of a witness or the production of
a document. (V.A.C.S. Art. 6701d-24, Sec. 2(b).)

Source Law

(b) An order compelling the attendance of
witnesses or the production of documents may be
enforced by a municipal court.

Revised Law

Sec. 682.006. CITATION OR SUMMONS. (a) A citation or
summons issued for a vehicle parking or stopping civil offense
under this chapter must:

(1) provide information as to the time and place of an
administrative adjudication hearing; and
(2) contain a notification that the person charged
with the civil offense has the right to an instanter hearing.
(b) The original or any copy of the summons or citation shall be kept as a record in the ordinary course of business of the municipality and is rebuttable proof of the facts it contains. (V.A.C.S. Art. 6701d-24, Sec. 4(a) (part).)
adjudication hearing under this chapter:

(1) it is presumed that the registered owner of the
motor vehicle is the person who parked or stopped the vehicle at
the time and place of the offense charged; and

(2) the Texas Department of Transportation's
computer-generated record of the registered vehicle owner is prima
facie evidence of the contents of the record. (V.A.C.S. Art.
6701d-24, Sec. 3.)

Source Law

Sec. 3. In an administrative adjudication of an
offense under this article, it is presumed that the
registered owner of the motor vehicle that is the
subject of the administrative hearing is the person who
parked or stopped the vehicle at the time and place of
the offense charged, and that a State Department of
Highways and Public Transportation computer-generated
record of the registered vehicle owner is prima facie
evidence of its contents.

Revisor's Note

Section 3, V.A.C.S. Article 6701d-24, refers to
the State Department of Highways and Public
Transportation. In 1991, the name of the agency was
changed by amendment to Article 6663, Revised Statutes
(Section 1.01, Chapter 7, Acts of the 72nd Legislature,
1st Called Session, 1991), to the Texas Department of
Transportation. The revised law is drafted
accordingly.

Revised Law

Sec. 682.009. ORDER. (a) The hearing officer at an
administrative adjudication hearing under this chapter shall issue
an order stating:

(1) whether the person charged with the violation is
liable for the violation; and

(2) the amount of any fine, cost, or fee assessed
against the person.

(b) The order issued under Subsection (a) may be filed with
the clerk or secretary of the municipality. The clerk or secretary shall keep the order in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques. (V.A.C.S. Art. 6701d-24, Secs. 4(b), 6.)

Source Law

[Sec. 4]
(b) The hearing officer shall issue an order stating whether or not the person charged is liable for violation of the parking or stopping ordinance and the amount of any fine, costs, or fee assessed against him. The order may be filed with the clerk or secretary of the city.

Sec. 6. An order or decision of a hearing officer filed with the clerk or secretary of the city must be kept in a separate index and file. These orders or decisions may be recorded using computer printouts, microfilm, microfiche, or other similar data processing techniques.

Revisor's Note

(1) The revised law omits the reference to "decision" in Section 6, V.A.C.S. Article 6701d-24, since only "order" rather than "order or decision" is used elsewhere in that article and the revised law.

(2) Sections 4(b) and 6, V.A.C.S. Article 6701d-24, refer to the clerk or secretary of the "city." Subsection (b) of the revised law substitutes "municipality" for "city" for the reason stated in the reviser's note under Section 682.002 of this code.

(3) The revised law omits the reference in Section 6, V.A.C.S. Article 6701d-24, to "computer printouts" because those are included within the meaning of "data processing techniques."

Revised Law

Sec. 682.010. ENFORCEMENT. An order filed under Section 682.009 may be enforced by:

(1) impounding the vehicle if the offender has committed three or more vehicle parking or stopping offenses in a calendar year;
(2) placing a device on the vehicle that prohibits movement of the motor vehicle;
(3) imposing an additional fine if the original fine is not paid within a specified time; or
(4) denying issuance of a parking permit. (V.A.C.S. Art. 6701d-24, Sec. 5.)

Source Law
Sec. 5. An order filed under Subsection (b) of Section 4 of this article may be enforced by:
(1) impounding the vehicle; however, no vehicle may be impounded unless the offender has committed three or more offenses in any calendar year;
(2) placing a device that prohibits movement of a motor vehicle on the vehicle that is the subject of the order filed;
(3) added fine if not paid within a specified time;
(4) denial of parking permits; or
(5) refusing to allow the registration of the vehicle as provided by Subsection (a-3), Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes).

Revisor's Note
(1) The revised law omits Section 5(5), V.A.C.S. Article 6701d-24, because the law to which it refers, Subsection (a-3), Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), does not exist.

(2) The revised law adds "vehicle parking or stopping" to "offenses" for clarity.

Revised Law
Sec. 682.011. APPEAL. (a) A person whom the hearing officer determines to be in violation of a vehicle parking or stopping ordinance may appeal the determination by filing a petition with the clerk of a municipal court and paying the costs required by law for municipal court not later than the 30th day after the date on which the order is filed.

(b) The municipal court clerk shall schedule a hearing and
notify each party of the date, time, and place of the hearing.

(c) An appeal does not stay enforcement and collection of the judgment unless the person, before appealing, posts bond with the agency of the municipality designated by ordinance to accept payment for a violation of a parking or stopping ordinance.

(V.A.C.S. Art. 6701d-24, Sec. 8.)

Source Law

Sec. 8. (a) A person determined by the hearing officer to be in violation of a parking or stopping ordinance may appeal this determination to a municipal court. The appeal is instituted by filing, not later than the 30th day after the filing of the hearing officer's order, a petition with the clerk of the court along with payment of the costs required by law for municipal court.

(b) After filing a petition for appeal, the municipal clerk shall schedule a hearing and notify all parties of the date, time, and place of the hearing.

(c) Service of notice of appeal under this section does not stay the enforcement and collection of the judgment unless the person who files the appeal posts bond before filing notice of appeal with the agency of the municipality designated by ordinance to accept payments for violations of parking and stopping ordinances.
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CHAPTER 683. ABANDONED MOTOR VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 683.001. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of Transportation.

(2) "Garagekeeper" means an owner or operator of a storage facility.

(3) "Law enforcement agency" means:
   (A) the Department of Public Safety;
   (B) the police department of a municipality;
   (C) the police department of an institution of higher education; or
   (D) a sheriff or a constable.

(4) "Motor vehicle" means a vehicle that is subject to registration under Chapter 501.

(5) "Motor vehicle demolisher" means a person in the business of:
   (A) converting motor vehicles into processed scrap or scrap metal; or
   (B) wrecking or dismantling motor vehicles.

(6) "Outboard motor" means an outboard motor subject to registration under Chapter 31, Parks and Wildlife Code.

(7) "Storage facility" includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

(8) "Watercraft" means a vessel subject to registration under Chapter 31, Parks and Wildlife Code. (V.A.C.S. Art. 4477-9a, Secs. 5.01(1), (3), (4), (6), (7).)

Source Law

Sec. 5.01. In this article:

(1) "Police department" means the Department of Public Safety, the police department of any city, town, or municipality, acting under the general police power authority as vested in such department by its respective governing body, the police
department of any institution of higher education, or
the sheriff or a constable of any county.

(3) "Demolisher" means a person whose
business is to convert a motor vehicle into processed
scrap or scrap metal or to otherwise wreck or dismantle
a motor vehicle.

(4) "Garagekeeper" means an owner or
operator of a parking place or establishment, motor
vehicle storage facility, or establishment for the
servicing, repair, or maintenance of a motor vehicle.

(6) "Storage facility" means a garage,
parking lot, or any type of facility or establishment
for the servicing, repairing, storing, or parking of
motor vehicles.

(7) "Motor vehicle" means a motor vehicle
subject to registration under the Certificate of Title
Act (Article 6687-1, Vernon's Texas Civil Statutes),
except that for purposes of Sections 5.02, 5.03,
and 5.04 of this Act, "motor vehicle" includes a motorboat,
outboard motor, or vessel subject to registration under
Chapter 31, Texas Parks and Wildlife Code.

Reviser's Note
(1) The definition of "department" is added to
the revised law for drafting convenience and to
eliminate frequent, unnecessary repetition of the
substance of the definition.
(2) Section 5.01(7), V.A.C.S. Article 4477-9a,
refers to "the Certificate of Title Act (Article
6687-1, Vernon's Texas Civil Statutes)." That statute
is codified in this code as Chapter 501, and the
revised law is drafted accordingly.
(3) Section 5.01(1), V.A.C.S. Article 4477-9a,
refers to "any city, town, or municipality." The
revised law substitutes the term "municipality" for
"city" and "town" because that is the term used in the
Local Government Code.

Revised Law
Sec. 683.002. ABANDONED MOTOR VEHICLE. For the purposes of
this chapter, a motor vehicle is abandoned if the motor vehicle:

(1) is inoperable, is more than five years old, and
has been left unattended on public property for more than 48 hours;

(2) has remained illegally on public property for more
than 48 hours;
(3) has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours; or

(4) has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours or on a turnpike project constructed and maintained by the Texas Turnpike Authority for more than 12 hours. (V.A.C.S. Art. 4477-9a, Sec. 5.01(2).)

Source Law

[Sec. 5.01. In this article:] (2) "Abandoned motor vehicle" means a motor vehicle that is inoperable and more than five years old and left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours, or a motor vehicle left unattended on the right-of-way of a designated county, state, or federal highway within this state for more than 48 hours or for more than 12 hours on a turnpike project constructed and maintained by the Texas Turnpike Authority.

Revised Law

Sec. 683.003. CONFLICT OF LAWS; EFFECT ON OTHER LAWS. (a) Sections 683.051-683.055 may not be read as conflicting with Sections 683.074-683.078.

(b) This chapter does not affect a law authorizing the immediate removal of a vehicle left on public property that is an obstruction to traffic. (V.A.C.S. Art. 4477-9a, Secs. 5.06(a) (part), 5.12.)

Source Law

Sec. 5.06. (a) . . . Nothing in this section may be construed as being in conflict with the provisions of Sections 5.09 and 5.10 of this article. . . .

Sec. 5.12. This article does not affect a law authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property.
Sec. 5.02. (a) A police department may take into custody an abandoned motor vehicle found on public or private property.

(b) A police department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle it takes into custody.

Sec. 683.012. TAKING ABANDONED MOTOR VEHICLE INTO CUSTODY: NOTICE. (a) A law enforcement agency shall send notice of abandonment to:

(1) the last known registered owner of each motor
vehicle, watercraft, or outboard motor taken into custody by the
agency or for which a report is received under Section 683.031; and

(2) each lienholder recorded under Chapter 501 for the
motor vehicle or under Chapter 31, Parks and Wildlife Code, for the
watercraft or outboard motor.

(b) The notice under Subsection (a) must:

(1) be sent by certified mail not later than the 10th
day after the date the agency:

(A) takes the abandoned motor vehicle,
watercraft, or outboard motor into custody; or

(B) receives the report under Section 683.031;

(2) specify the year, make, model, and identification
number of the item;

(3) give the location of the facility where the item
is being held;

(4) inform the owner and lienholder of the right to
claim the item not later than the 20th day after the date of the
notice on payment of:

(A) towing, preservation, and storage charges;

or

(B) garagekeeper's charges and fees under
Section 683.032; and

(5) state that failure of the owner or lienholder to
claim the item during the period specified by Subdivision (4) is:

(A) a waiver by that person of all right, title,
and interest in the item; and

(B) consent to the sale of the item at a public
auction.

(c) Notice by publication in one newspaper of general
circulation in the area where the motor vehicle, watercraft, or
outboard motor was abandoned is sufficient notice under this
section if:

(1) the identity of the last registered owner cannot
be determined;
1. (2) the registration has no address for the owner; or
2. (3) the determination with reasonable certainty of the
3. identity and address of all lienholders is impossible.
4. (d) Notice by publication:
5. (1) must be published in the same period that is
6. required by Subsection (b) for notice by certified mail and contain
7. all of the information required by that subsection; and
8. (2) may contain a list of more than one abandoned
9. motor vehicle, watercraft, or outboard motor. (V.A.C.S.
10. Art. 4477-9a, Secs. 5.03(a), (b); 5.05(c) (part).)

Source Law

Sec. 5.03. (a) A police department that takes
into custody an abandoned motor vehicle shall notify
not later than the 10th day after taking the motor
vehicle into custody, by certified mail, the last known
registered owner of the motor vehicle and all lien
holders of record pursuant to the Certificate of Title
Act (Article 6687-1, Vernon's Texas Civil Statutes), or
Chapter 31, Parks and Wildlife Code, that the vehicle
has been taken into custody. The notice shall describe
the year, make, model, and vehicle identification
number of the abandoned motor vehicle, set forth the
location of the facility where the motor vehicle is
being held, inform the owner and any lien holders of
their right to reclaim the motor vehicle not later than
the 20th day after the date of the notice, on payment
of all towing, preservation, and storage charges
resulting from placing the vehicle in custody, or
garagekeeper's charges if notice is under Section 5.05
of this article. The notice shall also state that the
failure of the owner or lien holders to exercise their
right to reclaim the vehicle within the time provided
constitutes a waiver by the owner and lien holders of
all right, title, and interest in the vehicle and their
consent to the sale of the abandoned motor vehicle at a
public auction.

(b) If the identity of the last registered owner
cannot be determined, if the registration contains no
address for the owner, or if it is impossible to
determine with reasonable certainty the identity and
addresses of all lien holders, notice by one
publication, in one newspaper of general circulation in
the area where the motor vehicle was abandoned is
sufficient notice under this article. The notice by
publication may contain multiple listings of abandoned
vehicles, shall be published within the time
requirements prescribed for notice by certified mail,
and shall have the same contents required for a notice
by certified mail.

[Sec. 5.05]

(c) The police department, upon receipt of a
report from a garagekeeper of the possession of a
vehicle considered abandoned under the provisions of
this section shall follow the notification procedures
provided by Section 5.03 of this article . . . .
Reviser's Note

Section 5.03(a), V.A.C.S. Article 4477-9a, refers to "the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes)." The revised law substitutes "Chapter 501" for the reason stated in Reviser's Note (2) under Section 683.001 of this code.

Revised Law

Sec. 683.013. STORAGE FEES. A law enforcement agency or the agent of a law enforcement agency that takes into custody an abandoned motor vehicle, watercraft, or outboard motor is entitled to reasonable storage fees:

(1) for not more than 10 days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and

(2) beginning on the day after the day the agency mails notice and ending on the day accrued charges are paid and the vehicle, watercraft, or outboard motor is removed. (V.A.C.S. Art. 4477-9a, Sec. 5.03(d).)

Source Law

(d) A police department or an agent of a police department that takes custody of an abandoned motor vehicle is entitled to reasonable storage fees for:

(1) a period of not more than 10 days beginning on the day the department takes custody and continuing through the day the department mails notice as provided by this section; and

(2) a period beginning on the day after the day the department mails notice and continuing through the day any accrued charges are paid and the vehicle is removed.

Revised Law

Sec. 683.014. AUCTION OR USE OF ABANDONED ITEMS; WAIVER OF RIGHTS. (a) If an abandoned motor vehicle, watercraft, or outboard motor is not claimed under Section 683.012:

(1) the owner or lienholder:

(A) waives all rights and interests in the item; and
(B) consents to the sale of the item by public auction; and

(2) the law enforcement agency may sell the item at a public auction or use the item as provided by Section 683.016.

(b) Proper notice of the auction shall be given. A garagekeeper who has a garagekeeper's lien shall be notified of the time and place of the auction.

(c) The purchaser of a motor vehicle, watercraft, or outboard motor:

(1) takes title free and clear of all liens and claims of ownership;

(2) shall receive a sales receipt from the law enforcement agency; and

(3) is entitled to register the motor vehicle, watercraft, or outboard motor and receive a certificate of title.

(V.A.C.S. Art. 4477-9a, Secs. 5.03(c), 5.04 (part).)

Source Law

[Sec. 5.03]

(c) The consequences and effect of failure to reclaim an abandoned motor vehicle are as set forth in a valid notice given under this section.

Sec. 5.04. If an abandoned motor vehicle has not been reclaimed as provided by Section 5.03 of this article, the police department may use the abandoned motor vehicle for police department purposes as provided by Section 5.031 of this article or sell the vehicle at a public auction. Proper notice of the public auction shall be given, and in the case of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of the auction. The purchaser of the motor vehicle takes title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and is entitled to register the purchased vehicle and receive a certificate of title. . . .

Revised Law

Sec. 683.015. AUCTION PROCEEDS. (a) A law enforcement agency is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, watercraft, or outboard motor for:

(1) the cost of the auction;

(2) towing, preservation, and storage fees resulting
from the taking into custody; and

(3) the cost of notice or publication as required by

Section 683.012.

(b) After deducting the reimbursement allowed under

Subsection (a), the proceeds of the sale shall be held for 90 days

for the owner or lienholder of the vehicle.

(c) After the period provided by Subsection (b), proceeds

unclaimed by the owner or lienholder shall be deposited in an

account that may be used for the payment of auction, towing,

preservation, storage, and notice and publication fees resulting

from taking other vehicles, watercraft, or outboard motors into

custody if the proceeds from the sale of the other items are

insufficient to meet those fees.

(d) A municipality or county may transfer funds in excess of

$1,000 from the account to the municipality's or county's general

revenue account to be used by the law enforcement agency.

(V.A.C.S. Art. 4477-9a, Sec. 5.04 (part).)

Source Law

Sec. 5.04. ... From the proceeds of the sale

of an abandoned motor vehicle, the police department

shall reimburse itself for the expenses of the auction,

the costs of towing, preserving, and storing the

vehicle that resulted from placing the abandoned motor

vehicle in custody, and all notice and publication

costs incurred under Section 5.03 of this article. Any

remainder from the proceeds of a sale shall be held for

the owner of the vehicle or entitled lien holder for 90

days and then shall be deposited in a special fund that

shall remain available for the payment of auction,

towing, preserving, storage, and all notice and

publication costs that result from placing another

abandoned vehicle in custody, if the proceeds from a

sale of another abandoned motor vehicle are

insufficient to meet these expenses and costs. A

municipality or county may transfer the amount in the

special fund that exceeds $1,000 from the special fund

to the municipality's or county's general revenue

account to be used by the police department.

Revised Law

Sec. 683.016. LAW ENFORCEMENT AGENCY USE OF CERTAIN

ABANDONED MOTOR VEHICLES. (a) The law enforcement agency that

takes an abandoned motor vehicle into custody that is not claimed
under Section 683.012 may use the vehicle for agency purposes.

(b) The law enforcement agency shall auction the vehicle as provided by this subchapter if the agency discontinues use of the vehicle.

(c) This section does not apply to an abandoned vehicle on which there is a garagekeeper's lien.

(d) This section does not apply to a vehicle that is:

1. taken into custody by a law enforcement agency located in a county with a population of 2.4 million or more; and
2. removed to a privately owned storage facility.

(V.A.C.S. Art. 4477-9a, Secs. 5.031(a), (b) (part), (c), (d).)

Source Law

Sec. 5.031. (a) If an abandoned motor vehicle has not been reclaimed as provided by Section 5.03 of this article, the police department that originally took custody of the abandoned motor vehicle may use that vehicle for police department purposes as provided by this section.

(b) The police department may use the abandoned motor vehicle for police department purposes... If the police department discontinues use of the abandoned motor vehicle, the department shall auction the vehicle as provided by Section 5.04 of this article.

(c) This section does not apply to an abandoned motor vehicle with a garagekeeper's lien.

(d) This section does not apply to a motor vehicle that is taken into custody by a police department located in a county with a population of 2.4 million or more according to the most recent federal decennial census and that is removed to a privately owned storage facility.

Reviser's Note

(1) Section 5.031(b), V.A.C.S. Article 4477-9a, allows a police department to use an abandoned motor vehicle if the department considers it "cost-effective." The revised law omits that reference to the use being "cost-effective" because it is not a limitation on the use of the vehicle and therefore is meaningless. The omitted provision reads:

[(b) The police department may use the abandoned motor vehicle for police department purposes] as long as the department considers it cost-effective. . . .
Section 5.031(d), V.A.C.S. Article 4477-9a, describes a population number that is to be determined according to the most recent federal census. The revised law omits the reference to the federal census because the reference is unnecessary. Section 311.005(3), Government Code (Code Construction Act), and Section 312.011(20), Government Code, define "population" as population according to the most recent federal decennial census. That definition applies to the revised law.

[Sections 683.017-683.030 reserved for expansion]

SUBCHAPTER C. VEHICLE ABANDONED IN STORAGE FACILITY

Revised Law
Sec. 683.031. GARAGEKEEPER'S DUTY: ABANDONED MOTOR VEHICLES. (a) A motor vehicle is abandoned if the vehicle is left in a storage facility operated for commercial purposes after the 10th day after the date on which:

(1) the garagekeeper gives notice by registered or certified mail, return receipt requested, to the last known registered owner of the vehicle and to each lienholder of record of the vehicle under Chapter 501 to remove the vehicle;

(2) a contract for the vehicle to remain on the premises of the facility expires; or

(3) the vehicle was left in the facility, if the vehicle was left by a person other than the registered owner or a person authorized to have possession of the vehicle under a contract of use, service, storage, or repair.

(b) If notice sent under Subsection (a)(1) is returned unclaimed by the post office, substituted notice is sufficient if published in one newspaper of general circulation in the area where the vehicle was left.

(c) The garagekeeper shall report the abandonment of the motor vehicle to a law enforcement agency and shall pay a $5 fee to
be used by the law enforcement agency for the cost of the notice required by this subchapter or other cost incurred in disposing of the vehicle. A fee paid to the Department of Public Safety shall be used to administer this chapter.

(d) The garagekeeper shall retain custody of an abandoned motor vehicle until the law enforcement agency takes the vehicle into custody under Section 683.034. (V.A.C.S. Art. 4477-9a, Secs. 5.05(a), (b) (part), (c) (part).)

Source Law

Sec. 5.05. (a) A motor vehicle left for more than 10 days in a storage facility operated for commercial purposes after notice is given by registered or certified mail, return receipt requested, to the owner and to any lien holder of record under the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes) to pick up the vehicle, or for more than 10 days after a period when under a contract the vehicle was to remain on the premises of the storage facility, or a motor vehicle left for more than 10 days in a storage facility by someone other than the registered owner or by a person authorized to have possession of the motor vehicle under a contract of use, service, storage, or repair, is considered an abandoned vehicle, and shall be reported by the garagekeeper to the police department. If the notice to the owner or a lien holder is returned by the post office unclaimed, notice by one publication in one newspaper of general circulation in the area in which the vehicle was left in storage is sufficient notice.

(b) ... until notification is mailed to the last known registered owner and all lien holders of record as provided by Subsection (a) of this section. ...

(c) ... except that custody of the vehicle shall remain with the garagekeeper until after compliance with the notification requirements. A fee of $5 shall accompany the report of the garagekeeper to the police department. The $5 fee shall be retained by the police department receiving the report and used to defray the cost of notification or other cost incurred in the disposition of an abandoned motor vehicle. If the Department of Public Safety is the police department involved this fee shall be deposited in the state treasury and shall be used to defray the cost of administering this article.

Reviser's Note

(1) Section 5.05(a), V.A.C.S. Article 4477-9a, refers to "the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes)." The revised law substitutes "Chapter 501" for the reason stated in
Reviser's Note (2) under Section 683.001 of this code.

(2) Section 5.05(c), V.A.C.S. Article 4477-9a, requires fees to be deposited in the state treasury. The revised law omits that requirement because Section 404.094, Government Code (State Funds Reform Act), requires all money, including the referenced fees, collected or received by a state agency to be deposited in the state treasury to the credit of the general revenue fund. It is unnecessary to repeat that requirement in this chapter.

Revised Law

Sec. 683.032. GARAGEKEEPER'S FEES AND CHARGES. (a) A garagekeeper who acquires custody of a motor vehicle for a purpose other than repair is entitled to towing, preservation, and notification charges and reasonable storage fees, in addition to storage fees earned under a contract, for each day:

(1) not to exceed five days, until the notice described by Section 683.031(a) is mailed; and

(2) after notice is mailed, until the vehicle is removed and all accrued charges are paid.

(b) A garagekeeper who fails to report an abandoned motor vehicle to a law enforcement agency within 48 hours after it has been abandoned may not claim reimbursement for storage of the vehicle.

(c) This subchapter does not impair any lien that a garagekeeper has on a vehicle except for the termination or limitation of claim for storage for the failure to report the vehicle to the law enforcement agency. (V.A.C.S. Art. 4477-9a, Secs. 5.05(b), (e).)

Source Law

(b) If a garagekeeper or storage facility acquires possession of a motor vehicle for a purpose other than repair, the garagekeeper or storage facility is entitled to towing, preservation, and notification charges and to reasonable storage fees, in addition to storage fees earned pursuant to contract, for a maximum
of 5 days only until notification is mailed to the last
known registered owner and all lien holders of record
as provided by Subsection (a) of this section. After
such notice is mailed, storage fees may continue until
the vehicle is removed and all accrued charges are
paid. A garagekeeper who fails to report the
possession of an abandoned vehicle to the police
department within 48 hours after it becomes abandoned
may no longer claim reimbursement for storage of the
vehicle.

(e) Except for the termination or limitation of
claim for storage for failure to report an abandoned
motor vehicle, nothing in this section may be construed
to impair any lien of a garagekeeper under the laws of
this state.

Revised Law
Sec. 683.033. UNAUTHORIZED STORAGE FEE; OFFENSE. (a) A
person commits an offense if the person charges a storage fee for a
period for which the fee is not authorized by Section 683.032.
(b) An offense under this subsection is a misdemeanor
punishable by a fine of not less than $200 or more than $1,000.
(V.A.C.S. Art. 4477-9a, Sec. 5.05(f).)

Source Law
(f) A person charging fees under Subsection (b)
of this section commits an offense if the person
charges a storage fee for a period of time not
authorized by that subsection. An offense under this
subsection is punishable by a fine of not less than
$200 nor more than $1,000.

Revised Law
Sec. 683.034. DISPOSAL OF VEHICLE ABANDONED IN STORAGE
FACILITY. (a) A law enforcement agency shall take into custody an
abandoned vehicle left in a storage facility that has not been
claimed in the period provided by the notice under Section 683.012.
(b) The law enforcement agency may use the vehicle as
authorized by Section 683.016 or sell the vehicle at auction as
provided by Section 683.014. If a vehicle is sold, the proceeds of
the sale shall first be applied to a garagekeeper's charges for
service, storage, and repair of the vehicle.
(c) As compensation for expenses incurred in taking the
vehicle into custody and selling it, the law enforcement agency
shall retain:

(1) two percent of the gross proceeds of the sale of
the vehicle; or

(2) all the proceeds if the gross proceeds of the sale
are less than $10.

(d) Surplus proceeds shall be distributed as provided by
Section 683.015. (V.A.C.S. Art. 4477-9a, Sec. 5.05(d).)

Source Law

(d) An abandoned vehicle left in a storage
facility and not reclaimed after notice is sent in the
manner provided by Section 5.03 of this article shall
be taken into custody by the police department and used
for police department purposes as provided by Section
5.031 of this article or sold in the manner provided by
Section 5.04 of this article. The proceeds of a sale
under this section shall first be applied to the
garagekeeper's charges for servicing, storage, and
repair, but as compensation for the expense incurred by
the police department in placing the vehicle in custody
and the expense of auction, the police department shall
retain two percent of the gross proceeds of the sale of
each vehicle auctioned, unless the gross proceeds are
less than $10. If the gross proceeds are less than
$10, the department shall retain the $10 to defray
expenses of custody and auction. If the Department of
Public Safety conducts the auction, the compensation
shall be deposited in the state treasury and shall be
used to defray the expense incurred. Surplus proceeds
remaining from an auction shall be distributed in
accordance with Section 5.04 of this article.

Revisor's Note

Section 5.05(d), V.A.C.S. Article 4477-9a,
requires proceeds from an auction of abandoned motor
vehicles by the Department of Public Safety to be
deposited in the state treasury. The revised law omits
that requirement for the reason stated in Revisor's
Note (2) under Section 683.031 of this code.

[Sections 683.035-683.050 reserved for expansion]

SUBCHAPTER D. DEMOLITION OF ABANDONED MOTOR VEHICLES

Revised Law

Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF
CERTAIN MOTOR VEHICLES. A person may apply to the department for
authority:

(1) to sell, give away, or dispose of a motor vehicle to a motor vehicle demolisher if:

(A) the person owns the motor vehicle and the certificate of title to the vehicle is lost, destroyed, or faulty;

or

(B) the vehicle is an abandoned motor vehicle and is:

(i) in the possession of the person; or

(ii) located on property owned by the person; or

(2) to dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:

(A) the abandoned motor vehicle:

(i) is in the possession of the person;

(ii) is more than eight years old;

(iii) has no motor or is otherwise totally inoperable; and

(iv) was authorized to be towed by a law enforcement agency; and

(B) the law enforcement agency approves the application. (V.A.C.S. Art. 4477-9a, Secs. 5.06(a) (part), (f) (part).)

Source Law

Sec. 5.06. (a) A person, firm, corporation, or unit of government on whose property or in whose possession is found any abandoned motor vehicle and a person who is the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may apply to the State Department of Highways and Public Transportation for authority to sell, give away, or dispose of the vehicle to a demolisher...

(f) A person in possession of an abandoned vehicle that was authorized to be towed in by a police department and that is more than eight years old and has no engine or is otherwise totally inoperable may, on... approval of the police department, apply to the State Department of Highways and Public Transportation for a certificate of authority to dispose of the vehicle to a demolisher for demolition, wrecking, or dismantling only.
Revisor's Note
(1) Section 5.06(a), V.A.C.S. Article 4477-9a, refers to a "person, firm, corporation, or unit of government." The revised law omits the references to "firm, corporation, or unit of government" because Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, defines "person" to include a firm, corporation, or unit of government.
(2) Section 5.06(f), V.A.C.S. Article 4477-9a, refers to the State Department of Highways and Public Transportation. The revised law substitutes "department," defined by Section 683.001(1) to mean "Texas Department of Transportation," for the reasons stated in the revisor's note to Section 201.003 of this code.

Revised Law
Sec. 683.052. CONTENTS OF APPLICATION; APPLICATION FEE. (a) An application under Section 683.051 must:
(1) contain the name and address of the applicant;
(2) state the year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying feature of the vehicle; and
(3) include:
(A) a concise statement of facts about the abandonment;
(B) a statement that the certificate of title is lost or destroyed; or
(C) a statement of the reasons for the defect in the owner's certificate of title for the vehicle.
(b) An application under Section 683.051(2) must also include an affidavit containing a statement of the facts that make that subdivision applicable.
(c) The applicant shall make an affidavit stating that:
(1) the facts stated in the application are true; and
(2) no material fact has been withheld.

(d) The application must be accompanied by a fee of $2, unless the application is made by a unit of government. Fees collected under this subsection shall be deposited to the credit of the state highway fund. (V.A.C.S. Art. 4477-9a, Secs. 5.06(a) (part), (b), (f) (part).)

Source Law

(a) ... The application, except one submitted by a unit of government, shall be accompanied by a fee of $2 that shall be deposited in the state highway fund.

(b) The application must set out the name and address of the applicant, the year, make, model, and vehicle identification number of the motor vehicle, if ascertainable, together with any other identifying features, and must contain a concise statement of the facts surrounding the abandonment, a statement that the title of the motor vehicle is lost or destroyed, or a statement of the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

(f) [A person in possession of an abandoned vehicle that was authorized to be towed in by a police department and that is more than eight years old and has no engine or is otherwise totally inoperable may,] on affidavit of that fact ... [apply ... for a certificate ... .]

Revised Law

Sec. 683.053. DEPARTMENT TO PROVIDE NOTICE. Except as provided by Section 683.054(b), the department shall give notice as provided by Section 683.012 if it determines that an application under Section 683.051 is:

(1) executed in proper form; and
(2) shows that:
(A) the abandoned motor vehicle is in the possession of the applicant or has been abandoned on the applicant's property; or
(B) the vehicle is not an abandoned motor vehicle and the applicant appears to be the owner of the vehicle. (V.A.C.S. Art. 4477-9a, Secs. 5.06(c), (e) (part).)
(c) If the State Department of Highways and Public Transportation finds that the application is executed in proper form and shows that the motor vehicle has been abandoned on the property of the applicant or that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the department shall follow the notification procedures as provided in Section 5.03 of this article.

(e) [The State Department of Highways and Public Transportation may issue the applicant a certificate of authority to dispose of the motor vehicle to a demolisher] without following the notification procedures of Section 5.03 of this article if the motor vehicle is more than eight years old and has no engine or is otherwise totally inoperable.

Reviser's Note

Section 5.06(c), V.A.C.S. Article 4477-9a, does not explicitly provide for the determination that the applicant is in possession of an abandoned motor vehicle. That appears to be an oversight because Section 5.06(a) of that statute, revised in this subchapter as Section 683.051, provides that an application may be made by a person in possession of an abandoned motor vehicle. The revised law is drafted accordingly.

Revised Law

Sec. 683.054. CERTIFICATE OF AUTHORITY TO DISPOSE OF VEHICLE. (a) The department shall issue the applicant a certificate of authority to dispose of the vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if notice under Section 683.053 was given and the vehicle was not claimed as provided by the notice.

(b) Without giving the notice required by Section 683.053, the department may issue to an applicant under Section 683.051(2) a certificate of authority to dispose of the motor vehicle to a demolisher if the vehicle:

(1) is more than eight years old; and

(2) has no motor or is otherwise totally inoperable.
(c) A motor vehicle demolisher shall accept the certificate of authority in lieu of a certificate of title for the vehicle. 

(V.A.C.S. Art. 4477-9a, Secs. 5.06(d), (e).)

(d) If an abandoned motor vehicle is not reclaimed in accordance with Section 5.03 of this article, the State Department of Highways and Public Transportation, on notification of that fact by the applicant, shall issue the applicant a certificate of authority to sell the motor vehicle to a demolisher for demolition, wrecking, or dismantling. A demolisher shall accept the certificate in lieu of the certificate of title to the motor vehicle.

(e) The State Department of Highways and Public Transportation may issue the applicant a certificate of authority to dispose of the motor vehicle to a demolisher without following the notification procedures of Section 5.03 of this article if the motor vehicle is more than eight years old and has no engine or is otherwise totally inoperable.

Revised Law

Sec. 683.055. RULES AND FORMS. The department may adopt rules and prescribe forms to implement Sections 683.051-683.054.

(V.A.C.S. Art. 4477-9a, Sec. 5.06(g).)

(g) The State Department of Highways and Public Transportation may adopt rules and prescribe forms that are necessary to carry out the provisions of this section.

Revised Law

Sec. 683.056. DEMOLISHER'S DUTY. (a) A motor vehicle demolisher who acquires a motor vehicle for dismantling or demolishing shall obtain from the person delivering the vehicle:

(1) the motor vehicle's certificate of title;

(2) a sales receipt for the motor vehicle;

(3) a transfer document for the vehicle as provided by Subchapter B or Subchapter E; or

(4) a certificate of authority for the disposal of the motor vehicle.

(b) A demolisher is not required to obtain a certificate of title for the vehicle in the demolisher's name.
(c) On the department's demand, the demolisher shall surrender for cancellation the certificate of title or certificate of authority.

(d) The department shall adopt rules and forms necessary to regulate the surrender of auction sales receipts and certificates of title. (V.A.C.S. Art. 4477-9a, Sec. 5.07(a) (part)).

Source Law

Sec. 5.07. (a) A demolisher who purchases or otherwise acquires a motor vehicle to wreck, dismantle, or demolish it shall obtain a valid certificate of title, sales receipt, or transfer document under Sections 5.04 and 5.10 of this Act, respectively, or a certificate of authority from the person delivering the vehicle for demolition, but the demolisher is not required to obtain a certificate of title for the motor vehicle in the demolisher's name. On demand of the State Department of Highways and Public Transportation, the demolisher shall surrender for cancellation the certificate of title or authority. The State Department of Highways and Public Transportation shall issue such forms and rules governing the surrender of auction sales receipts and certificates of title as are appropriate. . . .

Revisor's Note

(1) Section 5.07(a), V.A.C.S. Article 4477-9a, refers to the acquisition of a motor vehicle to "wreck, dismantle, or demolish" it. The reference to "wreck" is omitted from the revised law because "wreck" is included within the meaning of "demolish."

(2) Section 5.07(a), V.A.C.S. Article 4477-9a, refers to a "valid certificate of title." The revised law omits "valid" as unnecessary because the word does not add to the clear meaning of the law. For example, a document purporting to be a certificate is no longer a certificate if it is expired and is not a certificate if it is a forgery.

Revised Law

Sec. 683.057. DEMOLISHER'S RECORDS; OFFENSE. (a) A motor vehicle demolisher shall keep a record of a motor vehicle that is acquired in the course of business.
(b) The record must contain:

(1) the name and address of the person from whom the vehicle was acquired; and

(2) the date of acquisition of the vehicle.

(c) The demolisher shall keep the record until the first anniversary of the date of acquisition of the vehicle.

(d) The record shall be open to inspection by the department or any law enforcement agency at any time during normal business hours.

(e) A motor vehicle demolisher commits an offense if the demolisher fails to keep a record as provided by this section.

(f) An offense under Subsection (e) is a misdemeanor punishable by:

(1) a fine of not less than $100 or more than $1,000;

(2) confinement in the county jail for a term of not less than 10 days or more than six months; or

(3) both the fine and confinement. (V.A.C.S. Art. 4477-9a, Sec. 5.07(b).)

Source Law

(b) A demolisher commits an offense if the demolisher fails to keep an accurate and complete record of a motor vehicle purchased or received in the course of business in the manner provided by this subsection. These records must contain the name and address of the person from whom each motor vehicle was purchased or received and the date of the purchase or receipt. The records shall be open for inspection by the State Department of Highways and Public Transportation or any police department at any time during normal business hours. A record required by this subsection must be kept by the demolisher for at least one year after the transaction to which it applies. A demolisher who commits an offense under this subsection is, on conviction, subject to a fine of not less than $100 nor more than $1,000, to confinement in the county jail for not less than 10 days nor more than six months, or to both.

Revisor's Note

Section 5.07(b), V.A.C.S. Article 4477-9a, refers to an "accurate and complete record . . . in the manner provided by this subsection." The revised law
omits "accurate and complete" as unnecessary. A document purporting to be a record under this section is not a record if it does not contain the accurate and complete information that is required by the section.

Revisor's Note
(End of Subchapter)

Section 5.07(a), V.A.C.S. Article 4477-9a, provides in part that the Certificate of Title Act governs the cancellation of a certificate of title. This provision is omitted as unnecessary because nothing in the revised law suggests otherwise and the provisions of the Certificate of Title Act (revised as Chapter 501 of this code) are sufficient to control.

The omitted provision reads:

[Sec. 5.07. (a) . . .] The Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes) governs the cancellation of title of the motor vehicle.

[Sections 683.058-683.070 reserved for expansion]

SUBCHAPTER E. JUNKED VEHICLES: PUBLIC NUISANCE; ABATEMENT

Revised Law
Sec. 683.071. DEFINITION. In this subchapter, "junked vehicle" means a vehicle that is self-propelled and inoperable and:

(1) does not have lawfully attached to it:

(A) an unexpired license plate; or

(B) a valid motor vehicle inspection certificate;

(2) is wrecked, dismantled or partially dismantled, or discarded; or

(3) has remained inoperable for more than 45 consecutive days. (V.A.C.S. Art. 4477-9a, Sec. 5.01(5).)

Source Law
(5) "Junked vehicle" means a motor vehicle as defined in Section 1, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes):
(A) that is inoperative; and
(B) that does not have lawfully
affixed to it either an unexpired license plate or a
valid motor vehicle safety inspection certificate, that
is wrecked, dismantled, partially dismantled, or
discarded, or that remains inoperable for a continuous
period of more than 45 days.

Revisor's Note

Section 5.01(5), V.A.C.S. Article 4477-9a, refers
to "Section 1, Chapter 42, General Laws, Acts of the
41st Legislature, 2nd Called Session, 1929 (Article
6701d-11, Vernon's Texas Civil Statutes)." The revised
law omits the reference to that law and incorporates
the substance of that definition into the revised law's
definition of a "junked vehicle."

Revised Law

Sec. 683.072. JUNKED VEHICLE DECLARED TO BE PUBLIC NUISANCE.

A junked vehicle, including a part of a junked vehicle, that is
visible from a public place or public right-of-way:

(1) is detrimental to the safety and welfare of the
public;
(2) tends to reduce the value of private property;
(3) invites vandalism;
(4) creates a fire hazard;
(5) is an attractive nuisance creating a hazard to the
health and safety of minors;
(6) produces urban blight adverse to the maintenance
and continuing development of municipalities; and
(7) is a public nuisance. (V.A.C.S. Art. 4477-9a,
Sec. 5.08(a).)

Source Law

Sec. 5.08. (a) A junked vehicle that is located
in a place where it is visible from a public place or
public right-of-way is detrimental to the safety and
welfare of the general public, tends to reduce the
value of private property, invites vandalism, creates
fire hazards, constitutes an attractive nuisance
creating a hazard to the health and safety of minors,
and is detrimental to the economic welfare of the state
by producing urban blight adverse to the maintenance
and continuing development of the municipalities in the state, and is a public nuisance.

Revised Law Sec. 683.073. OFFENSE. (a) A person commits an offense if the person maintains a public nuisance described by Section 683.072.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed $200.

(c) The court shall order abatement and removal of the nuisance on conviction. (V.A.C.S. Art. 4477-9a, Secs. 5.08(b), (c).)

Source Law (b) A person commits an offense if that person maintains a public nuisance as determined under this section.

(c) A person who commits an offense under this section is, on conviction, subject to a fine not to exceed $200. On conviction, the court shall order removal and abatement of the nuisance.

Revised Law Sec. 683.074. AUTHORITY TO ABATE NUISANCE; PROCEDURES. (a) A municipality or county may adopt procedures that conform to this subchapter for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.

(b) The procedures must:

(1) prohibit a vehicle from being reconstructed or made operable after removal;

(2) require a public hearing before removal of the public nuisance; and

(3) require that notice identifying the vehicle or part of the vehicle be given to the department not later than the fifth day after the date of removal.

(c) An appropriate court of the municipality or county may issue necessary orders to enforce the procedures.

(d) Procedures for abatement and removal of a public
nuisance must be administered by regularly salaried, full-time employees of the municipality or county, except that any authorized person may remove the nuisance.

(e) A person authorized to administer the procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

(f) On receipt of notice of removal under Subsection (b)(3), the department shall immediately cancel the certificate of title issued for the vehicle. (V.A.C.S. Art. 4477-9a, Secs. 5.09(a), (d), (e) (part), (f), (h); 5.10 (part); 5.11.)

Source Law
Sec. 5.09. (a) A city, town, or county within this state may adopt procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance, from private property, public property, or public rights-of-way. The procedures must conform to the requirements of this section.

(d) In addition, the procedures must prohibit a vehicle from being reconstructed or made operable after it has been removed.

(e) The procedures must require a public hearing before the removal of the vehicle or vehicle part as a public nuisance...

(f) The procedures must require notice to be given to the State Department of Highways and Public Transportation not later than the fifth day after the date of removal. The notice must identify the vehicle or vehicle part. The department shall immediately cancel the certificate of title to the vehicle pursuant to the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes).

(h) The procedures must be administered by regularly salaried, full-time employees of the city, town, or county, except that the removal of a vehicle or vehicle part from property may be by any duly authorized person.

Sec. 5.10. ... The process of disposal must comply with the provisions of Section 5.09(d) of this article...

Sec. 5.11. A person authorized by the city, town, or county to administer the procedures authorized by this article may enter private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. An appropriate court in a city, town, or county that enacts procedures under this article may issue orders necessary to enforce the procedures.
Reviser's Note
(1) Sections 5.09(a), (h), and 5.11, V.A.C.S. Article 4477-9a, refer to a "city, town, or county."
The revised law substitutes the term "municipality" for "city, town" because that is the term used in the Local Government Code.

(2) Section 5.09(f), V.A.C.S. Article 4477-9a, refers to "the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes)." The revised law substitutes "Chapter 501" for the reason stated in Reviser's Note (2) under Section 683.001 of this code.

Revised Law
Sec. 683.075. NOTICE. (a) The procedures for the abatement and removal of a public nuisance under this subchapter must provide not less than 10 days' notice of the nature of the nuisance and must be sent by certified mail with a five-day return requested to:

(1) the last known registered owner of the nuisance;

(2) each lienholder of record of the nuisance; and

(3) the owner or occupant of:

(A) the property on which the nuisance is located; or

(B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(b) The notice must state that:

(1) the nuisance must be abated and removed not later than the 10th day after the date on which the notice was mailed; and

(2) any request for a hearing must be made before that 10-day period expires.

(c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered.
(d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return. (V.A.C.S. Art. 4477-9a, Secs. 5.09(b), (c).)

**Source Law**

(b) For a nuisance on private property, the procedures must require not less than 10 days' notice stating the nature of the public nuisance on private property, that it must be removed and abated within 10 days, and that a request for a hearing must be made before expiration of the 10-day period. The notice must be mailed, by certified mail with a 5-day return requested, to the last known registered owner of the junked motor vehicle, any lien holder of record, and to the owner or occupant of the private premises on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than 10 days after the date of the return.

(c) For a nuisance on public property, the procedures must require not less than 10 days' notice stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within 10 days, and that a request for a hearing must be made before expiration of the 10-day period. The notice must be mailed, by certified mail with a 5-day return requested, to the last known registered owner of the junked motor vehicle, any lien holder of record, and to the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than 10 days after the date of the return.

**Revised Law**

Sec. 683.076. HEARING. (a) The governing body of the municipality or county or a board, commission, or official designated by the governing body shall conduct hearings under the procedures adopted under this subchapter.

(b) If a hearing is requested by a person for whom notice is
required under Section 683.075(a)(3), the hearing shall be held not
earlier than the 11th day after the date of the service of notice.

(c) At the hearing, the junked motor vehicle is presumed,
unless demonstrated otherwise by the owner, to be inoperable.

(d) If the information is available at the location of the
nuisance, a resolution or order requiring removal of the nuisance
must include the vehicle's:

(1) description;
(2) vehicle identification number; and
(3) license plate number. (V.A.C.S. Art. 4477-9a,
Sec. 5.09(e) (part).)

Source Law

(e) ... The hearing shall be held before the
governing body of the city, town, or county or any
board, commission, or official of the city, town, or
county as designated by the governing body, if a
hearing is requested by the owner or occupant of the
public or private premises or by the owner or occupant
of the premises adjacent to the public right-of-way on
which the vehicle is located, within 10 days after
service of notice to abate the nuisance. At the
hearing it is presumed, unless demonstrated otherwise
by the owner, that the vehicle is inoperable. A
resolution or order requiring the removal of a vehicle
or vehicle part must include a description of the
vehicle and the correct identification number and
license number of the vehicle if the information is
available at the site.

Revisor's Note

(1) Section 5.09(e), V.A.C.S. Article 4477-9a,
refers to "the city, town, or county." The revised law
substitutes the term "municipality" for "city, town"
because that is the term used in the Local Government
Code.

(2) Section 5.09(e), V.A.C.S. Article 4477-9a,
refers to "the correct identification number ... of
the vehicle." The revised law omits "correct" as
unnecessary. A number purporting to be a vehicle
identification number is not a vehicle identification
number if the number is not correct.
Sec. 683.077. INAPPLICABILITY OF SUBCHAPTER. 

(a) Procedures adopted under Section 683.074 may not apply to a vehicle or vehicle part:

(1) that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(2) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

(A) maintained in an orderly manner;

(B) not a health hazard; and

(C) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(b) In this section:

(1) "Antique vehicle" means a passenger car or truck that is at least 35 years old.

(2) "Motor vehicle collector" means a person who:

(A) owns one or more antique or special interest vehicles; and

(B) acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

(3) "Special interest vehicle" means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist. (V.A.C.S. Art. 4477-9a, Secs. 5.01(8), (9), (10); 5.09(g).)
Source Law

[Sec. 5.01. In this article:
(8) "Antique auto" means a passenger car or truck that was manufactured in 1925 or before or a passenger car or truck that is at least 35 years old.
(9) "Special interest vehicle" means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.
(10) "Collector" means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

[Sec. 5.09]
(g) The procedures may not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

Reviser's Note
(1) Section 5.01(10), V.A.C.S. Article 4477-9a, refers to a person who "collects, purchases, acquires, trades, or disposes of" special interest or antique vehicles. The references to "purchases" and "trades" are omitted from the revised law because "purchase" is included within the meaning of "acquire" and "trade" is included within the meaning of "acquire" and "dispose."
(2) Section 5.01(10), V.A.C.S. Article 4477-9a, refers to "restore, preserve, and maintain" an antique or special interest vehicle. The reference to "maintain" is omitted from the revised law because "maintain" is included within the meaning of "preserve."
Revised Law

Sec. 683.078. JUNKED VEHICLE DISPOSAL. (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.

(b) A municipality or county may operate a disposal site if its governing body determines that commercial disposition of junked vehicles is not available or is inadequate. A municipality or county may:

(1) finally dispose of a junked vehicle or vehicle part; or

(2) transfer it to another disposal site if the disposal is scrap or salvage only. (V.A.C.S. Art. 4477-9a, Sec. 5.10 (part).)

Source Law

Sec. 5.10. A junked vehicle or vehicle part may be disposed of by removal to a scrapyard, demolisher, or any suitable site operated by the city, town, or county for processing as scrap or salvage. . . . A city, town, or county may operate a disposal site if its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of the vehicles or vehicle parts, or the city, town, or county may transfer the vehicles or vehicle parts to another disposal site if the disposal is only as scrap or salvage.

Reviser's Note

Section 5.10, V.A.C.S. Article 4477-9a, refers to "the city, town, or county." The revised law substitutes the term "municipality" for "city, town" because that is the term used in the Local Government Code.

Reviser's Note

(End of Chapter)

The revised law omits V.A.C.S. Article 6687-8, requiring a specific type of notification to the chief of police, city manager, or sheriff if a motor vehicle
has been stored without agreement for more than 30 days
and setting a fine for failure to timely report the
vehicle. This article is omitted from this code
because it was impliedly repealed by parts of Section
5.05, V.A.C.S. Article 4477-9a, which is codified in
this chapter in Subchapter C. V.A.C.S. Article
4477-9a, which was originally enacted in 1981, requires
a garagekeeper to notify the owner or lienholder before
notifying the law enforcement agency, sets a seven-day
time period for the garagekeeper to notify the police
department of an abandoned motor vehicle, and
establishes a different penalty. In 1993, the time
period for notification under Article 4477-9a was
reduced to 48 hours. The omitted law was enacted in
1957 and has never been amended. Article 4477-9a
prevails in this situation because it was enacted after
V.A.C.S. Article 6687-8. The omitted article reads:

Art. 6687-8
Sec. 1. Whenever any vehicle of a
type subject to registration in this state
has been stored, parked or left in a
garage, or any type of storage or parking
lot for a period of more than thirty days,
without an agreement for the storage,
parking or keeping of said vehicle, the
owner, operator or manager of such garage
or parking lot shall report the make, year
of manufacture, motor and serial number of
such vehicle to the Chief of Police or City
Marshal of the city, town or village
wherein said garage or parking lot is
situated. If said garage or parking lot is
not located within the city limits of an
incorporated city, town or village, then
such report shall be made to the Sheriff of
the county wherein such garage or parking
lot is located.
Sec. 2. Such report shall be in
writing setting forth the information
required above and subscribed by the owner,
operator or manager of such garage or
parking lot.
Sec. 3. Any person who fails to
submit the report required under this Act
at the end of thirty days following a time
that any vehicle shall have been in such
garage or parking lot for a period of
thirty days shall be fined not more than
Twenty-five Dollars ($25.00); each day's
failure to make such a report as required
hereunder shall constitute a separate
CHAPTER 684. REMOVAL OF UNAUTHORIZED VEHICLES FROM PARKING FACILITY OR PUBLIC ROADWAY

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CHAPTER 684. REMOVAL OF UNAUTHORIZED VEHICLES FROM PARKING FACILITY OR PUBLIC ROADWAY

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 684.001. DEFINITIONS. In this chapter:

(1) "Parking facility" means public or private property used, in whole or in part, for restricted or paid vehicle...
parking. The term includes:

(A) a restricted space on a portion of an otherwise unrestricted parking facility; and
(B) a commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home, apartment complex, property governed by a property owners' association, or government-owned property leased to a private person, including:

(i) a portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner; and

(ii) the area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainageway or the curb of the roadway, whichever is farther from the facility's property line.

(2) "Parking facility owner" means:

(A) an owner or operator of a parking facility, including a lessee, employee, or agent of an owner or operator;

(B) a property owners' association having control under a dedicatory instrument over assigned or unassigned parking areas; or

(C) a property owner having an exclusive right under a dedicatory instrument to use a parking space.

(3) "Property owners' association" and "dedicatory instrument" have the meanings assigned by Section 202.001, Property Code.

(4) "Public roadway" means a public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

(5) "Towing company" means a person operating a tow truck registered under Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687-9b, Vernon's Texas Civil Statutes). The term includes the owner, operator, employee, or agent of a towing company, but does not include a political
subdivision of the state.

(6) "Unauthorized vehicle" means a vehicle parked, stored, or located on a parking facility without the consent of the parking facility owner.

(7) "Vehicle" means a device in, on, or by which a person or property may be transported on a public roadway. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively on a stationary rail or track.

(8) "Vehicle storage facility" means a facility operated by a person licensed under Article 6687-9a, Revised Statutes. (V.A.C.S. Art. 6701g-2, Secs. 1, 7(a).)

Source Law

Art. 6701g-2
Sec. 1. In this Act:

(1) "Parking facility" means any public or private property used, in whole or in part, for restricted and/or paid parking of vehicles. "Parking facility" includes but is not limited to commercial parking lots, parking garages, and parking areas serving or adjacent to businesses, churches, schools, homes, apartment complexes, property governed by a property owners' association, and government-owned property leased to a private person. "Parking facility" also includes a restricted space or spaces on a portion or portions of an otherwise unrestricted parking facility.

(2) "Parking facility owner" means:

(A) an operator or owner (including a lessee, employee, or agent thereof) of a parking facility;

(B) a property owners' association having control over assigned or unassigned parking areas according to a dedicatory instrument; and

(C) a property owner having exclusive use rights to a parking space under a dedicatory instrument.

(3) "Public roadway" means any public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way, unless otherwise stated.

(4) "Towing company" means a person operating a tow truck registered under Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687-9b, Vernon's Texas Civil Statutes). The term "towing company" includes the owner, operator, employee, or agent of a towing company, but does not include cities, counties, or other political subdivisions of the state.

(5) "Vehicle" means every kind of device in, upon, or by which any person or property is or may be transported or drawn on a public roadway, except
devices moved by human power or used exclusively on stationary rails or tracks. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer.

(6) "Unauthorized vehicle" means any vehicle parked, stored, or situated in or on a parking facility without the consent of the parking facility owner.

(7) "Property owners' association" and "dedicatory instrument" have the meanings assigned by Section 202.001, Property Code.

(8) "Vehicle storage facility" means a facility operated by a person licensed under the Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes).

Sec. 7. (a) In this Act, a parking facility includes:

(1) a portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner; and

(2) the area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainageway or the curb of the roadway, whichever is farthest from the facility's property line.

Reviser's Note

(1) Section 1, V.A.C.S. Article 6701g-2, refers to "includes but is not limited to." "[B]ut is not limited to" is omitted as unnecessary because Section 311.005(13), Government Code (Code Construction Act), and Section 312.011(19), Government Code, provide that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.

(2) Section 1, V.A.C.S. Article 6701g-2, refers to "cities, counties, or other political subdivisions of the state." The revised law omits the references to "cities, counties, or other" political subdivisions, because those terms are included within the meaning of "political subdivisions of the state."

[Sections 684.002-684.010 reserved for expansion]
CERTAIN AREAS. (a) The owner or operator of a vehicle may not leave unattended on a parking facility a vehicle that:

(1) is in or obstructs a vehicular traffic aisle, entry, or exit of the parking facility;

(2) prevents a vehicle from exiting a parking space in the facility;

(3) is in or obstructs a fire lane marked according to Subsection (c); or

(4) does not display the special license plates issued under Section 502.253 or the disabled parking placard issued under Chapter 681 for a vehicle transporting a disabled person and is in a parking space that is designated for the exclusive use of a vehicle transporting a disabled person.

(b) Subsection (a) does not apply to an emergency vehicle that is owned by, or the operation of which is authorized by, a governmental entity.

(c) If a government regulation governing the marking of a fire lane applies to a parking facility, a fire lane in the facility must be marked as provided by the regulation. If a government regulation on the marking of a fire lane does not apply to the parking facility, all curbs of fire lanes must be painted red and be conspicuously and legibly marked with the warning "FIRE LANE--TOW AWAY ZONE" in white letters at least three inches tall, at intervals not exceeding 50 feet. (V.A.C.S. Art. 6701g-2, Sec. 2.)

Source Law

Sec. 2. (a) The owner or operator of a vehicle may not leave a vehicle unattended on a parking facility if the vehicle:

(1) is in or obstructs a vehicular traffic aisle, entry, or exit of the parking facility;

(2) prevents a vehicle from exiting a parking space in the facility;

(3) is in or obstructs a fire lane marked according to Subsection (b) of this section; or

(4) is in a disabled parking space that is designated for the exclusive use of vehicles transporting disabled persons and does not display the specially designed license plate for vehicles transporting disabled persons or the removeable windshield identification card issued under Chapter
338, Acts of the 64th Legislature, Regular Session, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes).

(b) If a government regulation governing the marking of fire lanes applies to a parking facility, fire lanes in the facility must be marked as provided by the regulation. If a government regulation on the marking of fire lanes does not apply to the parking facility, all curbs of fire lanes must be painted red and be conspicuously and legibly marked with the warning "FIRE LANE--TOW AWAY ZONE" in white letters at least three inches tall, at intervals not exceeding 50 feet.

(c) This section does not apply to an emergency vehicle that is owned by or the operation of which is authorized by a governmental entity.

Revisor's Note

Section 2, V.A.C.S. Article 6701g-2, refers to Chapter 338, Acts of the 64th Legislature, Regular Session, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes). The pertinent portions of that statute are codified in this code in Section 502.253 and as Chapter 681, and the revised law is drafted accordingly.

Revised Law

Sec. 684.012. REMOVAL AND STORAGE OF UNAUTHORIZED VEHICLE.

(a) A parking facility owner may, without the consent of the owner or operator of an unauthorized vehicle, cause the vehicle and any property on or in the vehicle to be removed and stored at a vehicle storage facility at the vehicle owner's or operator's expense if:

(1) signs that comply with Subchapter C prohibiting unauthorized vehicles are located on the parking facility at the time of towing and for the preceding 24 hours and remain installed at the time of towing;

(2) the owner or operator of the vehicle has received actual notice from the parking facility owner that the vehicle will be towed at the vehicle owner's or operator's expense if it is in or not removed from an unauthorized space;

(3) the parking facility owner gives notice to the owner or operator of the vehicle under Subsection (b); or

(4) the vehicle is:
(A) left in violation of Section 684.011; or

(B) in or obstructing a portion of a paved driveway or abutting public roadway used for entering or exiting the facility.

(b) A parking facility owner is considered to have given notice under Subsection (a)(3) if:

(1) a conspicuous notice has been attached to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:

(A) that the vehicle is in a parking space in which the vehicle is not authorized to be parked;

(B) a description of all other unauthorized areas in the parking facility;

(C) that the vehicle will be towed at the expense of the owner or operator of the vehicle if it remains in an unauthorized area of the parking facility; and

(D) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to locate the vehicle; and

(2) a notice is mailed after the notice is attached to the vehicle as provided by Subdivision (1) to the owner of the vehicle by certified mail, return receipt requested, to the last address shown for the owner according to the vehicle registration records of the Texas Department of Transportation, or if the vehicle is registered in another state, the appropriate agency of that state.

(c) The notice under Subsection (b)(2) must:

(1) state that the vehicle is in a space in which the vehicle is not authorized to park;

(2) describe all other unauthorized areas in the parking facility;

(3) contain a warning that the unauthorized vehicle will be towed at the expense of the owner or operator of the vehicle if it is not removed from the parking facility before the
15th day after the postmark date of the notice; and

(4) state a telephone number that is answered 24 hours a day to enable the owner or operator to locate the vehicle.

(d) The mailing of a notice under Subsection (b)(2) is not required if after the notice is attached under Subsection (b)(1) the owner or operator of the vehicle leaves the vehicle in another location where parking is unauthorized for the vehicle according to the notice. (V.A.C.S. Art. 6701g-2, Secs. 3(a), (b), (c).)

Source Law

Sec. 3. (a) A parking facility owner may, without the consent of the owner or operator of an unauthorized vehicle, cause such vehicle and any property resting on or contained within it to be removed and stored at a vehicle storage facility at the expense of the owner or operator of the vehicle, if any of the following occurs:

(1) a sign or signs prohibiting unauthorized vehicles have been installed on the parking facility for at least 24 consecutive hours and remain installed at the time of towing;

(2) the owner or operator of the unauthorized vehicle has actually received notice from the parking facility owner that the vehicle will be towed at the vehicle owner's or operator's expense if it is parked in an unauthorized space or not removed from an unauthorized space;

(3) the parking facility owner gives notice to the owner or operator of the unauthorized vehicle as provided by Subsection (b) of this section that the vehicle will be towed at the expense of the owner or operator if it is in an unauthorized space or is not removed from an unauthorized space; or

(4) the unauthorized vehicle, in violation of Section 2 of this Act, is preventing another vehicle from exiting a parking space on the parking facility or is in or obstructing a fire lane, disabled parking space, aisle, entry, or exit, including any portion of a paved driveway or abutting public roadway used for entering or exiting the facility.

(b) A parking facility owner is considered to have given notice under Subsection (a)(3) of this section if:

(1) a conspicuous notice has been attached to the vehicle's front windshield, or to another conspicuous location on the vehicle if the vehicle has no front windshield, stating that the vehicle is in a parking space in which the vehicle is not authorized to be parked, describing all other unauthorized areas in the parking facility, stating that the vehicle will be towed at the expense of the owner or operator if it remains in an unauthorized area of the parking facility, and stating a telephone number that is answered 24 hours a day to enable the owner or operator of a towed vehicle to locate the vehicle; and it to

(2) after the notice was attached to the vehicle as provided by Subdivision (1) of this subsection:

(A) the vehicle is parked by the
owner or operator of the vehicle in another location
where parking is unauthorized for the vehicle according
to the notice; or

(B) a notice was mailed to the
vehicle owner by certified mail, return receipt
requested, to the last address shown for the vehicle
owner according to the vehicle registration records of
the Texas Department of Transportation, or if the
vehicle is registered in another state, the appropriate
agency of that state.

(c) The notice under Subsection (b)(2)(B) of
this section must state that the vehicle is in a space
for which the vehicle is not authorized to park,
describe all other unauthorized areas in the parking
facility, contain a warning that the unauthorized
vehicle will be towed at the expense of the owner or
operator if it is not removed from the parking facility
before the 15th day after the postmark date of the
notice, and state a telephone number that is answered
24 hours a day to enable the owner or operator of a
towed vehicle to locate it.

Revised Law

Sec. 684.013. LIMITATION ON PARKING FACILITY OWNER'S
AUTHORITY TO REMOVE UNAUTHORIZED VEHICLE. A parking facility owner
may not have an unauthorized vehicle removed from the facility
except:

(1) as provided by this chapter or a municipal
ordinance that complies with Section 684.101; or

(2) under the direction of a peace officer or the
owner or operator of the vehicle. (V.A.C.S. Art. 6701g-2, Sec.
3(d).)

Source Law

(d) A parking facility owner may not have an
unauthorized vehicle removed from the facility except
as provided by this Act, a municipal ordinance that
complies with Section 10 of this Act, or under the
direction of a peace officer or the owner or operator
of such vehicle.

Revised Law

Sec. 684.014. TOWING COMPANY'S AUTHORITY TO REMOVE AND STORE
UNAUTHORIZED VEHICLE. (a) A towing company that is insured as
provided by Subsection (c) may, without the consent of an owner or
operator of an unauthorized vehicle, remove and store the vehicle
at a vehicle storage facility at the expense of the owner or
operator of the vehicle if:
(1) the towing company has received written verification from the parking facility owner that:

   (A) the parking facility owner has installed the signs required by Section 684.012(a)(1); or

   (B) the owner or operator received notice under Section 684.012(a)(2) or the parking facility owner gave notice complying with Section 684.012(a)(3); or

(2) the vehicle is:

   (A) left in violation of Section 684.011; or

   (B) in or obstructing a portion of a paved driveway or abutting public roadway used for entering or exiting the facility.

(b) A towing company may not remove an unauthorized vehicle except under:

   (1) this chapter;

   (2) a municipal ordinance that complies with Section 684.101; or

   (3) the direction of a peace officer or the owner or operator of the vehicle.

(c) Only a towing company that is insured against liability for property damage incurred in towing a vehicle may remove and store an unauthorized vehicle under this section. (V.A.C.S. Art. 6701g-2, Sec. 4.)

Source Law

Sec. 4. (a) Only a towing company that is insured against liability for property damage incurred in towing vehicles may, without the consent of the owner or operator of an unauthorized vehicle, remove and store such vehicle at a vehicle storage facility at the expense of the owner or operator of the vehicle, if any of the following occurs:

   (1) the towing company has received written verification from the parking facility owner that the parking facility owner has, in compliance with Section (3)(a)(1) of this Act, caused signs to be installed in accordance with Section 6 of this Act;

   (2) the towing company has received written verification from the parking facility owner that the vehicle owner or operator received actual notice under Section 3(a)(2) of this Act or that the facility owner gave notice complying with Section 3(a)(3) of this Act that the vehicle will be towed at the vehicle owner's or operator's expense if it is not
removed; or

(3) the unauthorized vehicle in violation
of Section 2 of this Act is preventing another vehicle
from exiting a parking space or is in or obstructing a
fire lane, disabled parking space, aisle, entry, or
exit, including any portion of a paved driveway or
abutting public roadway used for entering or exiting
the facility.

(b) A towing company may not remove an
unauthorized vehicle except under this Act, a municipal
ordinance that complies with Section 10 of this Act, or
the direction of a peace officer or the owner or
operator of such vehicle.

Revised Law

Sec. 684.015. VEHICLE STORAGE FACILITY'S DUTY TO REPORT
AFTER ACCEPTING UNAUTHORIZED VEHICLE. (a) A vehicle storage
facility accepting a vehicle that is towed under this chapter shall
within two hours after receiving the vehicle report to the police
department of the municipality in which the parking facility is
located, or, if the parking facility is not located in a
municipality having a police department, to the sheriff of the
county in which the parking facility is located:

(1) a general description of the vehicle;

(2) the state and number of the vehicle's license
plate, if any;

(3) the vehicle identification number of the vehicle,
if it can be ascertained;

(4) the location from which the vehicle was towed; and

(5) the name and location of the vehicle storage
facility where the vehicle is being stored.

(b) The report required by this section must be made by
telephone or delivered personally or by facsimile. (V.A.C.S.
Art. 6701g-2, Sec. 5.)

Source Law

Sec. 5. (a) A vehicle storage facility
accepting a vehicle that is towed under this Act,
within two hours after receiving the vehicle, shall
report to the police department of the municipality in
which the parking facility is located, or, if the
parking facility is not located within a municipality
having a police department, to the sheriff of the
county in which the parking facility is located, the
following information:

(1) a general description of the vehicle;
(2) the state and number of the vehicle's license plate, if any;
(3) the vehicle's vehicle identification number, if it can be ascertained;
(4) the location from which the vehicle was towed; and
(5) the name and location of the vehicle storage facility where the vehicle is being stored.

(b) The vehicle storage facility shall deliver the report required by this section by telephone, facsimile, or personal delivery.

[Sections 684.016-684.030 reserved for expansion]

SUBCHAPTER C. SIGNS PROHIBITING UNAUTHORIZED VEHICLES AND DESIGNATING RESTRICTED AREAS

Revised Law

Sec. 684.031. GENERAL REQUIREMENTS FOR SIGN PROHIBITING UNAUTHORIZED VEHICLES. (a) Except as provided by Subsection (a)(2)(B) and Section 684.034 or 684.035 an unauthorized vehicle may not be towed under Section 684.012(a)(1) unless a sign prohibiting unauthorized vehicles on a parking facility is:

(1) facing and conspicuously visible to the driver of a vehicle that enters the facility;
(2) located:
   (A) on the right or left side of each driveway or curb-cut through which a vehicle can enter the facility, including an entry from an alley abutting the facility; or
   (B) at intervals along the entrance so that no entrance is farther than 25 feet from a sign if:
      (i) curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto a parking facility from a public roadway other than an alley; and
      (ii) the width of an entrance exceeds 35 feet;
(3) permanently mounted on a pole, post, permanent wall, or permanent barrier;
(4) installed on the parking facility; and
(5) installed so that the bottom edge of the sign is no lower than five feet and no higher than eight feet above ground.
level.

(b) Except as provided by Section 684.035, an unauthorized vehicle may be towed under Section 684.012(a)(1) only if each sign prohibiting unauthorized vehicles:

1. is made of weather-resistant material;
2. is at least 18 inches wide and 24 inches tall;
3. contains the international symbol for towing vehicles;
4. contains a statement describing who may park in the parking facility and prohibiting all others;
5. bears the words "Unauthorized Vehicles Will Be Towed at Owner's or Operator's Expense";
6. contains a statement of the days and hours of towing enforcement; and
7. contains a number, including the area code, of a telephone that is answered 24 hours a day to enable an owner or operator of a vehicle to locate the vehicle. (V.A.C.S. Art. 6701g-2, Secs. 6(a), (b) (part), (f).)

Source Law

Sec. 6. (a) Except as provided by Subsection (d), (e), or (f) of this section, for an unauthorized vehicle to be towed under Section 3(a)(1) of this Act, a sign prohibiting unauthorized vehicles on a parking facility must be:

1. conspicuously visible to and facing the driver of a vehicle that enters the facility;
2. located on the right-hand or left-hand side of each driveway or curb-cut through which a vehicle can enter the facility, including any entry point along an alley abutting the facility;
3. permanently mounted on a pole, post, permanent wall, or permanent barrier;
4. installed on the parking facility; and
5. installed so that the bottom edge of the sign is no lower than five feet and no higher than eight feet above ground level.

(b) Except as provided by Subsection (e) of this section, for an unauthorized vehicle to be towed under Section 3(a)(1) of this Act, each sign prohibiting unauthorized vehicles must:

1. be made of weather-resistant material;
2. be at least 18 inches wide and 24 inches tall;
3. contain the international symbol for towing vehicles;
4. contain a statement describing who may park in the parking facility and prohibiting all others, such as "Tenant Parking Only," "Patient Parking..."
Only," "Parking for Customers and Permit Holders Only," or "No Parking by Anyone";
(5) bear the words "Unauthorized Vehicles Will Be Towed at Owner's or Operator's Expense";
(6) contain a statement of the days and hours of towing enforcement, such as "Towing Enforced at All Times" or "Towing Enforced 7 a.m. to 7 p.m., Monday through Friday"; and
(7) contain a current telephone number, including the area code, that is answered 24 hours a day to enable the owner or operator of a towed vehicle to locate it.

(f) If curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto the parking facility from a public roadway other than an alley and if an entrance exceeds 35 feet in width, each of the unauthorized parking signs otherwise complying with Subsection (a), (b), and (c) must be located at intervals along the entrance so that no entrance is further than 25 feet from a sign.

Reviser's Note
Sections 6(b)(4) and (6), V.A.C.S. Article 6701g-2, contain general requirements for the content of a required sign and examples of specific language satisfying those requirements. The revised law omits the examples because they add nothing to the clear meaning of the general requirements and create the possibility that the list of examples may be interpreted as exclusive.

Revised Law
Sec. 684.032. COLOR, LAYOUT, AND LETTERING HEIGHT REQUIREMENTS. (a) Except as provided by Section 684.035, each sign required by this chapter must comply with the color, layout, and lettering height requirements of this section.
(b) A bright red international towing symbol, which is a solid silhouette of a tow truck towing a vehicle on a generally rectangular white background, at least four inches in height, must be on the uppermost portion of a sign or on a separate sign placed immediately above the sign.
(c) The portion of the sign immediately below the international towing symbol must contain the words "Towing Enforced" or the information provided by Section 684.031(b)(4) in
lettering at least two inches in height. The lettering on this
portion of the sign must consist of white letters on a bright red
background.

(d) Except as provided by Subsection (e), the next lower
portion of the sign must contain the remaining information required
by Section 684.031(b) displayed in bright red letters at least one
inch in height on a white background.

(e) The bottommost portion of the sign must contain the
telephone number required by Section 684.031(b), in lettering at
least one inch in height and may, if the facility owner chooses or
if an applicable municipal ordinance requires, include the name and
address of the storage facility to which an unauthorized vehicle
will be removed. The lettering on this portion of the sign must
consist of white letters on a bright red background.

(f) Notwithstanding Subsections (c) and (e), before January
1, 1996, the lettering on the portions of the sign governed by
those subsections may also consist of bright red letters on a white
background. This subsection expires January 1, 1996. (V.A.C.S.
Art. 6701g-2, Secs. 6(b) (part), (c).)

Source Law

(b) [Except as provided by Subsection (e) of
this section, for an unauthorized vehicle to be towed
under Section 3(a)(1) of this Act, each sign
prohibiting unauthorized vehicles must:]  

(3) contain the international symbol for
towing vehicles, which is a generally rectangular shape
and contains a solid silhouette of a tow truck towing a
vehicle;

(c) Except as provided by Subsection (e) of this
section, each sign required by this Act shall comply
with the following color, layout, and lettering height
requirements:

(1) the topmost portion of the sign must
contain the international towing symbol. The symbol
must be bright red on a white background, at least four
inches tall, and placed at the top of the unauthorized
parking sign or on a separate sign immediately above
the unauthorized parking sign;

(2) the portion of the sign immediately
below the towing symbol must contain the words "Towing
Enforced" or the information in Subsection (b)(4) of
this section in lettering at least two inches tall. Before January 1, 1996, the lettering on this portion
of the sign must be white letters on a bright red
background or bright red letters on a white background,
and after that date, the lettering on this portion must be white letters on a bright red background;

(3) except as provided by Subdivision (4) of this subsection, the next portion of the sign must contain the remaining information required by Subsection (b) of this section, with bright red letters at least one inch tall on a white background; and

(4) the bottommost portion of the sign must contain the 24-hour telephone number, in lettering at least one inch tall and may, if the facility owner chooses or if an applicable municipal ordinance requires, include the name and address of the storage facility to which an unauthorized vehicle will be removed. Before January 1, 1996, the lettering on this portion of the sign must be white letters on a bright red background or bright red letters on a white background. After that date, the lettering on this portion must be white letters on a bright red background.

Revised Law
Sec. 684.033. TELEPHONE NUMBER FOR LOCATING TOWED VEHICLE REQUIRED. If a parking facility owner posts a sign described by Sections 684.031 and 684.032, the owner of a vehicle that is towed from the facility under this chapter must be able to locate the vehicle by calling the telephone number on the sign. (V.A.C.S. Art. 6701g-2, Sec. 3(f).)

Source Law
(f) If a parking facility owner posts an unauthorized parking sign as described in Sections 6(a), (b), and (c) of this Act anywhere in the facility, the owner of a vehicle that is towed from the facility for any reason under this Act must be able to locate the vehicle by calling the telephone number posted on the sign.

Revised Law
Sec. 684.034. DESIGNATION OF RESTRICTED PARKING SPACES ON OTHERWISE UNRESTRICTED PARKING FACILITY. A parking facility owner may designate one or more spaces as restricted parking spaces on a portion of an otherwise unrestricted parking facility. Instead of installing a sign at each entrance to the parking facility as provided by Section 684.031(a)(2), an owner may place a sign that prohibits unauthorized vehicles from parking in designated spaces and that otherwise complies with Sections 684.031 and 684.032:

(1) at the right or left side of each entrance to a
designated area or group of parking spaces located on the
restricted portion of the parking facility; or

(2) at the end of a restricted parking space so that
the sign, the top of which must not be higher than seven feet above
the ground, is in front of a vehicle that is parked in the space
and the rear of which is at the entrance of the space. (V.A.C.S.
Art. 6701g-2, Sec. 6(d).)

Source Law

(d) A parking facility owner may designate one
or more spaces as restricted parking spaces on a
portion or portions of an otherwise unrestricted
parking facility. Instead of installing unauthorized
parking signs at each entrance to the parking facility
as provided by Subsection (a)(2) of this section, a
sign that prohibits unauthorized vehicles from parking
in designated spaces and that otherwise complies with
Subsections (a), (b), and (c) of this section, may be
placed:

(1) at the right-hand or left-hand side of
each entrance to a designated area or group of parking
spaces located on the restricted portion of the parking
facility; or

(2) at the end of an individual parking
space so that the sign, with the top no higher than
seven feet above ground level, is in front of a vehicle
parked in the space with the rear of the vehicle being
at the entrance of the space.

Revised Law

Sec. 684.035. INDIVIDUAL PARKING RESTRICTIONS IN RESTRICTED
AREA. (a) A parking facility owner who complies with Sections
684.031 and 684.032 may impose further specific parking
restrictions in an area to which the signs apply for individual
spaces by installing or painting a weather-resistant sign or notice
on a curb, pole, post, permanent wall, or permanent barrier so that
the sign is in front of a vehicle that is parked in the space and
the rear of which is at the entrance of the space.

(b) The top of the sign or notice may not be higher than
seven feet above the ground.

(c) The sign or notice must include an indication that the
space is reserved for a particular unit number, person, or type of
person.

(d) The letters on the sign or notice must be at least two
inches in height and must contrast to the color of the curb, wall, or barrier so they can be read during the day and at night. The letters are not required to be illuminated or made of reflective material. (V.A.C.S. Art. 6701g-2, Sec. 6(e).)

Source Law
(e) A parking facility owner who complies with the entry sign requirements of Subsection (a), (b), or (c) of this section may impose individual parking restrictions in an area covered by the signs for individual spaces by installing or painting a weather-resistant sign or notice on a curb, pole, post, permanent wall, or permanent barrier so that the sign is in front of a vehicle parked in the space with the rear of the vehicle being at the entrance of the space. The top of the sign or notice must be no higher than seven feet above ground level. A sign must include an indication that the space is reserved for a particular unit number, person, or type of person, such as "Reserved for Unit 101," "Reserved for Suite 202," "Reserved for John Doe," "Reserved for Tenant," "Reserved for Permit Holders," or "Reserved for Permit #123." The letters must be at least two inches tall and must contrast to the color of the curb, wall, or barrier so they can be read day and night. The letters do not need to be illuminated or made of reflective material.

Revisor's Note
Section 6(e), V.A.C.S. Article 6701g-2, contains general requirements for the content of a required sign and examples of specific language satisfying those requirements. The revised law omits the examples because they add nothing to the clear meaning of the general requirements and create the possibility that the list of examples may be interpreted as exclusive.

[Sections 684.036-684.050 reserved for expansion]

SUBCHAPTER D. REGULATION OF PARKING ON CERTAIN PUBLIC ROADWAY AREAS

Revised Law
Sec. 684.051. REMOVAL OF UNAUTHORIZED VEHICLE FROM LEASED RIGHT-OF-WAY. Unless prohibited by the lease, a parking facility owner or towing company may remove an unauthorized vehicle parked in a leased area described by Section 684.001(1)(B)(i) if the owner
or towing company gives notice under Section 684.012(a)(1), (2), or
(3) and otherwise complies with this chapter. (V.A.C.S. Art. 6701g-2, Sec. 7(b).)

Source Law

(b) Unless prohibited in the lease, a parking facility owner or towing company may remove an unauthorized vehicle parked in whole or in part in a leased area described by Subsection (a)(1) of this section if the owner or towing company:

(1) gives notice by sign as provided by Section 3(a)(1) of this Act and otherwise complies with this Act; or
(2) gives notice to the vehicle owner or operator as provided by Section 3(a)(2) or 3(a)(3) of this Act and otherwise complies with this Act.

Revised Law

Sec. 684.052. REMOVAL OF UNAUTHORIZED VEHICLE FROM AREA BETWEEN PARKING FACILITY AND PUBLIC ROADWAY. Unless prohibited by a municipal ordinance, a parking facility owner or towing company may remove an unauthorized vehicle any part of which is in an area described by Section 684.001(B)(ii) if notice provided by Section 684.012(a)(2) or (3) is given and the owner or towing company has otherwise complied with this chapter. (V.A.C.S. Art. 6701g-2, Sec. 7(c).)

Source Law

(c) Unless prohibited by an applicable municipal ordinance, a parking facility owner or towing company may remove an unauthorized vehicle parked in whole or in part in an area described by Subsection (a)(2) of this section by giving notice as provided by Section 3(a)(2) or 3(a)(3) of this Act and otherwise complying with this Act.

Revised Law

Sec. 684.053. REMOVAL UNDER GOVERNMENTAL ENTITY'S AUTHORITY OF UNAUTHORIZED VEHICLE PARKED IN RIGHT-OF-WAY. (a) A governmental entity that has jurisdiction over a public roadway and that has posted one or more signs in the right-of-way stating that parking is prohibited in the right-of-way may:

(1) remove or contract with a towing company to remove an unauthorized vehicle parked in the right-of-way of the public...
(2) grant written permission to an abutting parking facility owner to:

(A) post one or more "No parking in R.O.W." signs along a common property line of the facility and the roadway; and

(B) remove vehicles from the right-of-way of the public roadway under this chapter.

(b) A sign under Subsection (a)(2) must:

(1) state that a vehicle parked in the right-of-way may be towed at the expense of the owner or operator of the vehicle;

(2) be placed facing the public roadway:

(A) on the parking facility owner's property not more than two feet from the common boundary line; and

(B) at intervals so that no point in the boundary line is less than 25 feet from a sign posted under this subsection; and

(3) in all other respects comply with Subchapter C.

(c) After signs have been posted under Subsection (b), the parking facility owner or a towing company may remove an unauthorized vehicle from the right-of-way subject to the governmental entity's written permission given under Subsection (a)(2). (V.A.C.S. Art. 6701g-2, Secs. 7(d), (e), (f).)

Source Law

(d) A governmental authority that has jurisdiction over a public roadway and that has posted one or more signs in the right-of-way stating that parking is prohibited in the right-of-way may:

(1) remove or contract with a towing company to remove an unauthorized vehicle parked in the right-of-way of the public roadway, on direction of a representative of the governmental authority; or

(2) grant written permission to an abutting parking facility owner to post "No parking in R.O.W." signs along the common property line between the facility and the public roadway and to remove vehicles from the right-of-way of the public roadway in compliance with this Act.

(e) The signs under Subsection (d)(2) of this section must state that vehicles parked in the right-of-way may be towed at the vehicle owner's or
operator's expense and must be placed facing the public roadway, on the parking facility owner's property within two feet from the common boundary line, and at intervals so that no point in the boundary line is less than 25 feet from a sign posted under this subsection. In all other respects the signs must comply with Section 6 of this Act.

(f) If "No parking in R.O.W." signs have been posted in accordance with Subsection (e) of this section a parking facility owner or a towing company may remove an unauthorized vehicle from the right-of-way to the extent allowed in the governmental authority's written permission to the facility owner under Subsection (d)(2) of this section.

Revised Law
Sec. 684.054. AUTHORITY FOR REMOVAL OF VEHICLE FROM PUBLIC ROADWAY. A parking facility owner or towing company may not remove a vehicle from a public roadway except under:

(1) this chapter or a municipal ordinance that complies with Section 684.101; or

(2) the direction of a peace officer or the owner or operator of the vehicle. (V.A.C.S. Art. 6701g-2, Sec. 7(g).)

Source Law
(g) A parking facility owner or towing company may not remove a vehicle from a public roadway except under this Act, a municipal ordinance complying with Section 10 of this Act, or the direction of a peace officer or the owner or operator of such vehicle.

[Sections 684.055-684.080 reserved for expansion]

SUBCHAPTER E. REGULATION OF TOWING COMPANIES AND PARKING FACILITY OWNERS

Revised Law
Sec. 684.081. PARKING FACILITY OWNER PROHIBITED FROM RECEIVING FINANCIAL GAIN FROM TOWING COMPANY. (a) A parking facility owner may not directly or indirectly accept anything of value from a towing company in connection with the removal of a vehicle from a parking facility.

(b) A parking facility owner may not have a direct or indirect monetary interest in a towing company that for compensation removes unauthorized vehicles from a parking facility.
in which the parking facility owner has an interest. (V.A.C.S. Art. 6701g-2, Sec. 8.)

Source Law

Sec. 8. A parking facility owner may not accept anything of value, directly or indirectly, from a towing company in connection with the removal of a vehicle from a parking facility. A parking facility owner may not have a monetary interest, directly or indirectly, in a towing company which removes unauthorized vehicles for compensation from a parking facility in which the parking facility owner has an interest.

Revised Law

Sec. 684.082. TOWING COMPANY PROHIBITED FROM FINANCIAL INVOLVEMENT WITH PARKING FACILITY OWNER. (a) A towing company may not directly or indirectly give anything of value to a parking facility owner in connection with the removal of a vehicle from a parking facility.

(b) A towing company may not have a direct or indirect monetary interest in a parking facility from which the towing company for compensation removes unauthorized vehicles. (V.A.C.S. Art. 6701g-2, Sec. 9.)

Source Law

Sec. 9. A towing company may not give anything of value, directly or indirectly, to a parking facility owner in connection with the removal of a vehicle from a parking facility. A towing company may not have a monetary interest, directly or indirectly, in a parking facility from which the towing company removes unauthorized vehicles for compensation.

Revised Law

Sec. 684.083. LIMITATION ON LIABILITY OF PARKING FACILITY OWNER FOR REMOVAL OR STORAGE OF UNAUTHORIZED VEHICLE. A parking facility owner who causes the removal of an unauthorized vehicle is not liable for damages arising from the removal or storage of the vehicle if the vehicle:

(1) was removed in compliance with this chapter; and

(2) is:

(A) removed by a towing company insured against
liability for property damage incurred in towing a vehicle; and
(B) stored by a vehicle storage facility insured
against liability for property damage incurred in storing a
vehicle. (V.A.C.S. Art. 6701g-2, Sec. 3(e).)

Source Law

(e) A parking facility owner who causes the
removal of an unauthorized vehicle in compliance with
the provisions of this Act shall not be liable for
damages arising out of the removal or storage of such
vehicle if the vehicle is:
(1) removed by a towing company insured
against liability for property damage incurred in
towing vehicles; and
(2) stored by a vehicle storage facility
insured against liability for property damage incurred
in storing vehicles.

Revised Law
Sec. 684.084. CIVIL LIABILITY OF TOWING COMPANY OR PARKING
FACILITY OWNER FOR VIOLATION OF CHAPTER. (a) A towing company or
parking facility owner who violates this chapter is liable to the
owner or operator of the vehicle that is the subject of the
violation for:
(1) damages arising from the removal or storage of the
vehicle; and
(2) towing or storage fees assessed in connection with
the vehicle's removal or storage.
(b) A vehicle's owner or operator is not required to prove
negligence of a parking facility owner or towing company to recover
under Subsection (a).
(c) A towing company or parking facility owner who
intentionally, knowingly, or recklessly violates this chapter is
liable to the owner or operator of the vehicle that is the subject
of the violation for $300 plus three times the amount of fees
assessed in the vehicle's removal, towing, or storage.
(d) In a suit brought under this chapter, the prevailing
party is entitled to recover reasonable attorney's fees. (V.A.C.S.
Art. 6701g-2, Sec. 11.)
Sec. 11. (a) Any towing company or parking facility owner who violates this Act shall be liable to the owner or operator of the vehicle for damages arising out of the removal or storage of such vehicle and/or any towing or storage fees assessed in connection with the removal or storage of such vehicle. Negligence on the part of the parking facility owner or towing company need not be proven in order to recover under this subsection.

(b) A towing company or parking facility owner who knowingly, intentionally, or recklessly violates this Act shall be liable to the owner or operator of the vehicle for $300 plus treble the amount of fees assessed in the removal, towing, or storage of the vehicle.

(c) In any suit brought under this Act, the prevailing party shall recover reasonable attorney’s fees from the nonprevailing party.

Revised Law

Sec. 684.085. VIOLATION OF CHAPTER; FINE. A violation of this chapter is punishable by a fine of not less than $200 or more than $500. (V.A.C.S. Art. 6701g-2, Sec. 12 (part).)

Source Law

Sec. 12. Any violation of this Act is punishable by a fine of not less than $200 and not more than $500.

Revised Law

Sec. 684.086. VIOLATION OF CHAPTER; INJUNCTION. A violation of this chapter may be enjoined under Subchapter E, Chapter 17, Business & Commerce Code. (V.A.C.S. Art. 6701g-2, Sec. 12 (part).)

Source Law

Sec. 12. . . . Any violation of the provisions of this Act may be enjoined pursuant to the provisions of the Deceptive Trade Practices-Consumer Protection Act.

Revised Law

Sec. 684.087. MINOR SIGN OR LETTERING HEIGHT VARIATIONS. A minor variation of a required or minimum height of a sign or lettering is not a violation of this chapter. (V.A.C.S. Art. 6701g-2, Sec. 6(g).)
Source Law

(g) Minor variations of required or minimum heights of signs and letters do not constitute a violation of this Act.

[Sections 684.088-684.100 reserved for expansion]

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Revised Law

Sec. 684.101. MUNICIPAL ORDINANCE REGULATING UNAUTHORIZED VEHICLES. A municipality may adopt an ordinance that is identical to this chapter or that imposes additional requirements that exceed the minimum standards of this chapter but may not adopt an ordinance conflicting with this chapter. (V.A.C.S. Art. 6701g-2, Sec. 10.)

Source Law

Sec. 10. A municipality may adopt an ordinance that is identical to this Act or that imposes additional requirements that exceed the minimum standards contained in this Act but may not adopt an ordinance that conflicts with this Act.

CHAPTER 685. RIGHTS OF OWNERS OF STORED VEHICLES

Sec. 685.001. DEFINITIONS

Sec. 685.002. PAYMENT OF COST OF REMOVAL AND STORAGE OF VEHICLE

Sec. 685.003. RIGHT OF OWNER OF VEHICLE TO HEARING

Sec. 685.004. JURISDICTION

Sec. 685.005. REQUEST FOR HEARING

Sec. 685.006. FILING FEE AUTHORIZED

Sec. 685.007. HEARING

CHAPTER 685. RIGHTS OF OWNERS OF STORED VEHICLES

Revised Law

Sec. 685.001. DEFINITIONS. In this chapter, "vehicle" and "vehicle storage facility" have the meanings assigned those terms by Article 6687-9a, Revised Statutes. (V.A.C.S. Art. 6701g-3, Sec. 1.)

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Source Law

Art. 6701g-3
Sec. 1. In this article:
(1) "Vehicle storage facility" has the meaning assigned to that term by Article 6687-9a, Revised Statutes.
(2) "Vehicle" has the meaning assigned to that term by Article 6687-9a, Revised Statutes.

Revised Law

Sec. 685.002. PAYMENT OF COST OF REMOVAL AND STORAGE OF VEHICLE. (a) If in a hearing held under this chapter the court finds that a person or law enforcement agency authorized, with probable cause, the removal and storage in a vehicle storage facility of a vehicle, the owner of the vehicle shall pay the costs of the removal and storage.

(b) If in a hearing held under this chapter the court does not find that a person or law enforcement agency authorized, with probable cause, the removal and storage in a vehicle storage facility of a vehicle, the person or law enforcement agency that authorized the removal shall:
   (1) pay the costs of the removal and storage; or
   (2) reimburse the owner for the cost of the removal and storage paid by the owner. (V.A.C.S. Art. 6701g-3, Sec. 5.)

Source Law

Sec. 5. (a) If the court determines that probable cause existed for the removal and placement of the vehicle, the owner of the vehicle shall pay the costs of removing and storing the vehicle.

(b) If the court does not determine that probable cause existed for the removal and placement of the vehicle, the person or law enforcement agency who authorized the removal shall pay the costs of removing and storing the vehicle. If the vehicle's owner paid removal or storage costs before the hearing, the person or law enforcement agency shall fully reimburse the owner.

Revised Law

Sec. 685.003. RIGHT OF OWNER OF VEHICLE TO HEARING. The owner of a vehicle that has been removed and placed in a vehicle storage facility without the consent of the owner of the vehicle is entitled to a hearing on whether probable cause existed for the
removal and placement. (V.A.C.S. Art. 6701g-3, Sec. 2(a.).)

Source Law
Sec. 2. (a) If a vehicle has been moved and placed in a vehicle storage facility without the consent of the owner, the owner is entitled to a hearing to determine whether or not probable cause existed for the removal and placement of the vehicle.

Revised Law
Sec. 685.004. JURISDICTION. (a) A hearing under this chapter is before the justice of the peace or a magistrate in whose jurisdiction the vehicle storage facility is located, except as provided by Subsection (b).

(b) In a municipality with a population of 1,200,000 or more, a hearing under this chapter is before a judge of a municipal court in whose jurisdiction the vehicle storage facility is located. (V.A.C.S. Art. 6701g-3, Secs. 2(b), (c.).)

Source Law
(b) Except as provided by Subsection (c) of this section, a hearing under this article shall be before a justice of the peace or magistrate in whose jurisdiction the vehicle storage facility is located.

(c) In a municipality that has a population of 1,200,000 or more, according to the most recent federal decennial census, a hearing under this article shall be before a municipal court judge in whose jurisdiction the vehicle storage facility is located.

Revisor's Note
Section 2(c), V.A.C.S. Article 6701g-3, describes a population number that is to be determined according to the most recent federal decennial census. The revised law omits the reference to the federal census because the reference is unnecessary. Section 311.005(3), Government Code (Code Construction Act), and Section 312.011(20), Government Code, define "population" as population according to the most recent federal decennial census. That definition applies to the revised law.
Sec. 685.005. REQUEST FOR HEARING. (a) A person entitled to a hearing under this chapter must deliver a written request for the hearing to the court before the sixth day after the date the vehicle was placed in the vehicle storage facility, excluding Saturdays, Sundays, and legal holidays.

(b) A request for a hearing must contain:

(1) the name, address, and telephone number of the owner of the vehicle;

(2) the location from which the vehicle was removed;

(3) the date when the vehicle was removed;

(4) the name, address, and telephone number of the person or law enforcement agency that authorized the removal; and

(5) the name, address, and telephone number of the vehicle storage facility in which the vehicle was placed.

(c) A person who fails to deliver a request in accordance with Subsection (a) waives the right to a hearing. (V.A.C.S. Art. 6701g-3, Sec. 3.)

Sec. 3. (a) A person entitled to a hearing under this article must deliver a written request for the hearing to the court before the sixth day after the date the vehicle was placed in the vehicle storage facility. In computing time under this subsection, Saturdays, Sundays, and legal holidays are excluded. A person who fails to deliver the request within the specified time period waives the right to the hearing.

(b) A written notice under this section must contain the following information:

(1) the name, address, and telephone number of the owner of the vehicle;

(2) the date and the location from which the vehicle was removed;

(3) the name, address, and telephone number of the person or law enforcement agency who authorized the removal; and

(4) the name, address, and telephone number of the vehicle storage facility where the vehicle was placed.

Sec. 685.006. FILING FEE AUTHORIZED. The court may charge a filing fee of $10 for a hearing under this chapter. (V.A.C.S. Art.
Sec. 4.
(c) The court may charge a filing fee of $10 for a hearing under this article.

Revised Law
Sec. 685.007. HEARING. (a) A hearing under this chapter shall be held before the fourth working day after the date the court receives the request for the hearing.

(b) The court shall notify the owner of the vehicle and the person or law enforcement agency that authorized the removal of the vehicle of the date, time, and place of the hearing.

(c) The sole issue in a hearing under this chapter is whether probable cause existed for the removal and placement of the vehicle.

(d) The court shall make written findings of fact and a conclusion of law.

(e) The court may award court costs to the prevailing party.

V.A.C.S. Art. 6701g-3, Secs. 4(a), (b), (c) (part), (d), (e.).

Source Law
Sec. 4. (a) A hearing under this article shall be held before the fourth working day after the date the request for the hearing was received by the court.

(b) The court shall notify the vehicle's owner and the person or law enforcement agency who authorized the removal of the vehicle of the date, time, and place of the hearing.

(c) The court . . . may award court costs to the prevailing party.

(d) The sole issue in a hearing under this article is whether or not probable cause existed for the removal and placement of the vehicle.

(e) The court shall make written findings of fact and a conclusion of law regarding the issue in the hearing.

Revisor's Note
The revised law omits as unnecessary the phrase in Section 4(e), V.A.C.S. Article 6701g-3, "regarding the issue in the hearing."

[Chapters 686-700 reserved for expansion]
SUBTITLE I. ENFORCEMENT OF TRAFFIC LAWS

CHAPTER 701. COUNTY TRAFFIC OFFICERS

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SUBTITLE I. ENFORCEMENT OF TRAFFIC LAWS

CHAPTER 701. COUNTY TRAFFIC OFFICERS

Revised Law
Sec. 701.001. AUTHORIZATION. (a) Acting in conjunction
with the sheriff of the county, the commissioners court of a county
may employ not more than five regular deputies as county traffic
officers.

(b) The commissioners court may employ not more than two
additional deputies as county traffic officers to aid the regular
officers in special emergencies. (V.A.C.S. Art. 6702-1, Secs.
2.303(a) (part), (d) (part).)

Source Law
Sec. 2.303. (a) The commissioners court of each
county, acting in conjunction with the sheriff, may
employ not more than five regular deputies, nor more
than two additional deputies for special emergencies to
aid the regular deputies, to be known as county traffic
officers. . . .

(d) . . . The deputies provided for in this
section shall be appointed by the commissioners
court . . . .

Revised Law
Sec. 701.002. POWER TO ACT; GUIDANCE. (a) A county traffic
officer:

(1) must be deputized by the sheriff or a constable of
the county in which the officer is employed;

(2) must give a bond and take an oath of office as
other deputy sheriffs;

(3) must work under the direction of the sheriff; and

(4) has the same right and duty as a deputy sheriff to

arrest a person who violates a law.

(b) The district engineer of a Texas Department of

Transportation district in which an officer operates shall advise

the officer on enforcement of the state laws that regulate traffic

on highways. (V.A.C.S. Art. 6702-1, Secs. 2.303(a) (part), (c)

(part), (d) (part), (g) (part).)

Source Law

(a) ... They shall give bond and take oath of

office as other deputies. ... and shall be assigned

to work under the direction of the sheriff . . . .

(c) ... The deputies have the same right and

duty to arrest violators of all laws as other deputy

sheriffs have.

(d) ... The deputies provided for in this

section . . . shall be deputized by either the sheriff

or any constable of the county in which they are

appointed. . . .

(g) ... The district engineer in whose

district the officers operate shall advise the officers

as to the enforcement of the various state laws

pertaining to control and regulation of traffic on the

highways. . . .

Revisor's Note

Section 2.303(g), V.A.C.S. Article 6702-1, refers

to the "district engineer in whose district the

officers operate." Because it is clear in this context

that "district" means a district of the Texas

Department of Transportation, Section 701.002(b) is

revised accordingly. See V.A.C.S. Article 6663h,

revised as Section 201.105 of this code.

Revised Law

Sec. 701.003. DUTIES. (a) A county traffic officer shall:

(1) be a motorcycle rider when practicable;

(2) cooperate with the police department of each

municipality in the county to enforce state traffic laws in that
1 municipality and in the county;
2
3 (3) enforce state laws that regulate the operation of
4 a motor vehicle on a highway, street, or alley; and
5
6 (4) remain on and patrol the highway at all times when
7 performing the officer's duties.
8
9 (b) An officer may leave a highway only in pursuit of an
10 offender the officer is unable to apprehend on the highway.
11 (V.A.C.S. Art. 6702-1, Secs. 2.303(a) (part), (c) (part), (e)
12 (part)).

Source Law

(a) . . . The deputies shall enforce the
12 highway laws of this state regulating the use of the
13 public highways by motor vehicles. The deputies shall
14 be, whenever practicable, motorcycle riders . . . .
15
16 (c) The deputies shall at all times cooperate
17 with the police department of each city or town within
18 the county in the enforcement of the traffic laws in
19 the city or town and in all other parts of the
20 county. . . .
21
22 (e) The officers shall remain in and on the
23 highway and shall at all times patrol the highway while
24 in the performance of their duties, only leaving the
25 highway to pursue an offender whom the officers were
26 unable to apprehend on the highway itself. . . .

Revisor's Note

(1) Section 2.303(c), V.A.C.S. Article 6702-1,
28 refers to "a city or town." The revised law
29 substitutes the term "municipality" for "city or town"
30 because that is the term used in the Local Government
31 Code.
32
33 (2) Section 2.303(d), V.A.C.S. Article 6702-1,
34 requires a deputy to wear a full uniform and a badge at
35 all times when performing the deputy's duties. The
36 revised law omits the uniform and badge requirement
37 because the Texas Court of Criminal Appeals, in Scoggin
38 v. State, 38 S.W.2d 592 (1931), held unconstitutional a
39 similar statute that required an officer to wear a
40 uniform and a badge. See also, Dougherty v. State, 773
S.W.2d 320 (Tex. Crim. App. 1989). The omitted law reads:

(d) . . . the badges to be not less than two inches by three inches in dimension, and other necessary equipment . . . . The deputies shall at all times when in the performance of their duties wear a full uniform with a cap and badge, the badge to be displayed on the outside of the uniform in a conspicuous place.

(3) Section 2.303(e), V.A.C.S. Article 6702-1, provides that an arrest is not valid if the officer making the arrest was hiding or if a trap had been set by the officer. The revised law omits this provision. In 1964 the Texas Court of Criminal Appeals, in Cromer v. State, 374 S.W.2d 884, held an identical statute unconstitutional. The reasoning was the same as that in Scoggin v. State, 38 S.W.2d 592 (Tex. Crim. App. 1931), cited in Reviser's Note (2) of this section. The omitted law reads:

(e) . . . No arrest by an officer is binding or valid on the person apprehended if the officer making the arrest was in hiding or if he set a trap to apprehend persons traveling on the highway.

(4) Section 2.303(g), V.A.C.S. Article 6702-1, provides that a county traffic officer shall arrest persons who violate state traffic laws. The revised law omits this provision because the authority to enforce state traffic laws includes the authority to arrest violators. The omitted provision reads:

(g) The officers shall . . . make arrests for violation of any law of this state pertaining to the control and regulation of vehicles operating in and on any highway, street, or alley of this state. . . .

Revised Law

Sec. 701.004. COMPENSATION. (a) The compensation to be paid a county traffic officer shall be set before the officer is employed.
(b) Salary paid to the officer is independent of a salary paid to the sheriff and sheriff's deputies who do not act as highway officers. Compensation for an officer may not be included in the sheriff's settlement in accounting for a fee of office or as salary paid to the sheriff or a sheriff's deputy.

(c) The commissioners court may provide necessary equipment for the officer at the county's expense. An officer's equipment may include a motorcycle and maintenance of that motorcycle.

(V.A.C.S. Art. 6702-1, Secs. 2.303(a) (part), (d) (part).)

Source Law

(a) ... The commissioners court shall fix the compensation of the deputies prior to their selection and may provide at the expense of the county necessary equipment for the officers. The pay of the deputies may not be included in the settlements of the sheriff in accounting for the fees of office.

(d) ... The commissioners court is hereby authorized to provide at the expense of the county the necessary uniforms, caps, and badges ... and other necessary equipment, to include a motorcycle and its maintenance, as is necessary for them to discharge their duties. The salaries paid to the deputies acting as highway officers shall be paid directly to the deputies by the commissioners court. The salaries are independent of any salary ... paid to the sheriff and all of his deputies not so acting as highway officers, and the sheriff shall not be required to account for the salaries provided for in this section as fees of office or as salary to the sheriff or his other deputies. ...

Revisor's Note

(1) Section 2.303(d), V.A.C.S. Article 6702-1, requires an officer's salary to be paid from the general county fund and specifies that a deputy's salary is "independent of any ... fee paid to the sheriff ...." These provisions are omitted as impliedly repealed or duplicated by Sections 152.001 and 154.002, Local Government Code. The omitted law reads:

(d) Deputies shall be paid a salary out of the general county fund. ... The salaries are independent of any ... fee paid to the sheriff and all of his deputies ....
(2) Section 2.303(d), V.A.C.S. Article 6702-1, provides that a county may provide "the necessary uniforms, caps, and badges" to a county traffic officer. The revised law omits this provision because the requirement that an officer wear a uniform and display a badge is omitted from the revised law for the reason stated in Revisor's Note (2) to Section 701.003.

Revised Law
Sec. 701.005. FEES. A fee may not be charged for a service of a county traffic officer. (V.A.C.S. Art. 6702-1, Sec. 2.303(f) (part).)

Source Law
(f) No fees or charges may be made for the service of the officers . . . .

Revisor's Note
(1) Section 2.303(f), V.A.C.S. Article 6702-1, refers to "fees or charges" for the services of an officer. The reference to "charges" is omitted from the revised law because "charge" is included within the meaning of "fee."

(2) Section 2.303(f), V.A.C.S. Article 6702-1, refers to fees paid to an officer. This provision is omitted as impliedly repealed by Section 154.002, Local Government Code. The omitted law reads:

[(f) No fees or charges may be . . . ] or paid to the officers . . . .

(3) Section 2.303(f), V.A.C.S. Article 6702-1, provides that a fee may not be charged for a service of a county traffic officer and may not be charged as a cost for an arrest made by a county traffic officer. The revised law omits as unnecessary the prohibition against charging a cost for an arrest because under Article 102.011, Code of Criminal Procedure, an arrest
is a service of a peace officer. The omitted provision reads:

• nor may any fee for the arrests made by the officers be charged and taxed as costs • in any case in which the officers make an arrest.

Revised Law

Sec. 701.006. COMPLAINT; HEARING; DISMISSAL. (a) If a county traffic officer fails to perform the officer's duty to enforce the law, the district engineer of the Texas Department of Transportation district in which the officer operates may send a written, signed complaint to the commissioners court.

(b) On receipt of the complaint, the commissioners court shall hold a hearing and summon the officer to appear before it.

(c) If the commissioners court determines at the hearing that the officer has not performed the officer's duty, the commissioners court shall immediately discharge the officer and promptly employ another officer.

(d) The commissioners court on its own initiative, or on recommendation of the sheriff, may dismiss a county traffic officer if the officer is no longer needed or if the officer's service is unsatisfactory. (V.A.C.S. Art. 6702-1, Secs. 2.303(a) (part), (g) (part).)

Source Law

(a) . . . They may be dismissed from service on request of the sheriff whenever approved by the commissioners court or by the court on its own initiative, whenever the deputies' services are no longer needed or have not been satisfactory. . . .

(g) . . . In case the officers do not perform their duties in enforcing the laws, the district engineer may complain to the commissioners court. On the filing of the complaint in writing, duly signed by the district engineer, the commissioners court shall summon before them for a hearing the officer or officers complained of. If the hearing develops that the officer or officers are not performing their duties as required of them, the officer or officers shall immediately be discharged from all of their duties and powers and other officers shall promptly be appointed.
Reviser's Note

Section 2.303(g), V.A.C.S. Article 6702-1, refers to a "district engineer." Section 701.006(a) is revised by adding a reference to the Texas Department of Transportation for the reason stated in the reviser's note to Section 701.002 of this chapter.

Reviser's Note (End of Chapter)

(1) Section 2.303(b), V.A.C.S. Article 6702-1, concerning apportionment of funds from motor vehicle registration fees, has been omitted from the revised law. The provision originated in Chapter 127, Acts of the 36th Legislature, Regular Session, 1919, became Article 7012 3/4d in a 1922 revision, and then Article 6699, Revised Statutes, in 1925. In 1984 Article 6699 was included in a nonsubstantive revision of county road laws and became Section 2.303, V.A.C.S. Article 6702-1, the County Road and Bridge Act. The provisions concerning fees have not been amended since the original enactment.

In 1929, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, adopted a comprehensive program for the collection and apportionment of fees by the State Highway Commission. That act has been amended numerous times since its original enactment, the last time in 1993, and has impliedly repealed the provisions of Article 6699 that give a county a percentage of the motor vehicle registration fees. The omitted law reads:

(b) For the purpose of this section, the commissioners courts of counties whose funds from the motor registration fees provided in this section amount to $30,000 or over may use an amount not exceeding five percent of the funds. The commissioners courts of other counties may use an amount not to exceed 7 1/2 percent of the funds from the motor registration fees.

74C263 JD-D 3730
Numerous laws exist that apply only to counties or municipalities having a certain number of inhabitants. A law of this type uses a population bracket, that is, a minimum or a maximum population figure, or both, to define the population range in which a county or municipality must fall in order to be covered by the law. Many of these bracket laws are unconstitutional because they violate Section 56, Article III, Texas Constitution, which prohibits the legislature from passing local laws regulating the affairs of counties or municipalities. A law that uses a population bracket to limit its application to a class of counties or municipalities does not violate Article III, Section 56, if, after considering the subject of the law, one finds a reasonable justification for applying the law to that particular class of counties or municipalities and not to counties or municipalities outside the class. Miller v. El Paso County, 150 S.W.2d 1000 (Tex. 1941); Smith v. Decker, 312 S.W.2d 632 (Tex. 1958); Robinson v. Hill, 507 S.W.2d 521 (Tex. 1974).

As a general rule in this revision, no attempt is made to determine under Article III, Section 56, the constitutionality of any bracket law unless the population bracket used in the law no longer applies to any county or municipality. V.A.C.S. Article 2372a-2 is a bracket law that under the 1990 census does not apply to any county or municipality. In fact, since the 1970 census only one county has been within the population bracket established by Article 2372a-2. Article 2372a-2 would have applied only to Lampasas County after the 1980 census, and no other county since that time. This circumstance has been the case in spite of the fact that in 1971, 1981,
and 1991 the legislature enacted laws changing the
population brackets of numerous laws so that after each
federal census the laws would continue to apply to the
counties and municipalities for which the laws were
designed. The legislature did not amend the population
bracket of Article 2372a-2 in any of those years.
Consequently, it is safe to conclude that the article
is deadwood.

Article 2372a-2 is omitted from this revision
because it no longer applies to any county and because,
under the principles established by the Miller, Smith,
and Robinson cases, it is an unconstitutional local
law. Article 2372a-2 reads:

Art. 2372a-2. The Commissioners' Courts of Counties containing not less than
eleven thousand nine hundred eighty (11,980) inhabitants, and not more than
twelve thousand one hundred (12,100) inhabitants, according to the last
preceding Federal Census shall from and after the passage of this Act be empowered
to appoint not more than five (5) County Highway Patrolmen for such County, which
appointment for Highway Patrolmen shall be limited to the Sheriff or any of his duly
appointed Deputies, and any Constable or his duly appointed Deputies, whose duty it
shall be to patrol all County Public Roads for the purpose of enforcing the Highway
laws of this State, regulating the use of public Highways by motor vehicles. Said
County Highway Patrolmen shall have authority to weigh all motor vehicles, if
said officer has reasons to believe that the gross weight of any loaded motor
vehicle is unlawful and said officer shall have the authority to require such motor
vehicle to be driven to the nearest scale, provided however, that such scale is not
more than two (2) miles distant and said officer shall have authority to cause said
motor vehicle to be unloaded to the extent that the gross weight of such motor vehicle
shall not exceed the maximum allowed under the laws of the State of Texas.

Said County Highway Patrolmen may as such be dismissed by said Commissioners'
Courts on their own initiative, whenever their services are no longer needed or have
proven unsatisfactory, and said County Highway Patrolmen shall as such, receive no
compensation from the Commissioners' Court.
CHAPTER 702. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS

Sec. 702.001. DEFINITIONS. In this chapter:

(1) "Registration" of a motor vehicle includes a renewal of the registration of that vehicle.

(2) "Traffic law" means a statute or ordinance, a violation of which is a misdemeanor punishable by a fine not to exceed $200, that regulates, on a street, road, or highway of this state:

(A) the conduct or condition of a person while operating a motor vehicle; or

(B) the condition of a motor vehicle being operated. (V.A.C.S. Art. 6687c, Sec. 1(2); New.)

Source Law

Art. 6687c
Sec. 1. In this article:

(2) "Traffic law" means a statute or ordinance, a violation of which is a misdemeanor punishable by a fine in an amount that may not exceed $200, that regulates a driver's conduct or condition while operating a motor vehicle, or the condition of a motor vehicle while it is being operated, on a street, road, or highway of this state.

Revisor's Note

The definition of "registration" is added to the revised law for drafting convenience and to eliminate
frequent, unnecessary repetition of the substance of the definition. The renewal of a registration is included to conform to the references in V.A.C.S. Article 6687c to the authority to "register or reregister."

Revised Law

Sec. 702.002. APPLICATION. This chapter applies only to a home-rule municipality with a population of 150,000 or more. (V.A.C.S. Art. 6687c, Sec. 1(1).)

Source Law

Sec. 1. . . .

(1) "Political subdivision" means a home-rule city with a population of not less than 150,000, according to the most recent federal census.

Revisor's Note

(1) Section 1(1), V.A.C.S. Article 6687c, describes a population number that is to be determined according to the most recent federal census. The revised law omits the reference to the federal census because the reference is unnecessary. Section 311.005(3), Government Code (Code Construction Act), and Section 312.011(20), Government Code, define "population" as population according to the most recent federal decennial census. That definition applies to the revised law.

(2) Section 1(1), V.A.C.S. Article 6687c, refers to a "home-rule city." The revised law substitutes the term "home-rule municipality" for "home-rule city" because that is the term used in the Local Government Code.

(3) Section 1(1), V.A.C.S. Article 6687c, refers to a "political subdivision." The revised law substitutes the term "home-rule municipality" because that is the term used for a "home-rule city" in the
Local Government Code, and "political subdivision" is defined as a "home-rule city."

Revised Law
Sec. 702.003. REFUSAL TO REGISTER VEHICLE. (a) A county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives under a contract information from a municipality that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law.

(b) A municipality may contract with a county in which the municipality is located or the Texas Department of Transportation to provide information to the county or department necessary to make a determination under Subsection (a).

(c) A municipality that has a contract under Subsection (b) shall notify the county or the department regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on:

(1) entry of a judgment against the person and the person's payment to the court of the fine for the violation and of all court costs;

(2) perfection of an appeal of the case for which the arrest warrant was issued; or

(3) dismissal of the charge for which the arrest warrant was issued.

(d) After notice is received under Subsection (c), the county assessor-collector or the department may not refuse to register the motor vehicle under Subsection (a).

(e) A contract under Subsection (b) must be entered into in accordance with Chapter 791, Government Code, and is subject to the ability of the parties to provide or pay for the services required under the contract. (V.A.C.S. Art. 6687c, Secs. 2(a), (c); 4.)
Sec. 2. (a) A political subdivision may contract with the county in which the subdivision is located or the State Department of Highways and Public Transportation to provide the county or agency with information necessary for the county, with the consent of the tax assessor-collector, or agency to refuse to register or reregister a motor vehicle owned by a person for whom a warrant of arrest is outstanding for failure to appear or pay a fine on a complaint involving a violation of a traffic law.

(c) A contract under this section must be made in accordance with The Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes). A contract made under this section is subject to the ability of the parties to provide or pay for the services required under the contract.

Sec. 4. (a) If a political subdivision has contracted under this article with the county in which the subdivision is located or the State Department of Highways and Public Transportation, on receiving the necessary information from the political subdivision, the tax assessor-collector of that county or the department may refuse to register or reregister a motor vehicle that is owned by a person for whom a warrant of arrest issued by that political subdivision is outstanding for failure to appear or pay a fine on a complaint involving a violation of a traffic law.

(b) A political subdivision shall notify the county or the department regarding a person for whom the tax assessor-collector of that county or the department has refused to register or reregister a motor vehicle on:

(1) the entry of a judgment against the person and the person's payment to the court of the fine owed for the violation and all court costs imposed by the court;

(2) the perfection of an appeal of the case for which the warrant of arrest was issued; or

(3) the dismissal of the charges for which the warrant of arrest was issued.

(c) After a notice is received under Subsection (b) of this section, the person who is the subject of the notice is entitled to register or reregister a motor vehicle.

Revisor's Note

(1) Sections 2(a) and 4, V.A.C.S. Article 6687c, refer to the "State Department of Highways and Public Transportation." The revised law substitutes the "Texas Department of Transportation" for the reason stated in the revisor's note to Section 201.003 of this code.

(2) Section 2(a), V.A.C.S. Article 6687c, states that the "consent of the tax assessor-collector" is
necessary for a county to refuse to register a motor vehicle under this section. The revised law omits this phrase as unnecessary because, under this section, a county assessor-collector has the discretion as to whether to register a motor vehicle.

(3) Section 2(c), V.A.C.S. Article 6687c, refers to The Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes). That statute was codified in 1991 as Chapter 791, Government Code. The revised law is drafted accordingly.

Revised Law

Sec. 702.004. REVOCATION OF DRIVER'S LICENSE, PERMIT, OR PRIVILEGE. (a) If the Department of Public Safety receives under a contract information from a municipality that a person has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law, the department may begin proceedings to:

(1) revoke the driver's license or permit of the person;

(2) revoke the driving privilege of the person; or

(3) prohibit the person from obtaining a driver's license.

(b) A municipality may contract with the department to provide information to the department necessary to make a determination under Subsection (a).

(c) A municipality that has a contract under Subsection (b) shall notify the department to reinstate a person's unexpired driver's license, permit, or driving privilege that was revoked under this section on:

(1) entry of a judgment against the person and the person's payment to the court of the fine for the violation and of all court costs;

(2) perfection of an appeal of the case for which the
1 arrest warrant was issued; or
2 (3) dismissal of the charge for which the arrest
3 warrant was issued.
4 (d) A contract under Subsection (b) must be entered into in
5 accordance with Chapter 791, Government Code, and is subject to the
6 ability of the parties to provide or pay for the services required
7 under the contract. (V.A.C.S. Art. 6687c, Secs. 2(b), (c); 5.)

8 Source Law

Sec. 2. . . .
(b) A political subdivision may contract with
the Department of Public Safety to provide the agency
with information necessary for the agency to revoke the
driver's license, permit, or privilege of a person for
whom a warrant of arrest is outstanding for failure to
appear or pay a fine on a complaint involving a
violation of a traffic law.
(c) A contract under this section must be made
in accordance with The Interlocal Cooperation Act
(Article 4413(32c), Vernon's Texas Civil Statutes). A
contract made under this section is subject to the
ability of the parties to provide or pay for the
services required under the contract.

Sec. 5. (a) If a political subdivision has
contracted under this article with the Department of
Public Safety, on receiving the necessary information
from the political subdivision, the department may
begin proceedings to revoke the driver's license or
permit of a person or revoke the driving privilege of
and prohibit the obtaining of a driver's license in
this state by a person for whom a warrant of arrest
issued by that political subdivision is outstanding for
failure to appear or pay a fine on a complaint
involving a violation of a traffic law.
(b) A political subdivision shall notify the
Department of Public Safety to reinstate a person's
driver's license, permit, or driving privilege that was
revoked under this section, if the license, permit, or
privilege has not expired, on:
(1) the entry of a judgment against the
person and the person's payment to the court of the
fine owed for the violation and all court costs imposed
by the court;
(2) the perfection of an appeal of the
case for which the warrant of arrest was issued; or
(3) the dismissal of the charges for which
the warrant of arrest was issued.

Revisor's Note
Section 2(c), V.A.C.S. Article 6687c, refers to
The Interlocal Cooperation Act (Article 4413(32c),
Vernon's Texas Civil Statutes). That statute was
codified in 1991 as Chapter 791, Government Code. The
revised law is drafted accordingly.

Revised Law

Sec. 702.005. WARNING; CITATION. (a) A peace officer authorized to issue citations in a municipality that has a contract under Section 702.003 or 702.004 shall issue a written warning to each person to whom the officer issues a citation for a violation of a traffic law in the municipality.

(b) If the municipality has contracted under Section 702.003, the warning must state that if the person fails to appear in court as provided by law for the prosecution of the offense or fails to pay a fine for the violation, the person might not be permitted to register a motor vehicle in this state.

(c) If the municipality has contracted under Section 702.004, the warning must state that if the person fails to appear in court as provided by law for the prosecution of the offense or fails to pay a fine for the violation:

(1) the driver's license or permit of the person is subject to revocation, if the person has a driver's license or permit; or

(2) the person's privilege to operate a motor vehicle is subject to revocation and the person may become ineligible to be issued a driver's license in this state if the person does not have a driver's license but is driving under a privilege authorized by state law.

(d) If a municipality has contracted under Sections 702.003 and 702.004, the warning must contain the information required by both Subsections (b) and (c).

(e) The warning required by this section may be printed on the citation. (V.A.C.S. Art. 6687c, Sec. 3.)

Source Law

Sec. 3. (a) If a political subdivision has contracted with a county or state agency under this article, a peace officer who is authorized to issue citations in the political subdivision shall issue a written warning to each person to whom the officer issues a citation for a violation of a traffic law in
the political subdivision.

(b) If a contract is made under Subsection (a)
of Section 2 of this article, the warning must state
that if the person fails to appear in court, as
provided by law, for the prosecution of the offense or
to pay a fine for the violation, the person might not
be permitted to register or reregister a motor vehicle
in this state.

(c) If a contract is made under Subsection (b)
of Section 2 of this article, the warning must state
that:

(1) if the person has a driver's license
or permit and the person fails to appear in court, as
provided by law, for the prosecution of the offense or
to pay a fine for the violation, the license or permit
is subject to revocation; and

(2) if the person does not have a driver's
license but is driving under a privilege authorized by
state law, and the person fails to appear in court, as
provided by law, for the prosecution of the offense or
to pay a fine for the violation:

(A) the person's privilege to
operate a motor vehicle is subject to revocation; and

(B) the person may become ineligible
to be issued a driver's license in this state.

(d) If a contract is made under both Subsections
(a) and (b) of Section 2 of this article, the warning
must contain all the information required by
Subsections (b) and (c) of this section.

(e) A written warning issued under this section
may be printed on the same instrument as the citation.

CHAPTER 703. NONRESIDENT VIOLATOR COMPACT OF 1977

Sec. 703.001. DEFINITIONS

(1) "Citation" and "motorist" have the meanings
assigned by Article II, Section (b), Nonresident Violator Compact
of 1977.

(2) "Department" and "licensing authority" mean the
Department of Public Safety. (New; V.A.C.S. Art. 6701d-23, Sec.
2(c).)

Sec. 703.004. REPORTS OF FAILURE TO COMPLY WITH CITATION

Revised Law

Sec. 703.001. DEFINITIONS. In this chapter:

(1) "Citation" and "motorist" have the meanings
assigned by Article II, Section (b), Nonresident Violator Compact
of 1977.

(2) "Department" and "licensing authority" mean the
Department of Public Safety. (New; V.A.C.S. Art. 6701d-23, Sec.
2(c).)

Source Law

(c) For the purposes of the compact, the
"licensing authority" means the Department of Public Safety.
The definitions of "citation," "department," and "motorist" are added to the revised law for drafting convenience.

Sec. 703.002. ENACTMENT; TERMS OF COMPACT. The Nonresident Violator Compact of 1977 is enacted and entered into as follows:

NONRESIDENT VIOLATOR COMPACT OF 1977

Art. I. FINDINGS, DECLARATION OF POLICY, AND PURPOSE

(a) The party jurisdictions find that:

(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:
   (i) Must post collateral or bond to secure appearance for trial at a later date; or
   (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or
   (iii) Is taken directly to court for his trial to be held.

(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

(3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.
(5) The practice described in paragraph (1) above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

(6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above, is viewed with disfavor.

(7) The practices described herein consume an undue amount of law enforcement time.

(b) It is the policy of the party jurisdictions to:

(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.
Art. II. DEFINITIONS

(a) In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.

(b)(1) "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Court" means a court of law or traffic tribunal.

(4) "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

(10) "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) "Terms of the citation" means those options expressly stated upon the citation.

Art. III. PROCEDURE FOR ISSUING JURISDICTION

(a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses
a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

(e) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Art. IV. PROCEDURE FOR HOME JURISDICTION

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing
authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

Art. V. APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

Art. VI. COMPACT ADMINISTRATOR PROCEDURES

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number
of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

(c) The board shall elect annually, from its membership, a chairman and a vice chairman.

d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize, and dispose of the same.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

Art. VII. ENTRY INTO COMPACT AND WITHDRAWAL

(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

(b)(1) Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

(2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

(i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.
(ii) Agreement to comply with the terms and provisions of the compact.

(iii) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

Art. VIII. EXCEPTIONS

The provisions of this compact shall not apply to offenses which mandate personal appearance, moving traffic violations which alone carry a suspension, equipment violations, inspection violations, parking or standing violations, size and weight limit violations, violations of law governing the transportation of hazardous materials, motor carrier violations, lease law violations, and registration law violations.

Art. IX. AMENDMENTS TO THE COMPACT

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement.
(c) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment shall constitute endorsement.

Art. X. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Art. XI. TITLE

This compact shall be known as the Nonresident Violator Compact of 1977. (V.A.C.S. Art. 6701d-23, Sec. 1.)

Source Law

Art. 6701d-23
Sec. 1. The Nonresident Violator Compact of 1977 is adopted by this state and entered into with all other jurisdictions adopting the compact in form substantially as follows:

"NONRESIDENT VIOLATOR COMPACT OF 1977"

"Art. I. FINDINGS, DECLARATION OF POLICY, AND PURPOSE"

"(a) The party jurisdictions find that:

"(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

"(i) Must post collateral or bond to secure appearance for trial at a later date; or

"(ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or

"(iii) Is taken directly to court for his trial to be held.

"(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

"(3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation."
"(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

"(5) The practice described in paragraph (1) above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

"(6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above, is viewed with disfavor.

"(7) The practices described herein consume an undue amount of law enforcement time.

"(b) It is the policy of the party jurisdictions to:

"(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

"(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

"(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

"(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

"(c) The purpose of this compact is to:

"(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

"(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

"Art. II. DEFINITIONS

"(a) In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.

"(b)(1) 'Citation' means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

"(2) 'Collateral' means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

"(3) 'Court' means a court of law or traffic tribunal.

"(4) 'Driver's license' means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

"(5) 'Home jurisdiction' means the jurisdiction that issued the driver's license of the traffic violator.

"(6) 'Issuing jurisdiction' means the jurisdiction in which the traffic citation was issued.
"(7) 'Jurisdiction' means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"(8) 'Motorist' means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

"(9) 'Personal recognizance' means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

"(10) 'Police officer' means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

"(11) 'Terms of the citation' means those options expressly stated upon the citation.

"Art. III. PROCEDURE FOR ISSUING JURISDICTION

"(a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

"(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

"(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

"(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

"(e) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

"(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

"(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

"Art. IV. PROCEDURE FOR HOME JURISDICTION

"(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority.
authority. Due process safeguards will be accorded.

"(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

"Art. V. APPLICABILITY OF OTHER LAWS

"Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

"Art. VI. COMPACT ADMINISTRATOR PROCEDURES

"(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

"(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

"(c) The board shall elect annually, from its membership, a chairman and a vice chairman.

"(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

"(e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize, and dispose of the same.

"(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

"(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

"Art. VII. ENTRY INTO COMPACT AND WITHDRAWAL

"(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

"(b)(1) Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.
"(2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

"(i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

"(ii) Agreement to comply with the terms and provisions of the compact.

"(iii) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

"(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

"(c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

"Art. VIII. EXCEPTIONS "The provisions of this compact shall not apply to offenses which mandate personal appearance, moving traffic violations which alone carry a suspension, equipment violations, inspection violations, parking or standing violations, size and weight limit violations, violations of law governing the transportation of hazardous materials, motor carrier violations, lease law violations, and registration law violations.

"Art. IX. AMENDMENTS TO THE COMPACT "(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

"(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement.

"(c) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment shall constitute endorsement.

"Art. X. CONSTRUCTION AND SEVERABILITY "This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

"Art. XI. TITLE "This compact shall be known as the Nonresident Violator Compact of 1977."
Revisor's Note
Section 1, V.A.C.S. Article 6701d-23, recites that the Nonresident Violator Compact of 1977 is adopted "by this state" and entered into "with all other jurisdictions adopting the compact in form substantially" as set out. The revised law omits those phrases as unnecessary.

Revised Law
Sec. 703.003. NONRESIDENT VIOLATOR COMPACT ADMINISTRATOR.
(a) The office of nonresident violator compact administrator is created.
(b) The governor shall appoint the compact administrator with the advice and consent of the senate to a two-year term that expires on February 1 of each odd-numbered year.
(c) The compact administrator is entitled to compensation and reimbursement for expenses as provided by legislative appropriation. (V.A.C.S. Art. 6701d-23, Sec. 2(a) (part).)

Source Law
Sec. 2. (a) The office of nonresident violator compact administrator is created. The governor shall appoint the compact administrator, with the advice and consent of the senate, to a two-year term that expires on February 1 of each odd-numbered year. The compact administrator is entitled to compensation and reimbursement for expenses as provided by legislative appropriation. . . .

Revisor's Note
The requirement in Section 2(a), V.A.C.S. Article 6701d-23, that the nonresident violator compact administrator perform the duties specified by the compact is omitted from the revised law as unnecessary. That portion of the compact that prescribes the duties of the administrator is sufficient authority for those duties. The omitted provision reads as follows: . . . The compact administrator shall perform the duties specified by the Nonresident Violator Compact of 1977.
Sec. 703.004. REPORTS OF FAILURE TO COMPLY WITH CITATION.

(a) The department shall report the failure of a motorist to comply with the terms of a citation.

(b) The department shall establish procedures for making the reports required by Subsection (a). (V.A.C.S. Art. 6701d-23, Sec. 2(b).)

Source Law

(b) The Department of Public Safety shall report, as provided by Article III(c) of the Nonresident Violator Compact of 1977, the failure of a motorist to comply with the terms of a traffic citation. The department shall establish procedures for the reports.

Reviser's Note

(1) Section 2(b), V.A.C.S. Article 6701d-23, states that the Department of Public Safety shall make reports "as provided by Article III(c) of the Nonresident Violator Compact of 1977." The revised law omits this provision as unnecessary because the compact itself provides for the manner of making the report.

(2) Section 2(b), V.A.C.S. Article 6701d-23, refers to a "traffic citation." The revised law omits "traffic" because under Section 703.001(1), "citation" means a traffic citation.

CHAPTER 704. FORFEITURE OF CERTAIN MOTOR VEHICLES

Sec. 704.001. GROUNDS FOR FORFEITURE; NOTICE

Sec. 704.002. TEMPORARY RESTRAINING ORDER PROHIBITING DISPOSITION OF VEHICLE PENDING TRIAL OF OFFENSE

Sec. 704.003. FORFEITURE OF VEHICLE FOLLOWING CONVICTION

Sec. 704.004. SALE OF FORFEITED VEHICLE; CERTIFICATE OF TITLE
Sec. 704.001. GROUNDS FOR FORFEITURE; NOTICE. (a) A motor vehicle is subject to forfeiture if the vehicle is owned and operated at the time of an offense under Section 49.04, Penal Code, or an offense under Section 49.07 or 49.08 of that code involving the operation of a motor vehicle, by a person who:

(1) at the time of arrest was under community supervision for an offense under:

(A) Section 49.08, Penal Code; or

(B) Section 19.05(a)(2), Penal Code, as that law existed before September 1, 1994; or

(2) has previously been finally convicted three or more times of:

(A) an offense under Section 49.04, Penal Code;

(B) an offense under Section 49.07, Penal Code, that involves operation of a motor vehicle;

(C) an offense under Section 49.08, Penal Code;

(D) an offense under Article 67011-1, Revised Statutes, as that law existed before September 1, 1994;

(E) an offense under Article 67011-2, Revised Statutes, as that law existed before January 1, 1984;

(F) an offense under Section 19.05(a)(2), Penal Code, as that law existed before September 1, 1994; or

(G) any combination of offenses under the statutes listed in Paragraphs (A)-(F).

(b) The officer who arrests a person described by Subsection (a) shall immediately notify the district or county attorney of that fact.

(c) A vehicle forfeited under this chapter is forfeited to the county in which the offense occurred. (V.A.C.S. Art. 67011-7, Subsecs. (a), (b).)

Art. 67011-7. (a) When a person is arrested for an offense under Subdivision (2), Subsection (a), Section 19.05, Penal Code, or an offense under Article
67011-1, Revised Statutes, the arresting officer shall immediately notify the district or the county attorney if:

(1) the person was on probation for an offense under Subdivision (2), Subsection (a), Section 19.05, Penal Code, at the time of the arrest; or

(2) the person has previously been finally convicted three or more times of:

(A) an offense under Article 67011-1, Revised Statutes;
(B) an offense under Article 67011-2, Revised Statutes;
(C) an offense under Subdivision (2), Subsection (a), Section 19.05, Penal Code; or
(D) any combination of offenses under Subdivision (2), Subsection (a), Section 19.05, Penal Code, and Section 67011-1 or 67011-2, Revised Statutes.

(b) A motor vehicle owned and operated at the time of an offense by a person described by Subsection (a) of this article is subject to forfeiture to the county in which the offense occurred.

Revisor's Note

(1) Subsection (a)(1), V.A.C.S. Article 67011-7, refers to a person "on probation." The revised law substitutes "under community supervision" for "on probation" because under Section 4.04(a), Chapter 900, Acts of the 73rd Legislature, Regular Session, 1993, a reference in law to "probation" means "community supervision."

(2) Subsection (a), V.A.C.S. Article 67011-7, refers to an offense under Section 19.05(a)(2), Penal Code. That statute was codified in 1993 as Section 49.08, Penal Code. The revised law is drafted accordingly. The revised law retains the reference to the former law as it existed before its repeal on September 1, 1994, because the arresting officer is also required to notify the district or county attorney if at the time of the arrest the person was under community supervision for an offense under the former law or the person has previously been finally convicted three or more times of an offense under the former law.

(3) Subsection (a), V.A.C.S. Article 67011-7, refers to an offense under Article 67011-1, Revised...
Statutes. The pertinent part of that statute was codified in 1993 as Sections 49.04 and 49.07, Penal Code. The revised law is drafted accordingly. The revised law retains the reference to the former law as it existed before its repeal on September 1, 1994, because the arresting officer is also required to notify the district or county attorney if the person has previously been finally convicted three or more times of an offense under the former law.

(4) Subsection (a), V.A.C.S. Article 67011-7, refers to an offense under Article 67011-2, Revised Statutes. That statute was repealed on January 1, 1984, and incorporated in Article 67011-1, Revised Statutes. As noted above, the pertinent part of Article 67011-1, Revised Statutes, was codified in 1993 as Sections 49.04 and 49.07, Penal Code. The revised law is drafted accordingly. The revised law retains the reference to the former law as it existed before its repeal on January 1, 1984, because the arresting officer is also required to notify the district or county attorney if the person has previously been finally convicted three or more times of an offense under the former law.

Revised Law

Sec. 704.002. TEMPORARY RESTRAINING ORDER PROHIBITING DISPOSITION OF VEHICLE PENDING TRIAL OF OFFENSE. (a) The district or county attorney may seek a temporary restraining order prohibiting a person described by Section 704.001(a) from selling or disposing of a vehicle described by that subsection and may, not later than the 20th day after the date of the arrest, request a hearing in a county court or district court in the county to determine whether the vehicle is subject to forfeiture.

(b) The court in which the hearing is to be held shall set
the cause for a hearing to be held not later than the 20th day after the date on which the district or county attorney requests the hearing. The court shall serve notice of the hearing in the manner provided for service of process by citation in a civil case to the owner of the vehicle and to any lienholder or other secured party whose interest in the vehicle is registered as provided by law.

(c) If, at a hearing requested under Subsection (a), the person arrested fails to file a denial stating that the vehicle is not subject to forfeiture, the court shall find that the vehicle is subject to forfeiture. If the person files a denial stating that the vehicle is not subject to forfeiture, the court shall hear evidence to determine whether the vehicle is subject to forfeiture.

(d) If the court determines that the vehicle is subject to forfeiture, the court shall enter an order enjoining the person from selling or disposing of the vehicle pending the outcome of the prosecution of the person for the offense for which the person was arrested. The court shall specify in the order that if the person is acquitted of the offense for which the person was arrested, the injunction expires on the date of the acquittal. If, after the court has issued an order under this subsection, the person proves by document or other evidence satisfactory to the court that prosecution for the offense has been dismissed, the court shall terminate the injunction. (V.A.C.S. Art. 67011-7, Subsecs. (c), (d).)

Source Law

(c) The district or the county attorney may seek a temporary restraining order prohibiting the person from selling or disposing of a vehicle described in Subsection (b) of this article and may, within 20 days from the date of the arrest, request a hearing in a county court or district court in the county to determine whether the vehicle is subject to forfeiture. The court in which the hearing is to be held shall set the cause for a hearing to be held no later than the 20th day after the date on which the district or the county attorney requests the hearing. The court shall serve notice of the hearing to the owner of the vehicle and to any lienholder or other secured party whose interest in the motor vehicle is registered as provided by law, in the manner provided for service of process.
by citation in civil cases.

(d) If at a hearing requested under Subsection (c) of this article, the person arrested fails to file a denial stating that his motor vehicle is not subject to forfeiture, the court shall find that the vehicle is subject to forfeiture. If the person files a denial denying that the motor vehicle is subject to forfeiture, the court shall hear evidence to determine whether the vehicle is subject to forfeiture. If the court determines that the vehicle is subject to forfeiture, the court shall enter an order enjoining the person from selling or disposing of the vehicle pending the outcome of the prosecution of the person for the offense for which he was arrested. The court shall specify in the order that if the person is acquitted of the offense for which he was arrested, the injunction shall expire on the date of the acquittal. If after the court has issued an order under this subsection, the person proves by document or other evidence satisfactory to the court that prosecution for the offense has been dismissed, the court shall terminate the injunction.

Revised Law

Sec. 704.003. FORFEITURE OF VEHICLE FOLLOWING CONVICTION.

(a) If a person described by Section 704.001(a) is convicted at the trial for the offense for which the person is arrested, the court sentencing the person may forfeit the vehicle:

(1) on the motion of the district or county attorney;
(2) after notice and hearing; and
(3) on a showing that a court has determined that the vehicle is subject to forfeiture.

(b) If proof at sentencing discloses that a person, including a lienholder or secured party, holds a security interest in the vehicle that is greater than or equal to the present value of the vehicle, the court shall order the vehicle released to the person holding the security interest. If that interest is less than the present value of the vehicle, the court may forfeit the vehicle. (V.A.C.S. Art. 67011-7, Subsec. (e).)

Source Law

(e) If at the trial of the person for the offense for which he was arrested the person is convicted, the court sentencing the person, on the motion of the district or the county attorney, after notice and hearing, and on a showing that a court has determined that the vehicle is subject to forfeiture, may forfeit the vehicle to the county. However, if proof at sentencing discloses that the interest of any bona fide lienholder, secured party, or other person
holding an interest in the vehicle in the nature of a
security interest is greater than or equal to the
present value of the vehicle, the court shall order the
vehicle released to him. If such interest is less than
the present value of the vehicle and if the proof shows
that the vehicle is subject to forfeiture, the court
may order the vehicle forfeited to the county.

Reviser's Note

Subsection (e), V.A.C.S. Article 67011-7, refers
to a "bona fide" lienholder, secured party, or other
person holding an interest in a vehicle in the nature
of a security interest. The revised law omits "bona
fide" as unnecessary because the word does not add to
the clear meaning of the law. For example, a document
purporting to grant a lien no longer grants a lien if
the lien is extinguished and does not grant a lien if
the document is a forgery.

Revised Law

Sec. 704.004. SALE OF FORFEITED VEHICLE; CERTIFICATE OF
TITLE. (a) A vehicle that has been forfeited under this chapter
shall be sold at a public auction under the direction of the
sheriff after notice of public auction as provided by law for other
sheriff's sales.

(b) The proceeds of the sale shall be delivered to the
county clerk and shall be paid to any party holding a security
interest in the vehicle, including a lienholder or secured party,
to the extent of the interest. The balance, if any, shall be
deposited in the county treasury.

(c) The Texas Department of Transportation shall issue a
certificate of title to a person who purchases a vehicle under this
section and who complies with Chapter 501. (V.A.C.S. Art. 67011-7,
Subsecs. (f), (g).)

Source Law

(f) A vehicle that has been forfeited shall be
sold at a public auction under the direction of the
county sheriff after notice of public auction as
provided by law for other sheriff's sales. The
proceeds of the sale shall be delivered to the county
clerk and shall be disposed of as follows:

(1) to any bona fide lienholder, secured party, or other party holding an interest in the vehicle in the nature of a security interest, to the extent of his interest; and

(2) the balance, if any, to be deposited in the county treasury.

(g) The State Department of Highways and Public Transportation shall issue a certificate of title to any person who purchases a vehicle under the provisions of this article.

Revisor's Note

(1) Subsection (f)(1), V.A.C.S. Article 67011-7, refers to a "bona fide" lienholder, secured party, or other party holding an interest in a vehicle in the nature of a security interest. The revised law omits "bona fide" for the reason stated in the revisor's note to Section 704.003.

(2) Subsection (g), V.A.C.S. Article 67011-7, refers to the "State Department of Highways and Public Transportation." The revised law substitutes "Texas Department of Transportation" for "State Department of Highways and Public Transportation" for the reason stated in the revisor's note to Section 201.003.

(3) Subsection (g), V.A.C.S. Article 67011-7, provides that the State Department of Highways and Public Transportation (now the Texas Department of Transportation) shall issue a certificate of title to any person who purchases a vehicle under Article 67011-7. For purposes of clarification, the revised law adds a reference to compliance with Chapter 501 of this code, which governs certificates of title.

CHAPTER 705. ALLOWING DANGEROUS DRIVER TO BORROW MOTOR VEHICLE

Sec. 705.001. ALLOWING DANGEROUS DRIVER TO BORROW MOTOR VEHICLE; OFFENSE
CHAPTER 705. ALLOWING DANGEROUS DRIVER TO BORROW MOTOR VEHICLE

Revised Law

Sec. 705.001. ALLOWING DANGEROUS DRIVER TO BORROW MOTOR VEHICLE; OFFENSE. (a) A person commits an offense if the person:

(1) knowingly permits another to operate a motor vehicle owned by the person; and

(2) knows that at the time permission is given the other person's license has been suspended as a result of a:

(A) conviction of an offense under:

(i) Section 49.04, Penal Code;

(ii) Section 49.07, Penal Code, if the offense involved operation of a motor vehicle; or

(iii) Article 67011-1, Revised Statutes, as that law existed before September 1, 1994; or

(B) failure to give a specimen under:

(i) Chapter 724; or


(b) An offense under this section is a Class C misdemeanor.

(V.A.C.S. Art. 67011-6.)

Source Law

Art. 67011-6. (a) A person commits an offense if he knowingly or intentionally permits another to operate a motor vehicle owned by the person and he knows that at the time permission is given, the other person's license has been suspended as a result of a conviction of an offense under Article 67011-1, Revised Statutes, or as a result of a failure to give a specimen under Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 67011-5, Vernon's Texas Civil Statutes).

(b) An offense under this section is a Class C misdemeanor.

Revisor's Note

(1) Subsection (a), V.A.C.S. Article 67011-6, refers to "knowingly or intentionally" permitting
another person to operate a motor vehicle. The revised law omits "intentionally" because under Section 6.02, Penal Code, "intentionally" is a higher culpable mental state than "knowingly." For the purpose of prosecution of this offense, the higher degree of culpability is unnecessary.

(2) Subsection (a), V.A.C.S. Article 67011-6, refers to an offense under Article 67011-1, Revised Statutes. The relevant parts of that statute were codified in 1993 as Sections 49.04 and 49.07, Penal Code. The revised law is drafted accordingly. The revised law retains the reference to the former law as it existed before its repeal on September 1, 1994, because permitting a person whose license was suspended as a result of a conviction under the former law is also an offense.

(3) Subsection (a), V.A.C.S. Article 67011-6, refers to Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 67011-5, Vernon's Texas Civil Statutes). That statute is codified in this code as Chapter 724, and the revised law is drafted accordingly. The revised law retains the reference to the former law as it existed before its repeal on September 1, 1995, by the law enacting this code because permitting a person whose license was suspended as a result of a failure to give a specimen under the former law is also an offense.

[Chapters 706-719 reserved for expansion]

CHAPTER 720. MISCELLANEOUS PROVISIONS

Sec. 720.001. BADGE OF SHERIFF, CONSTABLE, OR DEPUTY ......... 3764

Sec. 720.002. PROHIBITION ON TRAFFIC-OFFENSE QUOTAS ......... 3764
CHAPTER 720. MISCELLANEOUS PROVISIONS

Revised Law

Sec. 720.001. BADGE OF SHERIFF, CONSTABLE, OR DEPUTY. (a) A sheriff, constable, or deputy sheriff or deputy constable may not arrest or accost a person for driving a motor vehicle on a highway in violation of a law relating to motor vehicles unless the sheriff, constable, or deputy displays a badge showing the sheriff's, constable's, or deputy's title.

(b) A person commits an offense if the person violates this section. An offense under this section is a misdemeanor punishable in the same manner as an offense under Section 86.011, Local Government Code.

(c) An officer charged by law to take or prosecute a complaint under this section shall be removed from office if the officer refuses to do so. (V.A.C.S. Art. 6701d-9.)

Source Law

Art. 6701d-9. No Sheriff, Constable, or Deputy or either, shall have authority to arrest or accost any person for driving a motor vehicle over the highways of this State in violation of the law relating to motor vehicles unless he is at the time displaying a badge showing his title. Provided, if any person shall violate the provisions hereof, he shall be guilty of a misdemeanor and shall be punished as provided in Section 3 hereof, and if any officer charged by law so to do shall refuse to take any complaint or prosecute the same, he shall be removed from office.

Revisor's Note

V.A.C.S. Article 6701d-9 provides for a person to "be punished as provided in Section 3 hereof," meaning Section 3, Chapter 280, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6879a, Vernon's Texas Civil Statutes). That statute was codified in 1987 as Section 86.011, Local Government Code. The revised law is drafted accordingly.

Revised Law

Sec. 720.002. PROHIBITION ON TRAFFIC-OFFENSE QUOTAS. (a) A
political subdivision or an agency of this state may not establish 
or maintain, formally or informally, a plan to evaluate, promote, 
compensate, or discipline:

(1) a peace officer according to the officer's 
issuance of a predetermined or specified number of any type or 
combination of types of traffic citations; or

(2) a justice of the peace or a judge of a county 
court, statutory county court, municipal court, or municipal court 
of record according to the amount of money the justice or judge 
collects from persons convicted of a traffic offense.

(b) A political subdivision or an agency of this state may 
not require or suggest to a peace officer, a justice of the peace, 
or a judge of a county court, statutory county court, municipal 
court, or municipal court of record:

(1) that the peace officer is required or expected to 
issue a predetermined or specified number of any type or 
combination of types of traffic citations within a specified 
period; or

(2) that the justice or judge is required or expected 
to collect a predetermined amount of money from persons convicted 
of a traffic offense within a specified period.

(c) Subsection (a) does not prohibit a municipality from 
considering the source and amount of money collected from a 
municipal court or a municipal court of record when evaluating the 
performance of a judge employed by the municipality.

(d) This section does not prohibit a municipality from 
obtaining budgetary information from a municipal court or a 
municipal court of record, including an estimate of the amount of 
money the court anticipates will be collected in a budget year.

(e) A violation of this section by an elected official is 
misconduct and a ground for removal from office. A violation of 
this section by a person who is not an elected official is a ground 
for removal from the person's position.

(f) In this section:
"Conviction" means the rendition of an order by a court imposing a punishment of incarceration or a fine.

"Traffic offense" means an offense under:

(A) Chapter 521; or

(B) Subtitle C. (V.A.C.S. Art. 6701d-25.)

Source Law

Art. 6701d-25. (a) A political subdivision or agency of the state may not establish or maintain, formally or informally, a system, program, or plan by which the political subdivision or agency evaluates, promotes, compensates, or disciplines:

(1) a peace officer according to the issuance by the peace officer of a predetermined or specified number of any type or combination of types of traffic citations; or

(2) a justice of the peace or a judge of a county court, statutory county court, municipal court, or municipal court of record according to the amount of revenue collected by the justice or judge from a conviction for a traffic offense.

Provided, however, that a municipality is not prohibited from considering the source and amount of revenue collected from municipal court when evaluating the overall performance of a judge employed by the municipality, as long as no predetermined or specific amount of revenue is required.

(b) A political subdivision or agency of the state may not require or in any manner, directly or indirectly, suggest to a peace officer or to a justice of the peace or a judge of a county court, statutory county court, municipal court, or municipal court of record:

(1) that the peace officer is required or expected to issue a predetermined or specified number of any type or combination of types of traffic citations within a specified period such as a day, week, month, quarter, or year; or

(2) that the justice or judge is required or expected to collect a predetermined amount of revenue from a conviction for a traffic offense within a specified period such as a day, week, month, quarter, or year.

(c) This Act does not prohibit a municipality from obtaining budgetary information from a municipal court located within the municipality. Budgetary information includes estimates made on the amount of revenue a municipal court anticipates will be generated in a budget year.

(d) A violation of this Act by an elected official constitutes misconduct and is a ground for removal from office. If a person who is not an elected official violates this Act, that person is also subject to removal from his position.

(e) In this section:

(1) "Conviction" means the entry of an order by a court imposing a punishment of incarceration or a fine.

(2) "Traffic offense" means any offense under:

(A) Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b,
Vernon's Texas Civil Statutes); or
(B) the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

Revisor's Note

(1) Subsection (a), V.A.C.S. Article 6701d-25, refers to a "system, program, or plan." The references to "system" and "program" are omitted from the revised law because "system" and "program" are included within the meaning of "plan."

(2) Subsection (b), V.A.C.S. Article 6701d-25, refers to a "specified period such as a day, week, month, quarter, or year." The references to "day," "week," "month," "quarter," and "year" are omitted from the revised law because "day," "week," "month," "quarter," and "year" are included within the meaning of "specified period."

(3) Subsection (e)(2)(A), V.A.C.S. Article 6701d-25, refers to an offense under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes). Offenses under that statute are codified in Chapter 521 of this code, and the revised law is drafted accordingly.

(4) Subsection (e)(2)(B), V.A.C.S. Article 6701d-25, refers to an offense under the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes). That statute is codified in this title of this code as Subtitle C, and the revised law is drafted accordingly.

SUBTITLE J. MISCELLANEOUS PROVISIONS

CHAPTER 721. INSCRIPTION REQUIRED ON STATE, MUNICIPAL, AND COUNTY MOTOR VEHICLES

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SUBTITLE J. MISCELLANEOUS PROVISIONS

CHAPTER 721. INSCRIPTION REQUIRED ON STATE, MUNICIPAL, AND
COUNTRY MOTOR VEHICLES

Revised Law

Sec. 721.001. DEFINITION. In this chapter, "state agency" means a department, bureau, board, commission, or office of state government. (New.)

Reviser's Note

The definition of "state agency" is added to the revised law for drafting convenience and to avoid frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 721.002. INSCRIPTION REQUIRED ON STATE-OWNED MOTOR VEHICLES. (a) The official having control of a state-owned motor vehicle shall have printed on each side of the vehicle the word "Texas," followed by the title of the state agency having custody of the vehicle.

(b) The inscription must be in a color sufficiently different from the body of the motor vehicle so that the lettering is plainly legible at a distance of not less than 100 feet.

(c) The title of the state agency must be in letters not less than two inches high. (V.A.C.S. Art. 6701m-1 (part).)
Art. 6701m-1. There shall be printed upon each side of every automobile, truck or other motor vehicle owned by the State of Texas the word "Texas," followed in letters of not less than two (2) inches high by the title of the department, bureau, board, commission or official having the custody of such car, and such inscription shall be in a color sufficiently different from the body of the car so that the lettering shall be plainly legible at a distance of not less than one hundred (100) feet, and the official having control thereof shall have such wording placed thereon as prescribed herein . . . .

Revisor's Note

V.A.C.S. Article 6701m-1 uses the term "automobile, truck or other motor vehicle." The revised law omits the reference to an automobile or truck as unnecessary because those vehicles are included within the term "motor vehicle."

Revised Law

Sec. 721.003. EXEMPTION FROM INSCRIPTION REQUIREMENT FOR CERTAIN STATE-OWNED MOTOR VEHICLES. (a) The governing bodies of the following state agencies or divisions by rule may exempt from the requirements of Section 721.002 a motor vehicle that is under the control and custody of the agency or division:

(1) Texas Commission on Fire Protection;
(2) Texas State Board of Pharmacy;
(3) Texas Department of Mental Health and Mental Retardation;
(4) Department of Public Safety of the State of Texas;
(5) the institutional division or the pardons and paroles division of the Texas Department of Criminal Justice;
(6) Board of Pardons and Paroles;
(7) Parks and Wildlife Department;
(8) Railroad Commission of Texas;
(9) Texas Alcoholic Beverage Commission;
(10) Banking Department of Texas;
(11) Savings and Loan Department of Texas;
Texas Juvenile Probation Commission; Texas Natural Resource Conservation Commission; Texas Youth Commission; and an agency that receives an appropriation under an article of the General Appropriations Act that appropriates money to the legislature.

(b) The attorney general by rule may exempt from the requirements of Section 721.002 a motor vehicle that is under the control and custody of the attorney general's health services providers integrity and Medicaid fraud division.

(c) A rule adopted under this section must specify:

(1) the purpose served by not printing on the motor vehicle the inscription required by Section 721.002; and

(2) the primary use of the motor vehicle.

(d) A rule adopted under this section is not effective until the rule is filed with the secretary of state. (V.A.C.S. Art. 6701m-1 (part).)

Source Law

Art. 6701m-1. . . . Provided, however, State-owned vehicles under control and custody of the Texas Commission on Fire Protection, State Board of Pharmacy, Texas Department of Mental Health and Mental Retardation, the Department of Public Safety, the Texas Department of Corrections, the Board of Pardons and Paroles, the Parks and Wildlife Department, the Railroad Commission of Texas, the Texas Alcoholic Beverage Commission, the office of the attorney general's Health Services Providers Integrity and Medicaid Fraud Division, The Banking Department of Texas, the Savings and Loan Department of Texas, the Texas Juvenile Probation Commission, the Texas Air Control Board, the Texas Natural Resource Conservation Commission, Agencies and Branches of Government for whom appropriations are made under the article of the General Appropriations Act that appropriates money to the legislature, and the Texas Youth Council may be exempt from the requirements of this Act by rule and regulation of the governing bodies of these State agencies or, in the case of the office of the attorney general, by rules and regulations of the attorney general. Such rules and regulations shall specify the primary use to which vehicles exempt from the requirements of this Act are devoted, the purpose to be served by not printing on them the inscriptions required by this Act and such rules and regulations shall not be effective until filed with the Secretary of State. . . .
Revisor's Note

(1) V.A.C.S. Article 6701m-1 refers to "vehicle." The revised law uses the term "motor vehicle" and not the broader term "vehicle" because this section provides an exemption from the inscription requirements of Section 721.002, which apply to "motor vehicles."

(2) The revised law omits the reference to "regulations" in V.A.C.S. Article 6701m-1 because under Section 311.005(5), Government Code, the term "rule" includes a regulation.

(3) V.A.C.S. Article 6701m-1 refers to the Texas Department of Corrections. In 1989 the powers and duties of that department were transferred to the Texas Board of Criminal Justice, and a reference to the Texas Department of Corrections means the institutional division of the Texas Department of Criminal Justice as provided by Sections 1.19(a) and (f), Chapter 785, Acts of the 71st Legislature, Regular Session, 1989. The revised law is drafted accordingly.

(4) V.A.C.S. Article 6701m-1 refers to the Board of Pardons and Paroles. In 1989 the powers and duties of that board were transferred to the Texas Board of Criminal Justice, and a reference to the Board of Pardons and Paroles means either the Board of Pardons and Paroles or the pardons and paroles division of the Texas Department of Criminal Justice as provided by Sections 1.20(a) and (f)(2), Chapter 785, Acts of the 71st Legislature, Regular Session, 1989, as amended by Section 5, Chapter 25, Acts of the 71st Legislature, 6th Called Session, 1990. The revised law is drafted accordingly.

(5) V.A.C.S. Article 6701m-1 refers to the Texas Air Control Board. In 1993 the powers and duties of
that board were transferred to the Texas Natural Resource Conservation Commission, and a reference to the Texas Air Control Board means the Texas Natural Resource Conservation Commission as provided by Sections 1.086(b)(1) and 1.087, Chapter 3, Acts of the 72nd Legislature, 1st Called Session, 1991. The revised law is drafted accordingly.

(6) V.A.C.S. Article 6701m-1 refers to the Texas Youth Council. The name of that agency was changed to Texas Youth Commission by Chapter 44, Acts of the 68th Legislature, Regular Session, 1983. The revised law is drafted accordingly.

Revised Law

Sec. 721.004. INSCRIPTION REQUIRED ON MUNICIPAL AND COUNTY-OWNED MOTOR VEHICLES AND HEAVY EQUIPMENT. (a) The office having control of a motor vehicle or piece of heavy equipment owned by a municipality or county shall have printed on each side of the vehicle or equipment the name of the municipality or county, followed by the title of the department or office having custody of the vehicle or equipment.

(b) The inscription must be in a color sufficiently different from the body of the vehicle or equipment so that the lettering is plainly legible.

(c) The title of the department or office must be in letters plainly legible at a distance of not less than 100 feet. (V.A.C.S. Art. 6701m-2 (part).)

Source Law

Art. 6701m-2. On every city or county-owned motor vehicle and piece of heavy equipment, there shall be printed upon each side the name of the city or county, followed in letters that are plainly legible at a distance of not less than 100 feet, the title of the department or official having the custody of the vehicle or piece of heavy equipment, and the inscription shall be in a color sufficiently different from the body of the vehicle or piece of heavy equipment so that the lettering shall be plainly legible, and the official having control thereof shall have the wording placed thereon as prescribed.
Revisor's Note
V.A.C.S. Article 6701m-2 uses the term "city." The revised law substitutes the term "municipality" because this is the term used in the Local Government Code.

Revised Law
Sec. 721.005. EXEMPTION FROM INSCRIPTION REQUIREMENT FOR CERTAIN MUNICIPAL AND COUNTY-OWNED MOTOR VEHICLES. (a) The governing body of a municipality may exempt from the requirements of Section 721.004 an automobile when used to perform an official duty by a:
(1) police department; or
(2) magistrate as defined by Article 2.09, Code of Criminal Procedure.
(b) The commissioners court of a county may exempt from the requirements of Section 721.004:
(1) an automobile when used to perform an official duty by a:
(A) police department;
(B) sheriff's office;
(C) constable's office;
(D) criminal district attorney's office;
(E) district attorney's office;
(F) county attorney's office; or
(G) magistrate as defined by Article 2.09, Code of Criminal Procedure; or
(2) a juvenile probation department vehicle used to transport children, when used to perform an official duty.
(c) An exemption provided under this section does not apply to a contract deputy. (V.A.C.S. Art. 6701m-2 (part).)

Source Law
Art. 6701m-2. ... Provided however, upon
approval of the governing body in the case of a city or
the approval of the commissioners court in the case of
a county, that the provisions of this Section shall not
apply to automobiles used by police, sheriffs' and
constables' departments, the office of criminal
district attorney, district attorney, or county
attorney, magistrates as defined by Article 2.09, Code
of Criminal Procedure, or juvenile probation department
vehicles used to transport children, when used for the
purpose of performing official duties. This exception
for unmarked vehicles does not apply to "contract
deputies".

Revised Law

Sec. 721.006. OPERATION OF VEHICLE IN VIOLATION OF CHAPTER;

OFFENSE. (a) A person commits an offense if the person:

(1) operates on a municipal street or on a highway a
motor vehicle or piece of equipment that does not have the
inscription required by this chapter; or

(2) uses a motor vehicle that is exempt by rule under
Section 721.003, and that use is not expressly specified by the
rule.

(b) An offense under this section is a misdemeanor
punishable by a fine of not less than $25 or more than $100.
(V.A.C.S. Arts. 670lm-l (part), 670lm-2 (part).)

Source Law

Art. 670lm-1. . . . whoever drives any
automobile, truck or other motor vehicle belonging to
the State upon the streets of any town or city or upon
a highway without such inscription printed thereon
shall be fined not less than Twenty-five Dollars
($25.00) nor more than One Hundred Dollars
($100.00). . . . No use of vehicles exempt from the
requirements of this Act shall be made except for the
legitimate purposes expressly specified in the rules
and regulations. If a use not specified in the rules
and regulations is made of the exempt vehicles, the
penalties prescribed in this Act apply to that use.
Whoever drives a vehicle exempted from the requirements
of this Act as authorized by this provision shall not
be subject to the penalties prescribed in this Act.

Art. 670lm-2. . . . whoever drives any motor
vehicle or piece of heavy equipment belonging to any
city or county upon the streets of any town or city or
upon a public highway without the inscription printed
thereon shall be fined not less than Twenty-five
Dollars ($25) nor more than One Hundred Dollars
($100). . . .
Revisor's Note

(1) V.A.C.S. Articles 6701m-1 and 6701m-2 refer to any "town or city." The revised law uses the term "municipality" for the reason stated in the reviser's note under Section 721.004.

(2) V.A.C.S. Article 6701m-1 refers to "automobile, truck or other motor vehicle" and "vehicles." The revised law substitutes the term "motor vehicle" for the reasons stated in the reviser's note under Section 721.002 and Reviser's Note (1) under Section 721.003.

(3) The revised law omits the reference to "regulations" in V.A.C.S. Article 6701m-1 for the reason stated in Reviser's Note (2) under Section 721.003.

CHAPTER 722. AUTOMOBILE CLUB SERVICES

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CHAPTER 722. AUTOMOBILE CLUB SERVICES

Revised Law

Sec. 722.001. SHORT TITLE. This chapter may be cited as the Automobile Club Services Act. (V.A.C.S. Art. 1528d, Sec. 1.)

Source Law

Art. 1528d
Sec. 1. This Act shall be known and cited as the Automobile Club Services Act.

Revised Law

Sec. 722.002. DEFINITIONS. In this chapter:
(1) "Agent" means a salesman or other individual appointed by an automobile club to sell memberships in the club to the public.
(2) "Automobile club" means a person who, for consideration, promises the membership assistance in matters relating to travel, and to the operation, use, or maintenance of a motor vehicle, by supplying services such as services related to:
(A) community traffic safety;
(B) travel and touring;
(C) theft prevention or rewards;
(D) maps;
(E) towing;
(F) emergency road assistance;
(G) bail bonds and legal fee reimbursement in the defense of traffic offenses; and
(H) purchase of accidental injury and death benefits insurance coverage from an authorized insurance company.
(V.A.C.S. Art. 1528d, Secs. 2(a), 6 (part).)

Source Law

Sec. 2. (a) "Automobile Club" shall mean any person who in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to travel and the operation, use or maintenance of a motor vehicle in the supplying of services which by way of illustration and not by way of limitation may include such services as community traffic safety service,
travel and touring service, theft or reward service, map service, towing service, emergency road service, bail bond service and legal fee reimbursement service in the defense of traffic offenses, and the purchase of accidental injury and death benefits insurance coverage from a duly authorized insurance company.

Sec. 6. . . . appointment of salesmen or agents by an Automobile Club to sell memberships in the Automobile Club to the public.

Revisor's Note

(1) Section 2(a), V.A.C.S. Article 1528d, refers to "consideration of dues, assessments, or periodic payments of money." The revised law omits the reference to "dues, assessments, or periodic payments of money" because those concepts are included in the meaning of "consideration."

(2) Section 2(a), V.A.C.S. Article 1528d, refers to "members or subscribers." The revised law omits the reference to "subscribers" because, in context, a subscriber is a member of an automobile club.

(3) The revised law omits the definition of "person" contained in Section 2(b), V.A.C.S. Article 1528d. The first part of the definition is substantively identical to the definition of "person" provided by Section 311.005(2), Government Code (Code Construction Act), which is applicable to the revised law. The second part of the definition gives an artificial meaning to the term "person," and is omitted as unnecessary. The omitted law reads as follows:

(b) "Person" shall mean any person, firm, partnership, corporation or association which conducts an Automobile Club Service business in this State.

Revised Law

Sec. 722.003. CERTIFICATE OF AUTHORITY REQUIRED. (a) A person may not engage in business as an automobile club unless the person meets the requirements of this chapter and obtains an automobile club certificate of authority from the secretary of
(b) A person may not solicit or aid in the solicitation of another person to purchase a service contract or membership issued by an automobile club that does not hold an automobile club certificate of authority. (V.A.C.S. Art. 1528d, Secs. 3 (part), 12.)

Source Law

Sec. 3. From and after the effective date of this Act, it shall be unlawful for any person to engage in the business of an Automobile Club as herein defined, without having first met the requirements and obtained a certificate of authority from the Secretary of State as hereinafter provided for.

Sec. 12. No person shall solicit, or aid in the solicitation of, another person to purchase a service contract or membership issued by an Automobile Club not holding a valid certificate of authority under the terms of this Act.

Revisor's Note

(1) The revised law omits the reference in Section 3, V.A.C.S. Article 1528d, to "[f]rom and after the effective date of this Act" because that provision is executed.

(2) Part of Section 3, V.A.C.S. Article 1528d, applies to obligations under contracts or membership agreements entered into before the effective date of the article. Article 1528d took effect in 1963. The provision of Section 3 is omitted from the revised law because the contracts and agreements it describes would have been executed by this time. The omitted statutory provision reads as follows:

... provided, however, nothing herein shall relieve any Automobile Club from the obligation to furnish services under such contracts or membership agreements that have been entered into prior to the effective date of this Act.

(3) Section 12, V.A.C.S. Article 1528d, refers to a person operating without "a valid certificate of authority." The revised law omits "valid" as
unnecessary because the word does not add to the clear meaning of the law. For example, a document purporting to be a certificate is no longer a certificate if it is expired and is not a certificate if it is a forgery.

Revised Law
Sec. 722.004. APPLICATION. (a) Each applicant for an automobile club certificate of authority must file an application with the secretary of state in the form and manner prescribed by the secretary. The secretary shall adopt the forms necessary for an applicant to comply with this chapter and shall furnish those forms on request to an applicant for a certificate of authority.

(b) An application must be executed under oath by the club president or other principal club officer and must be accompanied by:

(1) the first year's annual fee for the certificate of authority;

(2) a certificate by the secretary of state stating that the applicant has complied with the corporation laws of this state, if the applicant is a corporation;

(3) a list of each person who holds an ownership interest in the applicant and each officer of the applicant, if the applicant is not incorporated;

(4) a copy of any operating agreement or management agreement affecting the club and a list of each party to the agreement if the applicant is not incorporated; and

(5) proof of security in a manner that complies with Section 722.005.

(c) The secretary of state shall issue the automobile club certificate of authority or deny the application not later than the 15th day after the day the secretary receives the application, certificate, or security. Failure to issue the certificate of authority within the prescribed time entitles the applicant to a refund of all money and security deposited with the application.
Sec. 3. . . . The Secretary of State shall promulgate, prescribe and furnish such forms as may be necessary for any applicant to meet the requirements of this Act and shall furnish such forms, upon request, to those applicants requesting such forms . . .

Sec. 4. The application for a certificate of authority as an Automobile Club to be filed with the Secretary of State shall be in such form and detail as the Secretary of State may require and shall be executed under oath by such Club's president or other principal officer and there shall be filed with the application the following:

(a) If such Club is a corporation, a certificate from the Secretary of State that it has complied with the corporation laws of this State.

(b) If not incorporated, a list of all persons owning an interest in the Automobile Club, the officers thereof and the parties to any operating agreement or management agreement affecting the Automobile Club together with a copy of any such agreement.

(c) The first year's annual license fee . . . shall accompany such application.

(Revised Law Sec. 722.005. SECURITY REQUIREMENTS. (a) An applicant for an automobile club certificate of authority may provide the security required for that certificate by depositing with the state or pledging in the form prescribed by the secretary of state: 74C263 JD-D 3780
(1) $25,000 in securities approved by the secretary;  
(2) $25,000 in cash; or  
(3) a $25,000 bond in the form prescribed by the  
secretary that is:  
(A) payable to the state;  
(B) executed by a corporate surety licensed to  
do business in this state; and  
(C) conditioned on the faithful performance of  
the automobile club in selling or providing club services and the  
payment of any fines or penalties levied against the club for  
failure to comply with this chapter.  
(b) The aggregate liability of the surety for all breaches  
of the bond conditions and for payment of all fines and penalties  
may not exceed the amount of the bond.  
(c) The required security shall be maintained as long as the  
automobile club has any liability or obligation in this state. On  
showing to the satisfaction of the secretary of state that the club  
has ceased to do business and that all liabilities and obligations  
of the club have been satisfied, the secretary may return the  
security to the club or deliver the security in accordance with a  
court order. (V.A.C.S. Art. 1528d, Sec. 4(d) (part).)

Source Law  
(d) Proof of security having been deposited with  
the State or pledged by the Club in such form as the  
Secretary of State may prescribe in any of the  
following ways: The sum of Twenty-five Thousand  
Dollars ($25,000) in cash or Twenty-five Thousand  
Dollars ($25,000) in securities approved by the  
Secretary of State or in lieu thereof, a bond in such  
form as the Secretary of State may prescribe in the  
amount of Twenty-five Thousand Dollars ($25,000) to the  
State of Texas and executed by a corporate surety  
licensed to do business in the State of Texas and  
conditioned upon the faithful performance in the  
selling or rendering of Automobile Club service and  
payment of any fines or penalties levied against it for  
failure to comply with the provisions of this Act;  
provided however, that the aggregate liability of the  
surety for all breaches of the conditions of the bond  
and for the payment of all fines and penalties shall,  
in no event, exceed the amount of said bond. . . .  
The deposit herein provided for shall thereafter  
be maintained so long as said Club shall have  
outstanding any liability or obligation in this State.  
Upon proper showing, to the satisfaction of the
Secretary of State, that the Club has ceased to do business and that all liabilities and obligations of the Club have been satisfied, the Secretary of State is hereby authorized to return the security to the Club or to deliver the security in accordance with any order of a court of competent jurisdiction.

Reviser's Note

Section 4(d), V.A.C.S. Article 1528d, refers to the order of a court "of competent jurisdiction." The revised law omits the quoted language as unnecessary because only a court of competent jurisdiction may enter an order, and the general laws of civil jurisdiction determine which courts have jurisdiction over the matter. For example, see Sections 24.007-24.011, Government Code, for the general jurisdiction of district courts.

Revised Law

Sec. 722.006. RENEWAL. (a) An automobile club certificate of authority expires annually on August 31. The certificate may be renewed by filing a renewal application in the manner prescribed by the secretary of state and paying the annual fee.

(b) The secretary of state may adopt forms for the renewal application. (V.A.C.S. Art. 1528d, Sec. 5 (part).)

Source Law

Sec. 5. Every certificate of authority issued hereunder shall expire annually on August 31, of each year unless sooner revoked or suspended as hereinafter provided and application for renewal of such certificate of authority shall be filed upon such forms as are provided by the Secretary of State and shall contain such information as the Secretary of State may prescribe. . . .

Reviser's Note

Section 5, V.A.C.S. Article 1528d, states that a certificate of authority is valid for one year "unless sooner revoked or suspended." The revised law omits "unless sooner revoked or suspended" as unnecessary. By stating the general term of a certificate without
that qualifying language, the law does not imply that
the certificate will remain valid despite other
specifically authorized actions to suspend or revoke
the certificate.

Revised Law

Sec. 722.007. ANNUAL FEE. The annual fee for an automobile
club certificate of authority is $150. (V.A.C.S. Art. 1528d, Secs.
4(c) (part), 5 (part).)

Source Law

Sec. 4
(c) The . . . annual license fee in the amount
of One Hundred Fifty Dollars ($150) . . . .

Sec. 5. . . . The annual license fee for
renewal of such certificate of authority shall be One
Hundred Fifty Dollars ($150).

Revised Law

Sec. 722.008. CERTIFICATE REVOCATION OR SUSPENSION. (a)
After a public hearing, the secretary of state shall revoke or
suspend an automobile club's certificate of authority if the
secretary determines, for good cause shown, that:

(1) the club:
   (A) has violated this chapter;
   (B) is not acting as an automobile club;
   (C) is insolvent or has assets valued at less
   than its liabilities;
   (D) has refused to submit to an examination by
   the secretary; or
   (E) is transacting business in a fraudulent
   manner; or
   (2) an owner, officer, or manager of the club is not
   of good moral character.

(b) The secretary of state shall give public notice of the
suspension or revocation in the manner the secretary considers
appropriate. (V.A.C.S. Art. 1528d, Sec. 7 (part).)

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Sec. 7. If the Secretary of State at any time for good cause shown, and after public hearing, shall determine that an Automobile Club has violated a provision of this Act, that it is not operating an Automobile Club as defined herein, that it is insolvent, that its assets are less than its liabilities, that it refuses to submit to an examination by the Secretary of State, that it is transacting business fraudulently, or that any owner, officer or operating manager is not of good moral character, he shall thereupon revoke or suspend its certificate of authority and shall give notice thereof to the public in such manner as he shall deem proper . . . .

Revisor's Note

Section 7, V.A.C.S. Article 1528d, establishes certain remedies for a person aggrieved by a decision of the secretary of state to revoke or suspend an automobile club certificate of authority and requires the secretary to hold a hearing before revoking or suspending a certificate. In 1976, those provisions were impliedly repealed by the Administrative Procedure and Texas Register Act (now Chapters 2001 and 2002, Government Code), which prescribes the procedures to be used by a state agency in revoking a license or certificate. The original enactment of the Administrative Procedure and Texas Register Act (Section 22) repeals all conflicting law. The language in Section 7 relating to judicial review procedures for revocation of a certificate is omitted because the enactment of that language predates the administrative procedure law and is repealed. The omitted law reads as follows:

... provided however, that any person aggrieved by any decision of the Secretary of State shall have the right to appeal such decision to the District Court in the county of the aggrieved person's residence within sixty (60) days after the date of notice by registered mail of such decision but not thereafter.
Sec. 722.009. SERVICE CONTRACT; MEMBERSHIP INFORMATION. (a) Each automobile club operating under this chapter shall furnish to the membership a service contract or membership card that includes the following information:

(1) the club's name;

(2) the street address of the club's home office and of its usual place of business in this state; and

(3) a description of the services or benefits to which the members are entitled.

(b) For purposes of this chapter, the completed application for an automobile club certificate of authority and the description of services listed under Subsection (a) constitute the service contract. (V.A.C.S. Art. 1528d, Sec. 9.)

Sec. 9. Every Automobile Club operating under the provisions of this Act shall furnish to its members a service contract or membership card together with the following information:

(a) The exact name of the Automobile Club.

(b) The exact location of the Automobile Club's home office, and of its usual place of business in this State, giving street, number and city.

(c) A description of the services or benefits to which the member is entitled.

(d) The completed application and the description of services shall constitute the service contract.

Sec. 722.010. FILING OF INFORMATION. (a) Each automobile club shall file a certified copy of its service contract with the secretary of state.

(b) If an automobile club provides participation in a group accidental injury or death policy, the club shall file with the service contract a copy of the certificate of participation.

(c) An automobile club shall file with the secretary of state any change to the service contract. (V.A.C.S. Art. 1528d, Sec. 10 (part).)
Sec. 10. Every Automobile Club operating under the provisions of this Act shall furnish to the Secretary of State a certified copy of the service contract and if said Club provides participation in a group accidental injury or death policy, then a copy of the certificate of participation furnished the member shall be filed with the certified copy of the service contract together with the following information:

... (c) Any change, addition or supplement to the service contract ... shall be filed with the Secretary of State.

Revisor's Note

(1) Section 10, V.A.C.S. Article 1528d, requires a certificate of participation to be filed with a service contract if certain benefits are provided to automobile club members. The section also requires the name and address of the club to be provided in that filing and in a filing made when a change in the office location or name occurs. The revised law omits the reference to the club’s name and address as unnecessary because that information is part of the service contract under Section 9, V.A.C.S. Article 1528d (codified as Section 722.009), and must be included in the filing. The omitted law reads as follows:

[... together with the following information:]

(a) The exact name of the Automobile Club.

(b) The exact location of the Automobile Club’s home office, and of its usual place of business in this State, giving street, number and city.

(c) ... change of office location or change of name ....

(2) Section 10, V.A.C.S. Article 1528d, requires an automobile club to file "[a]ny change, addition or supplement" to the service contract with the secretary of state. The revised law omits the reference to "an addition or supplement" because those terms are included within the meaning of "change."
Sec. 722.011. AGENT REGISTRATION. (a) An automobile club that operates in this state under an automobile club certificate of authority shall file with the secretary of state a notice of appointment of each agent not later than the 30th day after the date on which that agent is employed by the club.

(b) The notice of appointment must be in the form prescribed by the secretary of state and must contain:

(1) the name, address, age, sex, and social security number of the agent; and

(2) proof satisfactory to the secretary that the agent is of good moral character.

(c) Registration under this section is valid for one year from the date of the initial registration and may be renewed on each anniversary of that date. The annual registration fee is $10.

(d) Each automobile club shall notify the secretary of state of the termination of an agent's employment by the club not later than the 30th day after the date of the termination. (V.A.C.S. Art. 1528d, Sec. 6 (part).)

Sec. 722.012. ADVERTISING RESTRICTIONS. An automobile club operating under this chapter may not:

Sec. 6. Each and every Automobile Club operating in this State pursuant to a certificate of authority issued hereunder shall within thirty (30) days of the date of employment, file with the Secretary of State a notice of [appointment of ... agents ...]. This notification shall be upon such form as the Secretary of State may prescribe and shall contain the name, address, age, sex and social security number of such salesman or agent, and also contain proof satisfactory to the Secretary of State that such applicant is of good moral character. Upon termination of any salesman's or agent's employment by an Automobile Club, such Automobile Club shall within thirty (30) days thereafter notify the Secretary of State of such termination. The registration fee for salesmen or agents of Automobile Clubs shall be Ten Dollars ($10) annually and shall be renewed each twelve (12) months after its issuance.
(1) refer to its certificate of authority or to approval by the secretary of state in any advertising, contract, or membership card; or
(2) advertise or describe its services in a manner that would lead the public to believe that the services include automobile insurance. (V.A.C.S. Art. 1528d, Sec. 8(a).)

Source Law
Sec. 8. (a) Automobile Clubs operating hereunder shall make no reference to their certificate of authority or approval from the Secretary of State in any advertising, circular, contract or membership card nor shall such Automobile Clubs advertise or describe their services in such a manner as would lead the public to believe such services include automobile insurance.

Revisor's Note
Section 8(a), V.A.C.S. Article 1528d, refers to "any advertising, circular, contract or membership card." The revised law omits the reference to a "circular" because, in context, a circular is a form of advertising.

Revised Law
Sec. 722.013. EXEMPTION FROM CERTAIN INSURANCE LAWS; GROUP POLICY REQUIREMENTS. (a) A person operating under an automobile club certificate of authority is exempt from the insurance laws of this state, except that accidental injury and death benefits furnished to club members must be covered by a group policy issued to the club for the benefit of its members.
(b) A group policy subject to Subsection (a) must be issued by a company authorized to write insurance in this state for accidental injury and death benefits.
(c) The group policy shall be evidenced to club members by a certificate of participation in the policy. The certificate of participation must state on its face in at least 14-point black boldfaced type that the certificate is only a certificate of participation in an accidental injury and death group policy and is
not motor vehicle liability insurance coverage. (V.A.C.S. Art. 1528d, Sec. 8(b).)

Source Law

(b) All Automobile Clubs operating pursuant to a certificate of authority issued hereunder shall be exempt from the operation of all insurance laws of this State, except that accidental injury and death benefits furnished members of such Automobile Clubs shall be covered under a group policy issued to the Automobile Club for the benefit of its members and such policy shall be issued by a company licensed to write such insurance in this State. Any such group policy issued to the Automobile Club shall be evidenced to the membership of said Club by a certificate of participation in said group policy that shall state on the face of said certificate in at least fourteen-point black bold-face type that the certificate is only a "certificate of participation in an accidental injury and death group policy and is not automobile liability insurance coverage."

Revised Law

Sec. 722.014. CRIMINAL PENALTY. (a) A person commits an offense if the person violates this chapter.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine not to exceed $500; and

(2) confinement in the county jail for a term not to exceed six months. (V.A.C.S. Art. 1528d, Sec. 13.)

Source Law

Sec. 13. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars ($500), and by imprisonment in the county jail for not more than six (6) months.

Revisor's Note

(End of Chapter)

(1) The revised law omits Section 11, V.A.C.S. Article 1528d, as unnecessary. That section requires fees to be deposited to the credit of the general revenue fund. Section 404.094, Government Code (State Funds Reform Act), requires all money, including the referenced fees, collected or received by a state
agency to be deposited to the credit of the general revenue fund. It is unnecessary to repeat that requirement in this chapter. The omitted section reads as follows:

Sec. 11. All fees collected hereunder by the Secretary of State shall be deposited with the State Treasurer to the credit of the General Revenue Fund.

(2) The revised law omits Section 14, V.A.C.S. Article 1528d, providing that the article is severable, because that provision duplicates Section 311.032, Government Code (Code Construction Act), applicable to the revised law, and Section 312.013, Government Code. Those provisions state that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted section reads as follows:

Sec. 14. If any word, phrase, sentence or provision of this Act is determined to be invalid, such invalidity shall not affect the other provisions of this Act and they shall be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

(3) The revised law omits Section 15, V.A.C.S. Article 1528d, as executed. The omitted section reads as follows:

Sec. 15. This Act shall become effective from and after September 1, 1963.

CHAPTER 723. TEXAS TRAFFIC SAFETY ACT

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[Sections 723.016-723.030 reserved for expansion]

Sec. 723.031. GIFTS, GRANTS, DONATIONS, GRANTS-IN-AID, AND PAYMENTS

Sec. 723.032. GRANTS-IN-AID AND CONTRACTUAL PAYMENTS

CHAPTER 723. TEXAS TRAFFIC SAFETY ACT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 723.001. SHORT TITLE. This chapter may be cited as the Texas Traffic Safety Act. (V.A.C.S. Art. 6701j-1, Sec. 1.)

Source Law

Art. 6701j-1
Sec. 1. This Act may be cited as the Texas Traffic Safety Act of 1967.

Revisor's Note

The revised law omits the reference in V.A.C.S. Article 6701j-1 to 1967, the year of the act, because it is clear that the legislature intended the act to apply in the years after 1967.

Revised Law

Sec. 723.002. GOVERNMENTAL PURPOSE. The establishment, development, and maintenance of a traffic safety program is a vital governmental purpose and function of the state and its legal and political subdivisions. (V.A.C.S. Art. 6701j-1, Sec. 2(a)).

Source Law

Sec. 2. (a) The establishment, development, and maintenance of a program of traffic safety in Texas is a vital governmental purpose and function of the State and its legal and political subdivisions.
SUBCHAPTER B. PREPARATION AND ADMINISTRATION OF TRAFFIC SAFETY PROGRAM

Revised Law

Sec. 723.011. GOVERNOR'S RESPONSIBILITY FOR PROGRAM. (a)

The governor shall:

(1) prepare and administer a statewide traffic safety program designed to reduce traffic accidents and the death, injury, and property damage that result from traffic accidents;

(2) adopt rules for the administration of this chapter, including rules, procedures, and policy statements governing grants-in-aid and contractual relations;

(3) receive on the state's behalf for the implementation of this chapter money made available by the United States under federal law; and

(4) allocate money appropriated by the legislature in the General Appropriations Act to implement this chapter.

(b) In preparing and administering the traffic safety program, the governor may:

(1) cooperate with the United States or a legal or political subdivision of the state in research designed to aid in traffic safety;

(2) accept federal money available for research relating to traffic safety; and

(3) employ personnel necessary to administer this chapter. (V.A.C.S. Art. 6701j-1, Secs. 2(b), 4, 6(a), 7.)

Source Law

[Sec. 2]

(b) The Governor is responsible for preparing and administering a statewide traffic safety program designed to reduce traffic accidents and the resulting deaths, injuries, and property damage. The Governor may employ personnel necessary to administer this Act.

Sec. 4. The Governor is authorized to cooperate with the Federal Government and with any political or legal subdivision of the State in research designed to aid in traffic safety and to accept any federal funds.

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available for this purpose.

Sec. 6. (a) The Governor shall receive on behalf of the State for the implementation of this Act all funds made available from the United States under the Highway Safety Act of 1966, or any other federal Act.

Sec. 7. (a) The Governor shall make rules and regulations for the administration of this Act, including rules, regulations, procedures, and statements of policy governing grants in aid and contractual relations. (b) The Governor shall allocate such funds as may be appropriated by the Legislature in the General Appropriations Act to implement the purposes of this Act.

Revisor's Note
(1) Section 6(a), V.A.C.S. Article 6701j-1, refers to funds made available by the United States "under the Highway Safety Act of 1966, or any other federal Act." The revised law omits the reference to the Highway Safety Act of 1966, since it is clear that the legislature intended to include money made available under any federal law, including that act.
(2) Section 7(a), V.A.C.S. Article 6701j-1, refers to "rules" and "regulations." The reference to "regulations" is omitted from the revised law because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation. That definition applies to the revised law.

Revised Law
Sec. 723.012. TRAFFIC SAFETY PROGRAM. The statewide traffic safety program must include:
(1) a driver education and training program administered by the governor through appropriate agencies that complies with Section 723.013;
(2) plans for improving:
(A) driver licensing;
(B) accident records;
(C) vehicle inspection, registration, and titling;

(D) traffic engineering;

(E) personnel;

(F) police traffic supervision;

(G) traffic courts;

(H) highway design; and

(I) uniform traffic laws; and

(3) plans for local traffic safety programs by legal and political subdivisions of this state that may be implemented if the programs:

(A) are approved by the governor; and

(B) conform with uniform standards adopted under the Highway Safety Act of 1966 (23 U.S.C. Sec. 401 et seq.).

(V.A.C.S. Art. 6701j-1, Secs. 3(a) (part), (b), (c).)

Source Law

Sec. 3. The statewide traffic safety program shall include, but not be limited to:

(a) Administration by the Governor through appropriate agencies of a program of driver education and training for Texas . . . .

(b) Plans and methods for improving driver licensing, accident records, vehicle registration and title, traffic engineering, vehicle inspection, manpower, police traffic supervision, traffic courts, highway design and uniform traffic laws;

(c) Plans for local traffic safety programs by political and legal subdivisions of the State, if the programs are approved by the Governor and conform with the uniform standards promulgated under the Highway Safety Act of 1966.

Reviser's Note

(1) Section 3, V.A.C.S. Article 6701j-1, refers to "shall include, but not be limited to." "[B]ut not be limited to" is omitted as unnecessary because Section 311.005(13), Government Code (Code Construction Act), and Section 312.011(19), Government Code, provide that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.
(2) Section 3(b), V.A.C.S. Article 6701j-1, refers to "plans and methods" for improving various elements of traffic control. The reference to "methods" is omitted from the revised law because in this context "methods" is included in the revised law's "plans for improving."

Revised Law

Sec. 723.013. DRIVER EDUCATION AND TRAINING PROGRAM. (a) The statewide driver education and training program required by Section 723.012 shall provide for:

(1) rules that permit controlled innovation and experimentation and that set minimum standards for:

(A) classroom instruction;
(B) driving skills training;
(C) instructor qualifications;
(D) program content; and
(E) supplementary materials and equipment;

(2) a method for continuing evaluation of approved driver education and training programs to identify the practices most effective in preventing traffic accidents; and

(3) contracts between the governing bodies of centrally located independent school districts or other appropriate public or private agencies and the state to provide approved driver education and training programs.

(b) Instruction offered under a contract authorized by this section must be offered to any applicant who is over 15 years of age. (V.A.C.S. Art. 6701j-1, Sec. 3(a) (part).)

Source Law

Sec. 3. The statewide traffic safety program shall include . . . :

(a) [Administration by the Governor through appropriate agencies of a program of driver education and training for Texas];

(1) Setting minimum standards by published rules and regulations for classroom instruction, training in driving skills, personnel qualifications for instructors, program content, and supplementary materials and equipment, which shall
allow for innovation and experimentation on a controlled basis, not necessarily following established standards;

(2) Providing a means for continuing evaluation of the effects of all approved programs for the purpose of identifying practices most conducive to preventing traffic accidents;

(3) Providing for contracts between the governing bodies of centrally located independent school districts or other suitable public and private agencies and the State to provide for approved driver education and training programs; and

(4) Instruction offered pursuant to any contract must be offered to all applicants over fifteen (15) years of age;

Reviser's Note

Section 3(a), V.A.C.S. Article 6701j-1, refers to "rules and regulations." The revised law omits the reference to "regulations" for the reason stated by Reviser's Note (2) to Section 723.011 of this code.

Revised Law

Sec. 723.014. COOPERATION OF STATE AGENCIES, OFFICERS, AND EMPLOYEES. On the governor's request, a state agency or institution, state officer, or state employee shall cooperate in an activity of the state that is consistent with:

(1) this chapter; and
(2) the agency's, institution's, officer's, or employee's official functions. (V.A.C.S. Art. 6701j-1, Sec. 5(a).)

Source Law

Sec. 5. (a) All departments, agencies, and institutions of the State, and all officers and employees of the State, when requested by the Governor, shall cooperate in all activities of the State consistent with the purposes stated and authority granted in this Act and the functions of their office or employment.

Reviser's Note

Section 5(a), V.A.C.S. Article 6701j-1, refers to "departments, agencies, and institutions of the State." The revised law omits the reference to "departments" because "departments" is included within the meaning of
Sec. 723.015. PARTICIPATION IN PROGRAM BY LEGAL OR POLITICAL SUBDIVISION. A legal or political subdivision of this state may:

(1) cooperate and contract with the state, another legal or political subdivision of this state, or a private person in establishing, developing, and maintaining a statewide traffic safety program;

(2) spend money from any source for an activity related to performing a part of the traffic safety program; and

(3) contract and pay for a personal service or property to be used in the traffic safety program or for an activity related to the program. (V.A.C.S. Art. 6701j-1, Sec. 5(b).)

(b) Political and legal subdivisions of the State are authorized to cooperate with and contract with the State and with each other and with private persons in the establishment, development, and maintenance of a statewide traffic safety program. These political and legal subdivisions may expend any funds made available under this Act or from any other source for activities incident to the performance of any part of the program and may contract and pay for personal services and property to be used in the program or activities incident to the program.

[Sections 723.016-723.030 reserved for expansion]

Sec. 723.031. GIFTS, GRANTS, AND DONATIONS. To implement this chapter, the state may accept and spend a gift, grant, or donation of money or other property from a private source. (V.A.C.S. Art. 6701j-1, Sec. 6(b).)

(b) The State may accept and expend gifts, grants, or donations of money or other property from private sources to implement this Act.
Sec. 723.032. GRANTS-IN-AID AND CONTRACTUAL PAYMENTS. (a) A grant-in-aid for a governmental purpose or a contractual payment may be made to a legal or political subdivision of this state to carry out a duty or activity that is part of the statewide traffic safety program.

(b) To implement this chapter, a contractual payment may be made for a service rendered or property furnished by a private person or an agency that is not a legal or political subdivision of this state. (V.A.C.S. Art. 6701j-1, Sec. 6(d.).)

(d) Grants in aid for governmental purposes and payments to discharge contractual obligations may be made to legal and political subdivisions of the State to carry out any duties and activities which are part of a statewide traffic safety program created, developed, and maintained under this Act. For the implementation of this Act, contractual payment may be made from the Traffic Safety Fund for services rendered and property furnished by private persons and by agencies which are not political and legal subdivisions of the State.

Reviser's Note

Section 6(d), V.A.C.S. Article 6701j-1, refers to the Traffic Safety Fund. The revised law omits the reference to the fund for the reason stated by Reviser's Note (1) at the end of this chapter.

(1) The revision omits Section 6(c), V.A.C.S. Article 6701j-1, which provides for the existence of the Traffic Safety Fund and the deposit and expenditure of money in the fund. Acting under authority of Section 403.094(a), Government Code, the comptroller abolished the Traffic Safety Fund effective August 31, 1993. Under Section 403.094(h), Government Code, the dedication of use of the fund is abolished. As omitted, Section 6(c) reads:
(c) There is created a special fund in the State Treasury called the Traffic Safety Fund. All funds received from any source to implement this Act shall be placed in the Traffic Safety Fund and shall be expended with State funds for the implementation of this Act in the manner in which other State money is expended.

(2) The revision omits Section 6(e), V.A.C.S. Article 6701j-1, as unnecessary because the Traffic Safety Fund to which it refers has been abolished. As omitted, Section 6(e) reads:

(e) All payments from the Traffic Safety Fund shall be in accordance with the terms of this Act and rules and regulations promulgated by the Governor.

(3) The revision omits Section 9, V.A.C.S. Article 6701j-1, providing that the article is severable, because that provision duplicates Section 311.032, Government Code (Code Construction Act), applicable to the revised law, and Section 312.013, Government Code. These provisions state that a provision of a statute is severable from each other provision of the statute that can be given effect. Section 9 reads:

Sec. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

(4) The revision omits Section 10, V.A.C.S. Article 6701j-1, repealing Chapter 502, Acts of the 55th Legislature, Regular Session, 1957 (Article 6701j, Vernon's Texas Civil Statutes), because that provision is executed. Under Section 311.030, Government Code (Code Construction Act), and Section 312.007, Government Code, the repeal of a repealing statute does not revive the statute originally repealed. The omitted provision reads:
Sec. 10. Chapter 502, 55th Legislature, Regular Session, 1957, as amended (Article 6701j, Vernon's Texas Civil Statutes), is repealed.

CHAPTER 724. IMPLIED CONSENT

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