

BILL ANALYSIS

C.S.H.B. 2306
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, a county tax assessor-collector may refuse to register a vehicle, or renew a vehicle registration, if the owner owes the county money for a fine, fee, or tax that is past due or if the owner failed to appear in court in certain criminal matters. When such an individual attempts to register a vehicle at a county tax office, the individual must pay past due amounts before receiving the registration. However, people may also renew their vehicle registration online through the Texas Department of Motor Vehicles (TxDMV), which does not have the means to enforce payment for these past due matters.

It has been suggested that the COVID-19 pandemic has pushed more people to use this online service, which results in thousands of dollars in lost fines for counties across Texas. C.S.H.B. 2306 seeks to address this issue by requiring TxDMV to develop a real-time online database through which all counties could update their scofflaw information, including the driver's license number and date of birth of any person owing the county money.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2306 amends the Transportation Code to remove the discretion of the Texas Department of Motor Vehicles (TxDMV) to refuse to register a motor vehicle if the county assessor-collector or TxDMV receives information that the owner of the vehicle meets the following conditions:

- the owner owes the county money for a fine, fee, or tax that is past due; or
- the owner failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

Instead, the bill provides for the following on the TxDMV determination that a county assessor-collector is authorized to refuse to register a vehicle under those conditions:

- the vehicle may not be registered through the online vehicle registration renewal system designated by TxDMV; and
- TxDMV must refuse to register the vehicle through an online system that is available to the public.

The bill requires TxDMV to develop and implement a system through which counties may provide information to TxDMV necessary to make that determination. TxDMV must implement

the system not later than September 1, 2022, and the bill provision setting the deadline for implementation takes effect September 1, 2021.

C.S.H.B. 2306 requires the system developed by TxDMV to do the following:

- verify in real time the information regarding the owner of the vehicle by searching against the vehicle owner's driver's license number, date of birth, or other information provided to TxDMV; and
- be used for the registration of a vehicle conducted through the TxDMV website.

The bill requires any county that provides the information necessary to make that TxDMV determination to immediately notify TxDMV regarding a person for whom the county assessor-collector or TxDMV has refused to register a motor vehicle on certain payment, discharge, or appeal of the applicable fine, fee, or tax. The bill prohibits the county assessor-collector and TxDMV, after receipt of such notice, from refusing to register the motor vehicle under the applicable conditions.

C.S.H.B. 2306 authorizes any county to impose an additional reimbursement fee of \$20 to a person who fails to pay a fine, fee, or tax to the county by the date on which the fine, fee, or tax is due or a person who fails to appear in connection with a complaint, citation, information, or indictment in a court in which a criminal proceeding is pending against the owner. The bill removes the authorization for the reimbursement fee to be used to reimburse TxDMV for its expenses.

C.S.H.B. 2306 authorizes TxDMV to collect information necessary to implement provisions relating to the county scofflaws regarding vehicle registration, including a vehicle owner's driver's license number or date of birth, but prohibits TxDMV from disclosing any personal identifying information collected.

C.S.H.B. 2306 repeals Section 502.010(e), Transportation Code.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2022.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2306 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the original and substitute both remove TxDMV's discretion to refuse to register a motor vehicle on the receipt of certain information, the substitute also provides for the following on the TxDMV determination that a county assessor-collector is authorized to refuse to register a vehicle, which was not included in the original:

- the vehicle may not be registered through the online vehicle registration renewal system designated by TxDMV; and
- TxDMV must refuse to register the vehicle through an online system that is available to the public.

The substitute includes a specification not in the original that the TxDMV system through which counties may provide information to TxDMV necessary to make a determination relating to refusing to register a motor vehicle applies with respect to the determination by TxDMV that a county assessor-collector is authorized to refuse to register a vehicle under the applicable conditions.

The substitute includes a prohibition absent from the original against the county assessor-collector and TxDMV refusing to register the motor vehicle after certain notice is received.

The substitute includes provisions absent from the original authorizing TxDMV to collect information necessary to implement county scoflaw provisions regarding vehicle registration and prohibiting TxDMV from disclosing any personal identifying information so collected.