

## **BILL ANALYSIS**

Senate Research Center

H.B. 2741  
By: Phillips (Nichols)  
Transportation  
5/10/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Through passage of H.B. 2357, 82nd Legislature, Regular Session, 2011, the Texas Department of Motor Vehicles (TxDMV) was provided with the statutory authorization needed to more fully utilize technology, to accept modern forms of payment, and to move forward with modern processes by removing statutory language tied to outdated technology. H.B. 2357 standardized and moved definitions to one location within the Transportation Code in order to create uniformity. S.B. 1420, 82nd Legislature, Regular Session, 2011, was the Sunset bill for the Texas Department of Transportation (TxDOT) that moved the oversize/overweight permit function from TxDOT to TxDMV.

H.B. 2741 provides general clean-up language for the TxDMV. The bill replaces references and definitions in certain sections of the Transportation and Occupations Codes, and renumbers the statutes as necessary.

This bill amends certain sections of the Transportation Code to clarify language relating to a nonrepairable title, salvage vehicle title, and salvage record of title; require a county to submit funds by electronic funds transfer; and limit the penalty for late title transfer to \$250.

The bill also amends current law to provide that the governor may waive permits for motor carriers who are performing emergency assistance; to permit an individual who is wishing to transfer his vehicle to a dealer and has paid for more than one year of registration to be credited the remaining amounts of unused registration; to authorize the owner of a trailer with a gross vehicle weight of 4,000 pounds or less to apply for a title; and add TxDMV, as well as a county tax-assessor collector, to the governmental entities that may request a person's photographic image from the Department of Public Safety of the State of Texas.

H.B. 2741 amends current law relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles and to certain vehicles purchased outside this state, authorizes a fee, and creates an offense.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the board of the Texas Department of Motor Vehicles (TxDMV) (board) in SECTION 8 (Section 2301.257, Occupations Code), SECTION 30 (Section 2301.713, Occupations Code), SECTION 61 (Section 501.173, Transportation Code), SECTION 90 (Section 520.0071, Transportation Code), SECTION 102 (Section 621.510, Transportation Code), SECTION 114 (Section 623.342, Transportation Code), SECTION 130 (Section 1001.013, Transportation Code), and SECTION 137 of this bill.

Rulemaking authority previously granted to the board is modified in SECTION 7 (Section 2301.154, Occupations Code), SECTION 25 (Section 2301.703, Occupations Code), SECTION 35 (Section 2301.804, Occupations Code), SECTION 69 (Section 502.094, Transportation Code), and SECTION 128 (Section 1001.009, Transportation Code) of this bill.

Rulemaking authority previously granted to TxDMV is modified in SECTION 63 (Section 502.040, Transportation Code), SECTION 65 (Section 502.043, Transportation Code), SECTION 86 (Section 520.003, Transportation Code), and SECTION 118 (Section 634.064, Transportation Code) of this bill.

Rulemaking authority previously granted to TxDMV is transferred to the board in SECTION 76 (Section 503.009, Transportation Code) of this bill.

Rulemaking authority is expressly granted to TxDMV in SECTION 95 (Section 551.402, Transportation Code) of this bill.

Rulemaking authority previously granted to the Texas Transportation Commission is transferred to the board in SECTION 108 (Section 623.0711, Transportation Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Transportation is transferred to TxDMV in SECTION 121 (Section 648.102, Transportation Code) of this bill.

Rulemaking authority previously granted to the board is rescinded in SECTION 135 (Section 2301.606, Occupations Code) and (Section 520.004, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 348.005, Finance Code, to provide that an amount in a retail installment contract is an itemized charge if the amount is not included in the cash price and is the amount of a certain fee, charge, or tax, including fees for registration, certificate of title, and license and any additional registration fees charged by a deputy, as authorized by rules adopted under Section 520.0071, rather than a full service deputy under Section 502.114 (Redesignated Section 520.008, Transportation Code and amended by Acts 2011, 82nd Leg., ch. 1296 (H.B. 2357), § 228, eff. Jan. 1, 2012), Transportation Code.

SECTION 2. Amends Section 353.006, Financial Code, to make conforming changes.

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

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

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

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

(3) a provision of Subtitle E (Vehicle Size and Weight), Title 7 (Vehicles and Traffic), Transportation Code, to the extent authorized by federal law;

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

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

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

(g) Defines "emergency or disaster declaration of another jurisdiction" for the purposes of Subsection (f).

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

SECTION 4. Amends Section 1201.206(f), Occupations Code, to require the Texas Department of Housing and Community Affairs operating through its manufactured housing division to require that the owner of a manufactured home that relocates submit evidence that the home was relocated in accordance with the requirements of the Texas Department of Motor Vehicles (TxDMV), rather than the Texas Department of Transportation (TxDOT).

SECTION 5. Amends Section 2301.002(12), Occupations Code, to redefine "division."

SECTION 6. Amends the heading to Subchapter C, Chapter 2301, Occupations Code, to read as follows:

#### SUBCHAPTER C. DIVISION PERSONNEL

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

(b) The board of TxDMV (board) by rule may delegate any power relating to a contested case hearing brought under this chapter or Chapter 503 (Dealer's and Manufacturer's Vehicle License Plates), Transportation Code, other than the power to issue a final order, to one or more of the board's members, the executive director, the director, or one or more of TxDMV's employees.

(c) Authorizes the board by rule to delegate the authority to issue a final order in a contested case hearing brought under this chapter or Chapter 503, Transportation Code, to one or more of the board's members, the executive director, or the director of a division within TxDMV designated by the board or the executive director to carry out the requirements of this chapter.

(e) Provides that an action taken by a person to whom a power or other authority is delegated under Subsection (b) or (c), including the issuance of an order, is considered an action of the board and is prohibited from being appealed to the board.

SECTION 8. Amends Section 2301.257(a), Occupations Code, to require that the application for a dealer's license include certain information, including information the board determines by rule is necessary to determine the applicant's qualifications to adequately serve the public, rather than information relating to the applicant's financial resources, business integrity, business ability and experience, franchise if applicable, physical facilities, vehicle inventory, and other factors TxDMV considers necessary to determine the applicant's qualifications to adequately serve the public.

SECTION 9. Amends Sections 2301.260(a) and (b), Occupations Code, as follows:

(a) Requires that an application for a distributor's license disclose certain information, including the persons in this state who will be responsible for compliance with the warranty covering the motor vehicles to be sold. Deletes existing text requiring that an application for a distributor's license disclose the warranty covering the motor vehicles to be sold. Makes nonsubstantive changes.

(b) Requires an applicant for a distributor's license that has a responsibility under a warranty agreement to include a statement regarding the manufacturer's compliance with Subchapter I (Warranties: Reimbursement of Dealer) and Sections 2301.451 (Prohibition: Items not Ordered)-2301.476 (Manufacturer or Distributor Ownership, Operation or Control of Dealership). Deletes existing text requiring an applicant for a distributor's license that has a responsibility under a warranty agreement to provide the same information relating to the agreement as is provided by an applicant for a manufacturer's license under Section 2301.259 (Application for Manufacturer's License).

SECTION 10. Amends Section 2301.264(d), Occupations Code, to authorize TxDMV to refund a fee collected under this chapter that is not due or that exceeds the amount due, rather than authorizes TxDMV to refund from funds appropriated to TxDMV for that purpose a fee collected under this chapter that is not due or that exceeds the amount due.

SECTION 11. Amends Section 2301.301(b), Occupations Code, to authorize TxDMV, rather than the board, to issue a license for a term of less than the period prescribed under Subsection (a) (providing that licenses issued under this chapter are valid for the period prescribed by the board) to coordinate the expiration dates of licenses held by a person that is required to obtain more than one license to perform activities under this chapter.

SECTION 12. Amends Section 2301.303, Occupations Code, as follows:

Sec. 2301.303. RENEWAL OF DEALER'S LICENSE. Requires a dealer to renew the dealer's license on an application prescribed by TxDMV, rather than by the director of the Motor Vehicle Division of TxDMV (director). Requires TxDMV, rather than the director, to include in the renewal application a request for disclosure of material changes described by Section 2301.257 (Application for Dealer's License).

SECTION 13. Amends Section 2301.353, Occupations Code, to prohibit a franchised dealer from failing to perform an obligation placed on the selling dealer in connection with the preparation and delivery of a new motor vehicle for retail sale as provided in the manufacturer's preparation and delivery agreements, rather than delivery agreements on file with the board, that are applicable to the vehicle; or the dealer in connection with the manufacturer's warranty agreements, rather than with the manufacturer's warranty agreements on file with the board.

SECTION 14. Amends Section 2301.358(a), Occupations Code, to prohibit a person who holds a license issued under this chapter from participating in a new motor vehicle show or exhibition unless the person provides TxDMV with written notice before the date the show or exhibition opens, rather than with written notice at least 30 days before the date the show or exhibition opens, and TxDMV grants written approval.

SECTION 15. Amends Section 2301.401, Occupations Code, as follows:

Sec. 2301.401. WARRANTY, PREPARATION, AND DELIVERY REQUIREMENTS.

(a) Requires a manufacturer or distributor, on request, to provide to, rather than file with, TxDMV a copy of the current requirements the manufacturer or distributor imposes on its dealers with respect to certain duties and obligations of the dealer.

(b) Provides that warranty or preparation and delivery requirements placed on a dealer by a manufacturer are not enforceable unless the requirements are reasonable, rather than are reasonable and are disclosed and filed as required by Subsection (a).

SECTION 16. Amends Section 2301.460, Occupations Code, to prohibit a manufacturer, distributor, or representative, notwithstanding the terms of any franchise, from, after a complaint and a hearing, failing or refusing to perform an obligation placed on the manufacturer in connection with the preparation, delivery, and warranty of a new motor vehicle as provided in the manufacturer's warranty, preparation, and delivery agreements, rather than delivery agreements on file with the board.

SECTION 17. Amends Section 2301.461(a), Occupations Code, to provide that a franchised dealer's preparation, delivery, and warranty obligations, rather than warranty obligations as filed with the board, are the dealer's sole responsibility for product liability as between the dealer and a manufacturer or distributor.

SECTION 18. Amends Section 2301.4651(a), Occupations Code, as follows:

(a) Deletes existing text providing that this section applies to a manufacturer, distributor or representative that terminates or discontinues a franchise by any means without complying with Section 2301.453 (Termination or Discontinuance of Franchise), or regardless of whether the manufacturer, distributor, or representative complies with Section 2301.453. Makes nonsubstantive changes.

SECTION 19. Amends Sections 2301.606(b) and (c), Occupations Code, as follows:

(b) Authorizes a manufacturer, converter, or distributor, in a hearing under this subchapter, rather than before the director under this subchapter, to plead and prove as an affirmative defense to a remedy under this subchapter that a nonconformity is the result of abuse, neglect, or unauthorized modification or alteration of the motor vehicle, or does not substantially impair the use or market value of the motor vehicle.

(c) Prohibits the board or a person delegated power from the board under Section 2301.154 (Delegation of Powers), rather than prohibits the director, from issuing an order requiring a manufacturer, converter, or distributor to make a refund or to replace a motor vehicle unless the owner or a person on behalf of the owner has mailed written notice of the alleged defect or nonconformity to the manufacturer, converter, or distributor, and the manufacturer, converter, or distributor has been given an opportunity to cure the alleged defect or nonconformity.

SECTION 20. Amends Section 2301.607(c), Occupations Code, as follows:

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

SECTION 21. Amends Section 2301.608, Occupations Code, as follows:

Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR REFUND. (a) Requires the board or a person delegated power from the board under Section 2301.154, rather than requires the director, in an order issued under this subchapter, to name the person responsible for paying the cost of any refund or replacement. Prohibits a manufacturer, converter, or distributor from causing a franchised dealer to directly or indirectly pay any money not specifically ordered by the board or a person delegated power from the board under Section 2301.154, rather than by the director.

(b) Authorizes the board or person, rather than authorizes the director, if the board or a person delegated power from the board under Section 2301.154 orders a manufacturer, converter, or distributor to make a refund or replace a motor vehicle under this subchapter, to order the franchised dealer to reimburse the owner, lienholder, manufacturer, converter, or distributor only for an item or option added to the vehicle by the dealer to the extent that the item or option contributed to the defect that served as the basis for the order. Makes a conforming change.

(c) Authorizes the board or a person delegated power from the board under Section 2301.154, rather than authorizes the director, in a case involving a leased vehicle, to terminate the lease and apportion allowances or refunds, including the reasonable allowance for use, between the lessee and lessor of the vehicle.

SECTION 22. Amends Section 2301.609(a), Occupations Code, to provide that a party to a proceeding under this subchapter that is affected by a final order related to the proceeding is entitled to judicial review of the order under the substantial evidence rule in a district court of Travis County, rather than provides that a party to a proceeding before the director under this subchapter that is affected by a final order of the director is entitled to judicial review of the order under the substantial evidence rule in a district court of Travis County.

SECTION 23. Amends Sections 2301.610(a) and (d), Occupations Code, as follows:

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

(d) Requires TxDMV to maintain a toll-free telephone number to provide information to a person who requests information about a condition or defect that was the basis for repurchase or replacement by an order issued under this chapter, rather than requires the board to maintain a toll-free telephone number to provide information to a person who requests information about a condition or defect that was the basis for repurchase or replacement by an order of the director. Requires TxDMV, rather than requires the board, to maintain an effective method of providing information to a person who makes a request.

SECTION 24. Amends Section 2301.651(d), Occupations Code, as follows:

(d) Prohibits a license from being denied, revoked, or suspended, and prohibits disciplinary action from being taken under this subchapter, unless the respondent is given an opportunity for a hearing. Authorizes the board to deny, revoke, or suspend a license or take disciplinary action by order only after TxDMV grants the respondent an opportunity for a hearing, rather than except on order of the board after a hearing.

SECTION 25. Amends Section 2301.703(a), Occupations Code, to require that a hearing arising under this chapter or a board rule adopted under this chapter, rather than require that a hearing be conducted in any contested case arising under this chapter or a board rule, be conducted in accordance with this chapter, any order, decision, or rule of the board, and Chapter 2001 (Administrative Procedure), Government Code.

SECTION 26. Amends Section 2301.709, Occupations Code, as follows:

Sec. 2301.709. New heading: REVIEW BY BOARD. (a) Authorizes the board, in reviewing a case under this subchapter, or a person delegated power from the board under Section 2301.154 to consider only materials that are submitted timely. Deletes existing text requiring the administrative law judge, in a contested case, to serve on each party a copy of the administrative law judge's proposal for decision and recommended order containing findings of fact and conclusions of law. Deletes existing text authorizing a party to file exceptions and replies to the board.

(b) Redesignates existing Subsection (c) as Subsection (b). Authorizes the board or a person delegated power from the board under Section 2301.154 to hear such oral argument from any party as the board may allow.

(c) Redesignates existing Subsection (d) as Subsection (c). Requires the board or a person delegated power from the board under Section 2301.154 to take any

further action conducive to the issuance of a final order and to issue a written final decision or order.

SECTION 27. Amends Section 2301.710, Occupations Code, to authorize the board or other person delegated final order authority under Section 2301.154, on the motion of any party, without holding a contested case hearing, to issue a final order dismissing a complaint, protest, or response in accordance with the terms and procedures set forth in the Texas Rules of Civil Procedure, rather than set forth in Rule 166a, Texas Rules of Civil Procedure, or its successor.

SECTION 28. Amends Section 2301.711, Occupations Code, as follows:

Sec. 2301.711. ORDERS AND DECISIONS. (a) Requires the board or other person delegated final order authority under Section 2301.154 to issue final orders for the implementation and enforcement of this chapter and Chapter 503, Transportation Code.

(b) Creates this subsection from existing text. Requires that an order or decision under this chapter to:

(1) include a separate finding of fact with respect to each specific issue required by law to be considered in reaching a decision, rather than include a separate finding of fact with respect to each specific issue the board is required by law to consider in reaching a decision;

(2) Makes no change to this subdivision;

(3) Makes a nonsubstantive change; and

(4) be signed by the presiding officer or assistant presiding officer for the board or other person delegated final order authority under Section 2301.154.

Deletes existing text requiring an order or decision of the board to include a separate finding of fact with respect to each specific issue the board is required by law to consider in reaching a decision, be attested to by the director, and have the seal affixed to it.

SECTION 29. Amends Section 2301.712(b), Occupations Code, to require the board or a person delegated power from the board under Section 2301.154, if a person who brings a complaint under Subchapter M (Warranties: Rights of Vehicle Owners) prevails in the case, to order the nonprevailing party in the case to reimburse the amount of the filing fee for the case.

SECTION 30. Amends Section 2301.713, Occupations Code, as follows:

Sec. 2301.713. REHEARING. (a) Creates this subsection from existing text. Requires a party who seeks a rehearing of an order, except as provided by Subsection (b), to seek the rehearing in accordance with Chapter 2001, Government Code. Makes a nonsubstantive change.

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

SECTION 31. Amends Section 2301.751(a), Occupations Code, to authorize a party to a proceeding affected by a final order, rule, or decision or other final action of the board, rather than of the board or director under this chapter or under another law, with respect to a matter arising under this chapter or Chapter 503, Transportation Code, to seek judicial review of the action under the substantial evidence rule in a district court in Travis County, or the court of appeals for the Third Court of Appeals District.

SECTION 32. Amends Section 2301.752(b), Occupations Code, to require that a citation for an appeal be served on the executive director of TxDMV (executive director) or the executive director's designee and each party of record in the matter.

SECTION 33. Amends Sections 2301.802(d) and (e), Occupations Code, as follows:

(d) Provides that an interlocutory cease and desist order remains in effect until vacated or incorporated in a final order, rather than in a final order of the board.

(e) Authorizes a permanent cease and desist order to be issued regardless of the requirements of Subsection (b) (relating to authorizing an interlocutory cease and desist order to be granted with or without bond or other undertaking) but only under the procedures for a final order, rather than for a final order by the board, under this chapter.

SECTION 34. Amends Section 2301.803(a), Occupations Code, as follows:

(a) Prohibits a person who receives notice from the board of a statutory stay imposed by this chapter, on the initiation of a proceeding under this chapter or Chapter 503, Transportation Code, whether by complaint, protest, or otherwise, from allowing or committing any act or omission that would violate this chapter, Chapter 503, Transportation Code, any rule, order, or decision of the board, or an order or decision of a person delegated power from the board under Section 2301.154; affect a legal right, duty, or privilege of any party to a proceeding under this chapter or Chapter 503, Transportation Code; or tend to render ineffectual an order in a pending proceeding. Deletes existing text prohibiting a person who receives notice from the board of a statutory stay imposed by this chapter, on the initiation of a board proceeding, whether by complaint, protest, or otherwise, from allowing or committing any act or omission that would violate this chapter, or any rule, order, or decision of the board; affect a legal right, duty, or privilege of any party before the board; or tend to render ineffectual a board order in a pending proceeding.

SECTION 35. Amends Sections 2301.804(a) and (b), Occupations Code, as follows:

(a) Authorizes the board or the executive director, if authorized by the presiding officer of the board, if it appears that a person has violated, is violating, or is threatening to violate this chapter, Chapter 503, Transportation Code, a board rule adopted under this chapter or Chapter 503, Transportation Code, or an order issued under this chapter or Chapter 503, Transportation Code, to cause a suit to be instituted in a court for injunctive relief to restrain the person from committing the violation or threat of violation, imposition of a civil penalty, or both injunctive relief and a civil penalty.

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

SECTION 36. Amends Section 2302.103(a), Occupations Code, as follows:

(a) Requires a person, to apply for a salvage vehicle dealer license, to submit to TxDMV an application on a form prescribed by TxDMV and the application fee. Deletes existing text requiring that the application be signed by the applicant and accompanied by the application fee.

SECTION 37. Amends Section 2305.001, Occupations Code, by adding Subdivisions (5) and (6), to define "board" and "department."

SECTION 38. Amends Section 2305.007(a), Occupations Code, to authorize a member of the board, rather than the Texas Transportation Commission (TCC), an employee of TxDMV, rather than TCC or TxDOT, a member of the Public Safety Commission, an officer of the Texas Department of Public Safety (DPS), or another peace officer who is interested in tracing or



locating a stolen motor vehicle to at a reasonable time inspect or enter certain premises, documents, vehicle, part, or other item.

SECTION 39. Amends the heading to Subchapter L, Chapter 201, Transportation Code, to read as follows:

SUBCHAPTER L. ELECTRONIC ISSUANCE OF OUTDOOR ADVERTISING LICENSES

SECTION 40. Amends Section 201.931(2), Transportation Code, to redefine "license."

SECTION 41. Amends Section 501.021(a), Transportation Code, to require that a motor vehicle title issued by TxDMV include certain information, including the legal name and address of each purchaser and seller at the first sale or a subsequent sale.

SECTION 42. Amends Sections 501.022(a) and (b), Transportation Code, as follows:

(a) Provides that the owner of a motor vehicle registered in this state is required to follow certain obligations, including that the owner is prohibited from operating or permitting the operation of the vehicle on a public highway until the owner applies for title and registration for the vehicle, or obtains a receipt evidencing title for registration purposes only under Section 501.029 (Acceptable Proof of Ownership). Makes nonsubstantive changes.

(b) Prohibits a person from operating a motor vehicle registered in this state on a public highway if the person knows or has reason to believe that the owner has not applied for, rather than has not obtained, a title for the vehicle.

SECTION 43. Amends Section 501.023(a), Transportation Code, to require the owner of a motor vehicle to apply for a title to certain entities, including to the county assessor-collector of a county that borders the county in which the owner resides who agrees to accept the application, if the county assessor-collector's office of the county in which the owner resides is closed for a protracted period of time as defined by TxDMV.

SECTION 44. Amends Section 501.0234(b), Transportation Code, as follows:

(b) Provides that this section does not apply to a motor vehicle:

(1)-(3) Makes no change to these subdivisions; or

(4) purchased by a commercial fleet buyer who:

(A) is a deputy authorized by rules adopted under Section 520.0071, rather than is a full-service deputy under Section 520.008 (Full-Service Deputies);

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

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

SECTION 45. Amends Section 501.024(d), Transaction Code, to provide that a title receipt with registration or permit authorizes the operation of the motor vehicle on a public highway in this state until the title is issued, rather than in this state for 10 days or until the title is issued, whichever period is shorter.

SECTION 46. Amends Sections 501.031(a) and (c), Transportation Code, as follows:

(a) Requires TxDMV to include on each title an optional rights of survivorship agreement that includes certain information, including providing that if the agreement is between two or more eligible persons, the motor vehicle will be owned by the surviving owners when one or more of the owners die, rather than the motor vehicle is held jointly by those persons with the interest of a person who dies to transfer to the surviving person or persons.

(c) Authorizes ownership of the vehicle to be transferred only by all the persons acting jointly, if all the persons are alive or, rather than and, on the death of one of the persons, by the surviving person or persons by transferring ownership of the vehicle, in the manner otherwise required by law, with a copy of the death certificate of the deceased person.

SECTION 47. Amends Section 501.032, Transportation Code, by amending Subsections (a) and (b) and adding Subsection (d), as follows:

(a) Requires TxDMV, on proper application, to assign a vehicle identification number to a travel trailer, a trailer or semitrailer, rather than a trailer or semitrailer that has a gross vehicle weight that exceeds 4,000 pounds, a frame, or an item of equipment, including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment:

- (1) on which a vehicle identification number was not die-stamped by the manufacturer;
- (2) on which a vehicle identification number die-stamped by the manufacturer has been lost, removed, or obliterated; or
- (3) for which a vehicle identification number was never assigned.

Makes nonsubstantive changes.

(b) Requires the applicant to die-stamp the assigned vehicle identification number at the place designated by TxDMV on the travel trailer, trailer, semitrailer, frame, or equipment.

(d) Authorizes only TxDMV to issue vehicle identification numbers.

SECTION 48. Amends Section 501.033(a), Transportation Code, to authorize a person determined by law enforcement or a court to be the owner of a motor vehicle, travel trailer, semitrailer, or trailer, a part of a motor vehicle, travel trailer, semitrailer, or trailer, a frame, or an item of equipment including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment to apply to TxDMV for an assigned vehicle identification number that has been removed, altered, obliterated, or has never been assigned.

SECTION 49. Amends Subchapter B, Chapter 501, Transportation Code, by adding Section 501.037, as follows:

Sec. 501.037. TITLE FOR TRAILERS. (a) Authorizes TxDMV, notwithstanding any other provision of this chapter, to issue a title for a trailer that has a gross vehicle weight of 4,000 pounds or less if all other requirements for issuance of a title are met.

(b) Requires the owner of the trailer, to obtain a title under this section, to apply for the title in the manner required by Section 501.023 (Application for a Title), and pay the fee required by Section 501.138 (Collection and Disposition of Fees).

SECTION 50. Amends the heading to Subchapter C, Chapter 501, Transportation Code, to read as follows:

SUBCHAPTER C. REFUSAL TO ISSUE, REVOCATION, SUSPENSION, OR  
ALTERATION OF CERTIFICATE

SECTION 51. Amends Section 501.051(b), Transportation Code, to authorize TxDMV to rescind, cancel, or revoke an application for a title if a notarized or county-stamped affidavit is presented containing certain statements and signatures.

SECTION 52. Amends Section 501.052(e), Transportation Code, as follows:

(e) Authorizes an applicant aggrieved by the determination under Subsection (d) (providing that a determination of the assessor-collector is binding on the applicant and TxDMV as to whether TxDMV correctly refused to issue or correctly rescinded, canceled, revoked, or suspended the title) to appeal only to the county or district court of the county of the applicant's residence. Requires the judge, rather than the county court judge, to try the appeal in the manner of other civil cases.

SECTION 53. Amends Subchapter C, Chapter 501, Transportation Code, by adding Section 501.0521, as follows:

Sec. 501.0521. COURT ORDERED TITLE CHANGES. (a) Prohibits a justice of the peace or municipal court judge from issuing an order related to a title except as provided by Chapter 47 (Disposition of Stolen Property), Code of Criminal Procedure, or Section 27.031(a)(3) (relating to the justice court's original jurisdiction of foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction), Government Code.

(b) Prohibits a county or district court judge from ordering TxDMV to change the type of title for a nonrepairable vehicle titled after September 1, 2003, or a vehicle for which TxDMV has issued a certificate of authority under Section 683.054 (Certificate of Authority to Dispose of Vehicle).

SECTION 54. Amends Section 501.053(a), Transportation Code, as follows:

(a) Authorizes the person, as an alternative to the procedure provided by Section 501.052, to obtain a title by filing, rather than authorizing the person to file, a bond with TxDMV if the vehicle is in the possession of the applicant and there is no security interest on the vehicle, any lien on the vehicle is at least 10 years old, or the person provides a release of all liens with bond. Deletes existing text authorizing the person, on the filing of the bond, to obtain a title.

SECTION 55. Amends Section 501.076(c), Transportation Code, as follows:

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

(1) the person is authorized to be a person who has been deputized, rather than has been appointed by the commissioners court as a deputy, to perform vehicle registration functions as authorized by rules adopted under Section 520.0071, rather than Section 520.0091 (Deputy Assessor-Collectors), a licensed vehicle auction company holding a wholesale general distinguishing number under Section 503.022 (Wholesale Motor Vehicle Auction General Distinguishing Number), a person who has a permit similar to one of the foregoing that is issued by the state in which the owner is located, or another person authorized by law to execute title documents in the state in which the owner executes the documents; and

(2) Makes no change to this subdivision.

SECTION 56. Amends Section 501.095(b), Transportation Code, to require that a person, rather than an owner, other than a salvage vehicle dealer, a used automotive parts recycler, or an

insurance company licensed to do business in this state, who acquired ownership of a nonrepairable or salvage motor vehicle that has not been issued a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, salvage record of title, or a comparable ownership document issued by another state or jurisdiction, before selling the motor vehicle, surrender the properly assigned title for the motor vehicle to and apply to TxDMV for the appropriate ownership document.

SECTION 57. Amends Sections 501.100(a) and (d), Transportation Code, as follows:

(a) Authorizes the owner of a motor vehicle for which a nonrepairable vehicle title, rather than a nonrepairable certificate of title, issued prior to September 1, 2003, or for which a salvage vehicle title or salvage record of title has been issued to apply for, rather than obtain, a title after the motor vehicle has been repaired, rebuilt, or reconstructed and, in addition to any other requirement of law, only if the application states certain information.

(d) Requires the applicant to include a fee with the statement submitted under Section 502.156 (Statement Required for Rebuilt Vehicles) for the vehicle.

SECTION 58. Amends Section 501.138(b-2), Transportation Code, as follows:

(b-2) Requires that TxDOT, rather than TxDMV, on or before the fifth workday of each month, to remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money equal to the amount of the fees deposited by the comptroller of public accounts of the State of Texas (comptroller) to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month. Requires TxDOT, rather than TxDMV, to use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149.

SECTION 59. Amends Subchapter G, Chapter 501, Transportation Code, by adding Section 501.139, as follows:

Sec. 501.139. ELECTRONIC FUNDS TRANSFER. Requires a county assessor-collector that transfers money to TxDMV under this chapter to transfer the money electronically.

SECTION 60. Amends Section 501.146, Transportation Code, by adding Subsection (d), to prohibit a late fee imposed under this section from exceeding \$250.

SECTION 61. Amends Section 501.173, Transportation Code, by adding Subsection (c), to authorize the board by rule, in addition to other title fees, to set a fee to be assessed for the issuance of a paper title to cover the cost of administering the electronic titling system.

SECTION 62. Amends Section 502.001, Transportation Code, by amending Subdivision (7) to redefine "commercial motor vehicle" and adding Subdivision (39-a) to define "shipping weight."

SECTION 63. Amends Sections 502.040(b) and (d), Transportation Code, as follows:

(b) Requires that the application be accompanied by personal identification as determined by TxDMV rule and made in a manner prescribed by TxDMV through certain procedures, including if the county assessor-collector's office in which the owner resides is closed for a protracted period of time as defined by TxDMV, to the county assessor-collector of a county that borders the county in which the owner resides who agrees to accept the application. Makes nonsubstantive changes.

(d) Provides that a county assessor-collector, a deputy county assessor-collector, or a person acting on behalf of a county assessor-collector is not liable to any person for

refusing to register a vehicle, rather than a motor vehicle, because of the person's failure to submit evidence of residency that complies with TxDMV's rules, or registering a vehicle, rather than a motor vehicle, under this section.

SECTION 64. Amends the heading to Section 502.043, Transportation Code, to read as follows:

Sec. 502.043. APPLICATION FOR REGISTRATION AND CERTAIN PERMITS.

SECTION 65. Amends Section 502.043, Transportation Code, by amending Subsections (a), (b), and (c), and adding Subsection (c-1), as follows:

(a) Requires an applicant for vehicle registration or a permit described by Section 502.094 (72- or 144-Hour Permits) or 502.095 (One-Trip or 30-Day Trip Permits) to be made in a certain manner and contain certain information.

(b) Requires TxDMV to deny the registration of or permitting under Section 502.094 or 502.095 of a commercial motor vehicle, truck-tractor, trailer, or semitrailer if the applicant meets certain criteria.

(c) Authorizes the owner of a vehicle registration in any state for that year or the preceding year, in lieu of filing an application during a year as provided by Subsection (a), to present the registration receipt and transfer receipt for the vehicle, or other evidence satisfactory to the county assessor-collector that the person owns the vehicle.

(c-1) Requires a county assessor-collector to accept a receipt or evidence provided under Subsection (c) as an application for renewal of the registration if the receipt or evidence indicates the applicant owns the vehicle.

SECTION 66. Amends the heading to Section 502.055, Transportation Code, to read as follows:

Sec. 502.055. DETERMINATION OF WEIGHT AND SEATING CAPACITY.

SECTION 67. Amends Section 502.055, Transportation Code, by adding Subsections (c) and (d), as follows:

(c) Provides that for the purposes of this section, the seating capacity of a bus is the manufacturer's rated seating capacity, excluding the operator's seat; or if the manufacturer has not rated the vehicle for seating capacity, a number computed by allowing one passenger for each 16 inches of seating on the bus, excluding the operator's seat.

(d) Provides that for registration purposes, the weight of a passenger car is the shipping weight of the car plus 100 pounds; and the weight of a municipal bus or private bus is calculated by adding the following and rounding to the next highest 100 pounds the shipping weight of the bus, and the seating capacity multiplied by 150 pounds.

SECTION 68. Amends Section 502.092(b), Transportation Code, as follows:

(b) Requires TxDMV to issue a receipt for a permit issued under this section in a manner provided by TxDMV, rather than issue a distinguishing insignia for a vehicle issued a permit under this section. Requires that the permit receipt contain the information required by this section and be carried in the vehicle for which it is issued at all times during which it is valid. Deletes existing text requiring that the insignia be attached to the vehicle in lieu of regular license plates and is required to show the permit expiration date.

SECTION 69. Amends Sections 502.094(c) and (d), Transportation Code, as follows:

(c) Authorizes a person to obtain a permit under this section by meeting certain obligations, including applying to the county assessor-collector or TxDMV; and furnishing to the county assessor-collector or TxDMV, evidence of financial

responsibility for the vehicle that complies with Sections 502.046(c) (relating to the authorization of evidence of financial responsibility to be certain documents) and 601.168(a) (relating to certain requirements of a bond or motor vehicle liability insurance policy) rather than the county assessor-collector, TxDMV, or TxDMV's wire service agent, evidence of financial responsibility for the vehicle that complies with Sections 502.046(c) and 601.168(a).

(d) Deletes existing text requiring a wire service agent, each week, to send to TxDMV a report of all permits issued by the agent during the previous week.

SECTION 70. Amends Section 502.168, Transportation Code, to provide that the fee for a registration year for registration of a motor bus is the fee prescribed by Section 502.252 (Fee: Vehicles That Weigh 6,000 Pounds or Less), rather than Section 502.161 (redesignated as Section 502.252), or 502.253 (Fee: Vehicles That Weigh More than 6,000 Pounds), rather than Section 502.162 (redesignated as Section 502.253), as applicable.

SECTION 71. Amends Subchapter E, Chapter 502, Transportation Code, by adding Section 502.199, as follows:

Sec. 502.199. ELECTRONIC FUNDS TRANSFER. Requires a county assessor-collector that transfers money to TxDMV under this chapter to transfer the money electronically.

SECTION 72. Amends Section 502.433(a), Transportation Code, to provide that the registration fee for a commercial motor vehicle as a farm vehicle is 50 percent of the applicable fee under Section 502.252 or 502.253, as applicable, if the vehicle's owner will use the vehicle for commercial purposes only to transport certain agricultural products and laborers and without certain charge, equipment, or other supplies.

SECTION 73. Amends Section 502.473(d), Transportation Code, as follows:

(d) Authorizes a court to dismiss a charge brought under Subsection (a) (relating to providing that a person commits an offense if the person operates on a public highway during a registration period a motor vehicle that does not properly display the registration insignia issued by TxDMV that establishes that the license plates have been validated for the period) if the defendant pays an administrative fee not to exceed \$10 and follows certain procedures, including remedies the defect before the defendant's first court appearance. Deletes existing text authorizing a court to dismiss a charge brought under Subsection (a) if the defendant pays an administrative fee not to exceed \$10. Makes nonsubstantive changes.

SECTION 74. Amends Subchapter K, Chapter 502, Transportation Code, by adding Section 502.4755, as follows:

Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA. (a) Provides that a person commits an offense if the person manufactures, sells, or possesses a registration insignia deceptively similar to the registration insignia of TxDMV; or makes a copy or likeness of an insignia deceptively similar to the registration insignia of TxDMV with intent to sell the copy or likeness.

(b) Provides that an insignia, for the purposes of this section, is deceptively similar to the registration insignia of TxDMV if the insignia is not prescribed by TxDMV but a reasonable person would presume that it was prescribed by TxDMV.

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

(d) Provides that it is an affirmative defense to a prosecution under this section that the insignia was produced pursuant to a licensing agreement with TxDMV.

(e) Provides that an offense under this section is a felony of the third degree if the person manufactures or sells a deceptively similar registration insignia, or a Class C misdemeanor if the person possesses a deceptively similar registration insignia, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision.

SECTION 75. Reenacts Section 502.491, Transportation Code, as redesignated from Section 502.451, Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, to incorporate amendments to Section 502.451, Transportation Code, made by Chapters 432 (S.B. 1057) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amends it as follows:

Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) Requires that the registration insignia issued for the vehicle, rather than for the motor vehicle, be removed, on the sale or transfer of a vehicle, rather than on the sale or transfer of a motor vehicle.

Deletes existing Subsection (a-1) requiring the dealer, on the sale of a used motor vehicle by a dealer, to issue to the buyer new registration documents for an entire registration year.

(b) Requires the part of the registration period remaining at the time of the sale or transfer, on a sale or transfer of a vehicle, rather than on a sale or transfer of a motor vehicle, in which neither party holds a general distinguishing number issued under Chapter 503, to continue with the vehicle being sold or transferred and provides that it does not transfer with the license plates or registration validation insignia.

(c) Provides that the registration period remaining at the time of the sale or transfer, on the sale or transfer of a vehicle to a dealer, rather than on the sale or transfer of a vehicle to a dealer, as defined by Section 503.001 (Definitions), who holds a general distinguishing number issued under Chapter 503, expires at the time of the sale or transfer. Requires the dealer, on the sale of a used vehicle by a dealer, rather than on the sale of a used motor vehicle by a dealer, to issue to the buyer new registration documents for an entire registration year.

(d) Authorizes TxDMV, if the transferor has paid for more than one year of registration, to credit the transferor for any time remaining on the registration in annual increments.

SECTION 76. Amends Sections 503.009(a), (c), and (d), Transportation Code, as follows:

(a) Authorizes the board, rather than TxDMV's Motor Vehicle Board, to conduct hearings in contested cases brought under this chapter as provided by this chapter and Chapter 2301 (Sale or Lease of Motor Vehicles), Occupations Code. Makes nonsubstantive changes.

(c) Provides that a decision or final order issued under this section is final and is prohibited from being appealed, as a matter of right, to the board. Makes nonsubstantive changes.

(d) Authorizes the board, rather than TxDMV's Motor Vehicle Board, to adopt rules for the procedure, a hearing, or an enforcement proceeding for an action brought under this section.

SECTION 77. Amends Section 504.202(e), Transportation Code, to require that license plates issued under this section (Veterans With Disabilities) include the letters "DV" on the plate if the

plate is issued for a vehicle other than a motorcycle, rather than include the letters "DV" as a prefix or suffix to any numeral.

SECTION 78. Amends Section 504.306, Transportation Code, as follows:

Sec. 504.306. New heading: MEMBERS AND FORMER MEMBERS OF MERCHANT MARINE OF THE UNITED STATES. Requires TxDMV to issue specialty license plates for members and former members of, rather than for persons retired from service in, the merchant marine of the United States.

SECTION 79. Amends Section 504.610(a), Transportation Code, to authorize TxDMV to issue specialty license plates in recognition of the Texas Aerospace Commission, rather than to require TxDMV to issue specialty license plates including the words "Texas Aerospace Commission."

SECTION 80. Amends Section 504.652(b), Transportation Code, to authorize money in the account in the general revenue fund to be used only by Texas A&M AgriLife Extension, rather than by Texas Cooperative Extension, for graduate student assistantships within the Texas Master Gardener program and to support Texas A&M AgriLife Extension's, rather than Texas Cooperative Extension's, activities related to the Texas Master Gardener program.

SECTION 81. Amends Subchapter G, Chapter 504, Transportation Code, by adding Section 504.663, as follows:

Sec. 504.663. BIG BROTHERS BIG SISTERS LICENSE PLATES. (a) Requires TxDMV to issue specialty license plates in recognition of the mentoring efforts of Big Brothers Big Sisters of America organizations operating in this state. Requires TxDMV to design the license plates in consultation with a representative from a Big Brothers Big Sisters of America organization operating in this state and the attorney general.

(b) Requires that the remainder of the fee for issuance of the license plates, after deduction of TxDMV's administrative costs, be deposited to the credit of the Specialty License Plates General Account in the general revenue fund. Authorizes money deposited to the credit of the Specialty License Plates General Account under this section to be used only by the attorney general to provide grants to benefit Big Brothers Big Sisters of America organizations operating in this state.

SECTION 82. Amends Section 504.901, Transportation Code, by adding Subsection (e), to provide that this section (Transfer and Removal of License Plates) applies only to a passenger vehicle with a gross weight of 6,000 pounds or less, and a light truck with a gross weight of 10,000 pounds or less.

SECTION 83. Amends Section 504.945(d), Transportation Code, as follows:

(d) Authorizes a court to dismiss a charge brought under Subsection (a)(3) (relating to providing that a person commits an offense if the person attaches to or displays on a motor vehicle a license plate that is assigned for a registration period other than the registration period in effect), (5) (relating to providing that a person commits an offense if the person attaches to or displays on a motor vehicle a license plate that has blurring or reflective matter that significantly impairs the readability of certain information), (6) (relating to providing that a person commits an offense if the person attaches to or displays on a motor vehicle a license plate that has an attached illuminated insignia that is not authorized by law), or (7) (relating to providing that a person commits an offense if the person attaches to or displays on a motor vehicle a license plate that has a coating, covering, protective substance, or certain other material) if the defendant remedies the defect before the defendant's first court appearance, pays an administrative fee not to exceed \$10, and shows that the vehicle was issued a plate by TxDMV that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed. Makes a nonsubstantive change.



SECTION 84. Amends Subchapter L, Chapter 504, Transportation Code, by adding Sections 504.946, 504.947, and 504.948, as follows:

Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) Provides that a person commits an offense if the person manufactures, sells, or possesses a license plate deceptively similar to a license plate issued by TxDMV; or makes a copy or likeness of a license plate deceptively similar to a license plate issued by TxDMV with intent to sell the copy or likeness.

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

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

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

(e) Provides that an offense under this section is a felony of the third degree if the person manufactures or sells a deceptively similar license plate, or a Class C misdemeanor if the person possesses a deceptively similar license plate, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision.

Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE. (a) Defines "license plate flipper" in this section.

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

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

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

SECTION 85. Amends Section 520.001, Transportation Code, as follows:

Sec. 520.001. New heading: DEFINITIONS. Defines "board" in this chapter, and makes a nonsubstantive change.

SECTION 86. Amends Section 520.003, Transportation Code, as follows:

Sec. 520.003. New heading: RULES; FEES; REFUNDS. (a) Creates this subsection from existing text. Authorizes TxDMV to adopt rules to administer this chapter, including rules that waive the payment of fees if a dealer has gone out of business and the applicant can show that fees were paid to the dealer, and allow full and partial refunds for rejected titling and registration transactions.

(b) Authorizes TxDMV to collect from a person making a transaction with TxDMV using the state electronic Internet portal project a fee set under Section 2054.2591 (Fees), Government Code. Requires that all fees collected under this subsection be allocated to TxDMV to provide for TxDMV's costs associated with administering Section 2054.2591, Government Code.

SECTION 87. Amends Section 520.005, Transportation Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Authorizes the assessor-collector, notwithstanding the requirements of Section 520.0071, rather than Sections 520.008 and 520.0091, to license franchised and non-franchised motor vehicle dealers to title and register motor vehicles in accordance with rules adopted under Section 520.004 (Department Responsibilities).

(d) Requires each county assessor-collector to process a registration renewal through an online system designated by TxDMV.

SECTION 88. Reenacts Section 520.006(a-1), Transportation Code, as added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amends it to authorize a county assessor-collector collecting fees on behalf of a county that has been declared as a disaster area or that is closed for a protracted period of time as defined by TxDMV for purposes of Section 501.023 (Application for Title) or 502.040 (Registration Required; General Rule), to retain the commission for fees collected, but requires a county assessor-collector to allocate the fees to the county declared as a disaster area or that is closed for a protracted period of time.

SECTION 89. Amends Subchapter A, Chapter 520, Transportation Code, by adding Section 520.0061, as follows:

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

(b) Authorizes a contract entered into under Subsection (a) to be terminated by a county that is a party to the contract.

SECTION 90. Amends Subchapter A, Chapter 520, Transportation Code, by adding Section 520.0071, as follows:

Sec. 520.0071. **DEPUTIES.** (a) Requires the board by rule to prescribe the classification types of deputies performing titling and registration duties, the duties and obligations of deputies, the type and amount of any bonds that are authorized to be required by a county assessor-collector for a deputy to perform titling and registration duties, and the fees that are authorized to be charged or retained by deputies.

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

SECTION 91. Amends the heading to Section 520.0093, Transportation Code, to read as follows:

Sec. 520.0093. **LEASE OF COMPUTER EQUIPMENT.**

SECTION 92. Amends Section 520.0093, Transportation Code, by amending Subsections (a), (c), and (e) and adding Subsection (b-1), as follows:

(a) Authorizes TxDMV to lease equipment and provide related services to a county for the operation of the automated registration and titling system in addition to the equipment provided by TxDMV at no cost to the county under a formula prescribed by TxDMV; and to a deputy appointed under Section 520.0071. Deletes existing text providing that this section applies only to the lease of equipment to a county for the operation of the automated registration and titling system in addition to the equipment provided by TxDMV at no cost to the county under a formula prescribed by TxDMV. Makes nonsubstantive changes.

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

(c) Authorizes a deputy appointed under Section 520.0071 to install equipment leased under this section on the premises described in the agreement.

(e) Requires TxDMV, under the agreement, to charge an amount not less than the amount of the cost to TxDMV to provide the equipment, rather than to provide the additional equipment, and any related services under the lease.

SECTION 93. Amends Section 520.016(c), Transportation Code, to provide that this section does not apply to a violation of Section 520.006 (Compensation of Assessor-Collector) or a rule adopted under Section 520.0071, rather than to provide that this section does not apply to a violation of Section 520.006, 520.008, 520.009 (Limited-Service Deputies), 520.0091, or 520.0092 (Acts by Deputy County Assessor-Collector).

SECTION 94. Amends Subchapter D, Chapter 551, Transportation Code, by adding Section 551.304, as follows:

Sec. 551.304. LIMITED OPERATION. (a) Authorizes an operator to operate a neighborhood electric vehicle:

(1) in a master planned community that has in place a uniform set of restrictive covenants, and for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle is operated during the daytime, and not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

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

SECTION 95. Amends Section 551.402, Transportation Code, as follows:

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) Prohibits TxDMV, rather than TxDOT, from registering a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) Authorizes TxDMV to issue license plates for a golf cart as authorized by Subsection (c), rather than authorizes DPS to issue license plates for a golf cart only as authorized by Section 504.510 (Golf Cart License Plates).

(c) Requires DPS to by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 (Limited Operation) and 551.404 (Operation in Municipalities and Certain Counties).

(d) Authorizes DPS to charge a fee for the cost of the license plate.

SECTION 96. Amends Section 551.404, Transportation Code, by amending Subsection (a-1) and adding Subsection (a-2), as follows:

(a-1) Authorizes the commissioners court of a county described by Subsection (a-2), in addition to the operation authorized by Section 551.403, to allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that is located in the unincorporated area of the county, and has a speed limit of not more than 35 miles per hour, rather than authorizes the commissioners court of a county that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico, in addition to the operation authorized by Section 551.403, to allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that is located in the unincorporated area of the county, and has a speed limit of not more than 35 miles per hour.

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

(1) borders or contains a portion of the Red River;

(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2) and has a population of less than 30,000, and contains a part of a barrier island that borders the Gulf of Mexico.

SECTION 97. Amends Section 601.052(a), Transportation Code, to provide that Section 601.051 does not apply to the operation of certain motor vehicles and entities, including the operation of a neighborhood electric vehicle or a golf cart that is operated only as authorized by Section 551.304 or 551.403.

SECTION 98. Amends Section 621.001(4), Transportation Code, to redefine "director" to mean the executive director of TxDMV; or an employee of TxDMV who is a division or special office director or holds a rank higher than division or special office director, and designated by the executive director.

SECTION 99. Amends Section 621.002(a), Transportation Code, to require a copy of the registration receipt issued under Section 502.057 (Registration Receipt), rather than under Section 502.178 (redesignated as Section 502.057), for a commercial motor vehicle, truck-tractor, trailer, or semitrailer to be carried on the vehicle and presented to an officer as per certain provisions.

SECTION 100. Amends Section 621.301(b), Transportation Code, to authorize the commissioners court to limit the maximum weights to be moved on or over a county road, bridge, or culvert by exercising its authority under this subsection in the same manner and under the same conditions provided by Section 621.102 (Authority to Set Maximum Weights) for TxDOT, rather than for TCC, to limit maximum weights on highways and roads to which that section applies.

SECTION 101. Amends Subchapter D, Chapter 621, Transportation Code, by adding Section 621.304, as follows:

Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO REGULATE OVERWEIGHT VEHICLES AND LOADS ON STATE HIGHWAY SYSTEM. Prohibits a county or municipality, except as expressly authorized by this

subtitle, from requiring a permit, bond, fee, or license for the movement of a vehicle or combination of vehicles or any load carried by the vehicle or vehicles on the state highway system in the county or municipality that exceeds the weight or size limits on the state highway system.

SECTION 102. Amends Subchapter G, Chapter 621, Transportation Code, by adding Section 621.510, as follows:

Sec. 621.510. PERMIT VOID. Provides that a permit issued under this chapter is void on the failure of the owner or the owner's representative to comply with a rule of the board or with a condition placed on the permit by TxDMV.

SECTION 103. Amends Section 622.074, Transportation Code, to provide that this subchapter does not apply to certain vehicles and equipment, including a vehicle used to propel special mobile equipment that is registered as a farm vehicle under Section 502.433 (Fee: Commercial Farm Motor Vehicle), rather than a farm vehicle as defined by Section 502.163 (Redesignated as V.T.C.A., Transportation Code § 502.433 and amended by Acts 2011, 82nd Leg., ch. 1296 (H.B. 2357), § 143, eff. Jan. 1, 2012).

SECTION 104. Amends Section 622.901, Transportation Code, to provide that the width limitation provided by Section 621.201 (Maximum Width) does not apply to certain vehicles, highway buildings, or maintenance machinery, including a vehicle registered under Section 502.431 (Fee: Motor Vehicle Used Exclusively to Transport and Spread Fertilizer), rather than a vehicle registered under Section 502.164 (Redesignated as V.T.C.A., Transportation Code § 502.431 and amended by Acts 2011, 82nd Leg., ch. 1296 (H.B. 2357), § 141, eff. Jan. 1, 2012).

SECTION 105. Amends Section 623.011(b), Transportation Code, to provide that to qualify for a permit under this section as per certain guidelines, including a base permit fee of any additional fee required by Section 623.0111 (Additional Fee or Operation of Vehicle Under Permit), and any additional fee set by the board, rather than any additional fee set by TxDMV, under Section 623.0112 (Additional Administrative Fee) is required to be paid.

SECTION 106. Amends Sections 623.014(c) and (d), Transportation Code, as follows:

(c) Requires TxDMV to issue the prorated credit if the person:

- (1) pays the fee adopted by the board, rather than pays the fee adopted by TxDMV; and
- (2) provides TxDMV with certain documents.

(d) Prohibits the fee adopted by the board under Subsection (c)(1), rather than the fee adopted by TxDMV under Subsection (c)(1), from exceeding the cost of issuing the credit.

SECTION 107. Amends the heading to Section 623.0711, Transportation Code, to read as follows:

Sec. 623.0711. PERMITS AUTHORIZED BY BOARD.

SECTION 108. Amends Section 623.0711(a), (b), (c), (d), (f), (g), and (h), Transportation Code, as follows:

(a) Authorizes the board, rather than TTC, by rule to authorize TxDMV to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.

(b) Prohibits the board, rather than TTC, from authorizing the issuance of a permit that would allow a vehicle to violate federal regulations on size and weight requirements, or

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

(c) Requires that the board rules, rather than TTC rules, require that, before TxDMV issues a permit under this section, TxDMV determine that the state will benefit from the consolidated permitting process, and complete a route and engineering study that considers certain variables.

(d) Authorizes the board rules, rather than TTC rules, to authorize TxDMV to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.

(f) Requires the board to require the motor carrier to file a bond in an amount set by the board, payable to TxDOT and conditioned on the motor carrier paying to TxDOT any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section, rather than requiring TTC to require the motor carrier to file a bond in an amount set by the TTC, payable to TxDMV and conditioned on the motor carrier paying to TxDMV any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

(g) Requires that an application for a permit under this section be accompanied by the permit fee established by the board, rather than by TTC, for the permit, not to exceed \$9,000.

(h) Requires that the board rules, rather than TTC rules, in addition to the fee established under Subsection (g), to authorize TxDMV to collect a consolidated permit payment for a permit under this section in an amount not to exceed 15 percent of the fee established under Subsection (g), to be deposited to the credit of the state highway fund.

SECTION 109. Amends Section 623.078(b), Transportation Code, to require TxDMV, rather than the board, to send each fee collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund.

SECTION 110. Amends Section 623.144, Transportation Code, as follows:

Sec. 623.144. REGISTRATION OF VEHICLE. (a) Prohibits a person from operating a vehicle permitted under this subchapter on a public highway unless the vehicle is registered under Chapter 502 (Registration of Vehicles) for the maximum gross weight applicable to the vehicle under Section 621.101 (Maximum Weight of Vehicle or Combination) or has specialty license plates as provided by Section 502.146 (Certain Farm Vehicles and Drilling and Construction Equipment) if applicable to the vehicle, rather than authorizes a permit under this subchapter to be issued only if the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 504.504 (Redesignated as V.T.C.A., Transportation Code § 502.146 and amended by Acts 2011, 82nd Leg., ch. 1296 (H.B. 2357), § 105, eff. Jan. 1, 2012) if applicable to the vehicle.

(b) Prohibits TxDMV from issuing specialty license plates to a vehicle described by Section 502.146(b)(3) (relating to providing that an owner is not required to register a vehicle that is used only temporarily on the highways if the vehicle is oil well servicing or drilling machinery and proof of a certain permit is submitted) unless the applicant complies with the requirements of that subsection.

SECTION 111. Amends Section 623.149(a), Transportation Code, to authorize TxDMV to establish criteria to determine whether oil well servicing, oil well clean out, or oil well drilling machinery or equipment is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146, rather than provided by Section 504.504.

SECTION 112. Amends Section 623.194, Transportation Code, to authorize a permit under this subchapter to be issued only if the vehicle to be moved is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.146 if applicable to the vehicle, rather than as provided by Section 504.504 if applicable to the vehicle.

SECTION 113. Amends Section 623.199(a), Transportation Code, to authorize TxDMV to establish criteria to determine whether an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146, rather than provided by Section 504.504.

SECTION 114. Amends Chapter 623, Transportation Code, by adding Subchapter R, as follows:

#### SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL EMERGENCY

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

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

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

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

Sec. 623.344. PERMIT FEES. (a) Authorizes to collect a fee for each permit issued under this subchapter.

(b) Requires a fee collected under this subchapter to be sent to the comptroller for deposit to the credit of the state highway fund and is authorized to be appropriated only to TxDMV.

(c) Authorizes TxDMV to collect a highway maintenance fee under Section 623.077 (Highway Maintenance Fee) or a vehicle supervision fee under Section 623.078 (Vehicle Supervision Fee) from a person who holds a permit under this subchapter. Requires the highway maintenance fee or vehicle supervision fee to be sent to the comptroller and deposited as required by those sections.

SECTION 115. Amends Section 642.002(a), Transportation Code, as follows:

(a) Provides that a person commits an offense if:

(1) Makes no change to this subdivision;

(2) the vehicle does not have on each side of the power unit identifying markings that comply with the identifying marking requirements specified by 49 C.F.R. Section 390.21 or that show certain information, including showing the motor carrier registration number in clearly legible letters and numbers, if the vehicle is required to be registered under this chapter or Chapter 643.

SECTION 116. Amends the heading to Section 643.054, Transportation Code, to read as follows:

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

SECTION 117. Amends Section 643.054, Transportation Code, by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3), as follows:

(a) Makes no change to this subsection.

(a-1) Creates this subsection from existing text. Makes no further change to this subsection.

(a-2) Authorizes TxDMV to deny a registration if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person, including the applicant, a relative, family member, corporate officer, or shareholder, whom DPS has determined has an unsatisfactory safety rating under 49 C.F.R. Part 385, or multiple violations of Chapter 644 (Commercial Motor Vehicle Safety Standards), a rule adopted under that chapter, or Subtitle C (Rules of the Road).

(a-3) Authorizes TxDMV to deny a registration if the applicant is a motor carrier whose business is operated, managed, or otherwise controlled by or affiliated with a person, including an owner, relative, family member, corporate officer, or shareholder, whom DPS has determined has an unsatisfactory safety rating under 49 C.F.R. Part 385, or multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.

SECTION 118. Amends Section 643.064, Transportation Code, as follows:

Sec. 643.064. New heading: UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBERS. (a) Creates this subsection from existing text. Makes no further change to this subsection.

(b) Requires a motor carrier required to register under this subchapter to maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor, or another person authorized to issue the number.

SECTION 119. Amends Subchapter F, Chapter 643, Transportation Code, by adding Section 643.2526, as follows:

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

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

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

SECTION 120. Amends Section 648.051(b), Transportation Code, to provide that this subchapter supersedes that portion of any paired city, paired state, or similar understanding governing foreign commercial motor vehicles or motor carriers entered into under Section 502.091 or any other law, rather than Section 502.054 (Redesignated as V.T.C.A., Transportation Code § 502.091 and amended by Acts 2011, 82nd Leg., ch. 1296 (H.B. 2357), § 94, eff. Jan. 1, 2012) or any other law.



SECTION 121. Amends Section 648.102(a), Transportation Code, to require TxDMV, rather than TxDOT, to adopt rules that conform with 49 C.F.R. Part 387 requiring motor carriers operating foreign commercial motor vehicles in this state to maintain financial responsibility.

SECTION 122. Amends Section 681.003(b), Transportation Code, as follows:

(b) Requires that an application for a disabled parking placard be:

(1) on a form furnished by TxDMV;

(2) submitted to the county assessor-collector of the county in which the person with the disability resides if the person has a permanent disability, in which the person with the disability resides or is being treated at a medical facility if the person has a temporary disability, or in which the person with the disability is seeking medical treatment if the person is not a resident of this state; and

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

SECTION 123. Amends Section 681.0031, Transportation Code, as follows:

Sec. 681.0031. New heading: APPLICANT'S IDENTIFICATION. (a) Requires the applicant to include certain information on the application, including the applicant's military identification number, or driver's license number of a driver's license issued by another state or country if the applicant is not a resident of this state and is seeking medical treatment in this state. Deletes existing text requiring TxDMV to provide for this information in prescribing the application form.

(b) Requires the county assessor-collector to record on any disabled parking placard issued to the applicant the following information in the following order, including the first four digits of the applicant's driver's license number, personal identification card number, or military identification number.

SECTION 124. Amends Section 681.004(c), Transportation Code, to provide that a disabled parking placard issued to a person with a permanent disability is valid and is replaced or renewed, as per certain guidelines, including is valid for four years for a resident of this state; and six months for a person who is not a resident of this state. Makes nonsubstantive changes.

SECTION 125. Amends Section 681.012, Transportation Code, as follows:

Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD. (a) Requires an officer, not later than the fifth day after the date of the seizure, to destroy the placard and notify TxDMV, rather than to submit each seized placard to TxDMV, if the officer finds that probable cause existed to believe that an offense under Section 681.011(a) (relating to providing that a person commits an offense if the person violates certain statutes) or (d) (providing that 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) occurred.

(a-1) Authorizes a peace officer to seize a disabled parking placard from a person who operates a vehicle on which a disabled parking placard is displayed if the peace officer determines by inspecting the person's driver's license, personal identification certificate, or military identification that the disabled parking placard does not contain the first four digits of the driver's license number, personal identification certificate number, or military identification number and the initials of certain persons.

(a-2) Requires a peace officer to destroy a seized placard and notify TxDMV, rather than to submit each parking placard to TxDMV not later than the fifth day after the seizure.

(b) Provides that on seizure of a placard under Subsection (a) or (a-1), rather than provides that on submission to TxDMV under Subsection (a) or (a-2), a placard is revoked.

SECTION 126. Amends Section 728.002(d), Transportation Code, to provide that this section does not prohibit the quoting of a price for a motor home or tow truck, rather than a motor home, tow truck, or towable recreational vehicle, at a show or exhibition described by Section 2301.358 (Vehicle Show or Exhibition), Occupations Code.

SECTION 127. Amends Section 730.007(c), Transportation Code, to provide that this section does not prohibit or prevent certain legal action, including prohibiting the disclosure of a person's photographic image to a law enforcement agency, TxDMV, a county tax assessor-collector, or a criminal justice agency for any purpose.

SECTION 128. Amends Section 1001.009(c), Transportation Code, to authorize rules adopted under Subsection (a) (relating to authorizing the board to adopt rules regarding the method of collection of a fee for any goods sold or services provided by TxDMV or for the administration of any TxDMV program) to require an overpayment of a motor vehicle or salvage dealer license fee of less than \$10 to be credited toward a future fee requirement, and more than \$10 to be refunded.

SECTION 129. Amends Subchapter A, Chapter 1001, Transportation Code, by adding Section 1001.012, as follows:

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

(b) Provides that to the extent a person described by Subsection (a) is personally liable for damages for which the state provides indemnity under Chapter 104 (State Liability for Conduct of Public Servants), Civil Practice and Remedies Code, this section does not affect the state's liability for the indemnity.

SECTION 130. Amends Subchapter A, Chapter 1001, Transportation Code, by adding Section 1001.013, as follows:

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

(b) Requires the board by rule to prescribe:

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

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

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

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

SECTION 131. Amends Section 1001.023(b), Transportation Code, to require the chair to fulfill certain duties, including to designate at least one employee of TxDMV as a civil rights officer of TxDMV and receive regular reports from the officer or officers on TxDMV's efforts to comply

with civil rights legislation and administrative rules, rather than to designate one or more employees of TxDMV as a civil rights division of TxDMV and receive regular reports from the division on TxDMV's efforts to comply with civil rights legislation and administrative rules.

SECTION 132. Amends Section 1001.042, Transportation Code, to require the board to develop and implement policies that clearly define the respective responsibilities of the executive director and the staff of TxDMV.

SECTION 133. Amends Section 1001.101(2), Transportation Code, to redefine "license."

SECTION 134. (a) Requires the comptroller to conduct a study of the fiscal effect to both this state and the motorcycle industry in this state of the avoidance of the use tax due on certain off-road vehicles purchased in other states.

(b) Requires that the study include:

(1) an evaluation of the provisions of current Texas law and the practices by out-of-state motorcycle dealers that allow for the incidence of tax avoidance;

(2) an estimate of the total amount of revenue owed to but not collected by this state and the total number of jobs lost in this state due to the incidence of tax avoidance and competitive practices by out-of-state motorcycle dealers;

(3) an evaluation of the manner in which the laws and enforcement practices of other states avoid an incidence of this type of tax avoidance in those states;

(4) the identification of any potential actions within the comptroller's current authority that could significantly reduce the rate of tax avoidance and protect the motorcycle industry in this state from improper competition from out-of-state motorcycle dealers; and

(5) an evaluation of potential changes to current law that could reduce the rate of tax avoidance and protect the motorcycle industry in this state from improper competition from out-of-state motorcycle dealers, including making certain off-road vehicles subject to the motor vehicle tax under Chapter 152 (Taxes on Sale, Rental, and Use of Motor Vehicles), Tax Code, rather than the sales and use tax under Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code.

(c) Requires the comptroller, not later than December 1, 2013, to submit a report of the results of the study and any recommendations to the house ways and means committee and the senate finance committee.

(d) Requires the comptroller, to the extent reasonable and practicable, to take actions identified under Subsection (b)(4) of this section to reduce the rate of tax avoidance described by Subsection (a) of this section.

(e) Effective date, this section: upon passage or September 1, 2013.

SECTION 135. Repealer: Section 2301.101 (Director), Occupations Code.

Repealer: Section 2301.157 (Immunity from Liability), Occupations Code.

Repealer: Section 2301.259(b) (relating to requiring that an application for a manufacturer's license include a document stating the terms and conditions of each warranty agreement in effect), Occupations Code.

Repealer: Section 2301.606(a) (relating to requiring the director under board rules to conduct hearings and issue final orders for the implementation and enforcement of Subchapter A (General Provisions)), Occupations Code.

Repealer: Section 502.252(b) (relating to providing that the weight of a passenger car, a municipal bus, or a private bus, for registration purposes, is the weight generally accepted as its correct shipping weight plus 100 pounds), Transportation Code.

Repealer: Section 503.009(b) (relating to providing that the procedures applicable to a hearing conducted under Section 503.009 (Procedure for Certain Contested Cases) are those applicable to a hearing conducted as provided by Section 2301.606(a), Occupations Code), Transportation Code.

Repealer: Section 503.029(b) (relating to requiring the applicant to swear to the truth of the information contained in the application before an officer authorized to administer oaths), Transportation Code.

Repealer: Section 503.030(b) (relating to requiring the applicant to swear to the truth of the information contained in the application), Transportation Code.

Repealer: Section 503.066(b) (relating to requiring the applicant to swear to the truth of the information contained in the application before an officer authorized to administer oaths), Transportation Code.

Repealer: Section 504.510 (Golf Cart License Plates), Transportation Code.

Repealer: Section 520.008 (Full-Service Deputies), Transportation Code.

Repealer: Section 520.009 (Limited-Service Deputies), Transportation Code.

Repealer: Section 520.0091 (Deputy Assessor-Collectors), Transportation Code.

Repealer: Section 520.0092 (Acts by Deputy County Assessor-Collector), Transportation Code.

Repealer: Section 623.0711(k) (defining “commission”), Transportation Code.

Repealer: Section 623.093(f) (relating to providing that the applicant is not required to submit the written statement from the chief appraiser, if an application is accompanied by a copy of a writ of possession), Transportation Code.

Repealer: Section 520.004 (Department Responsibilities), Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 136. Makes application of this Act prospective.

SECTION 137. Authorizes a deputy appointed under Section 520.0091, Transportation Code, on or before August 31, 2013, to continue to perform the services authorized under Sections 520.008, 520.009, 520.0091, and 520.0092, Transportation Code, until the Texas Department of Motor Vehicles Board adopts rules regarding the types of deputies authorized to perform titling and registration duties under Section 520.0071, Transportation Code, as added by this Act.

SECTION 138. Requires TxDMV, not later than December 31, 2013, to establish a procedure for the issuance of license plates for golf carts to be used for operation on a public highway, as required by Section 551.402, Transportation Code, as amended by this Act.

SECTION 139. Provides that to the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 140. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2013.

(b) Effective date, Sections 501.146 and 504.202, Transportation Code, as amended by this Act, and Section 504.948, Transportation Code, as added by this Act: upon passage or September 1, 2013.