

1-1 By: Nichols S.B. No. 1043
 1-2 (In the Senate - Filed March 6, 2015; March 11, 2015, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 8, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 8, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1043 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of motor vehicles by the Texas
 1-22 Department of Motor Vehicles and the Department of Public Safety;
 1-23 creating a criminal offense; providing a penalty; authorizing fees.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 103.0213, Government Code, is amended to
 1-26 read as follows:

1-27 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
 1-28 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a
 1-29 party to a civil suit, as applicable, shall pay the following fees
 1-30 and costs under the Transportation Code if ordered by the court or
 1-31 otherwise required:

1-32 (1) administrative fee on dismissal of charge of
 1-33 driving with an expired motor vehicle registration (Sec. 502.407,
 1-34 Transportation Code) . . . not to exceed \$20;

1-35 (2) administrative fee on dismissal of charge of
 1-36 driving with an expired driver's license (Sec. 521.026,
 1-37 Transportation Code) . . . not to exceed \$20;

1-38 (3) administrative fee on remediation of charge of
 1-39 driving a vehicle without complying with inspection requirements as
 1-40 certified (Sec. 548.605, Transportation Code) . . . not to exceed
 1-41 \$20;

1-42 (4) administrative fee for failure to appear for a
 1-43 complaint or citation on certain offenses (Sec. 706.006,
 1-44 Transportation Code) . . . \$30 for each violation; and

1-45 (5) [~~4~~] administrative fee for failure to pay or
 1-46 satisfy certain judgments (Sec. 706.006, Transportation Code)
 1-47 . . . \$30.

1-48 SECTION 2. Section 552.144, Government Code, is amended to
 1-49 read as follows:

1-50 Sec. 552.144. EXCEPTION: WORKING PAPERS AND ELECTRONIC
 1-51 COMMUNICATIONS OF ADMINISTRATIVE LAW JUDGES AT STATE OFFICE OF
 1-52 ADMINISTRATIVE HEARINGS AND HEARINGS EXAMINERS AT TEXAS DEPARTMENT
 1-53 OF MOTOR VEHICLES. The following working papers and electronic
 1-54 communications of an administrative law judge at the State Office
 1-55 of Administrative Hearings or a hearings examiner at the Texas
 1-56 Department of Motor Vehicles are excepted from the requirements of
 1-57 Section 552.021:

1-58 (1) notes and electronic communications recording the
 1-59 observations, thoughts, questions, deliberations, or impressions
 1-60 of an administrative law judge;

- 2-1 (2) drafts of a proposal for decision;
- 2-2 (3) drafts of orders made in connection with
- 2-3 conducting contested case hearings; and
- 2-4 (4) drafts of orders made in connection with
- 2-5 conducting alternative dispute resolution procedures.

2-6 SECTION 3. Section 2301.258, Occupations Code, is amended
2-7 to read as follows:

2-8 Sec. 2301.258. GENERAL REQUIREMENTS FOR APPLICATION FOR
2-9 MANUFACTURER'S, DISTRIBUTOR'S, CONVERTER'S, OR REPRESENTATIVE'S
2-10 LICENSE. An application for a manufacturer's, distributor's,
2-11 converter's, or representative's license must be on a form
2-12 prescribed by the department. The application must include
2-13 information the department determines necessary to fully determine
2-14 the qualifications of an applicant [~~including financial~~
2-15 ~~resources, business integrity and experience, facilities and~~
2-16 ~~personnel for serving franchised dealers,~~] and [~~other information~~
2-17 ~~the department determines]~~ pertinent to safeguard the public
2-18 interest and welfare.

2-19 SECTION 4. Section 2301.453(c), Occupations Code, is
2-20 amended to read as follows:

2-21 (c) Except as provided by Subsection (d), the manufacturer,
2-22 distributor, or representative must provide written notice by
2-23 registered or certified mail to the dealer and the board stating the
2-24 specific grounds for the termination or discontinuance. The notice
2-25 must:

2-26 (1) be received not later than the 60th day before the
2-27 effective date of the termination or discontinuance; and

2-28 (2) contain on its first page a conspicuous statement
2-29 that reads: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A
2-30 PROTEST WITH THE TEXAS DEPARTMENT OF MOTOR VEHICLES [~~VEHICLE BOARD~~]
2-31 IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE
2-32 PROPOSED TERMINATION OR DISCONTINUANCE OF YOUR FRANCHISE UNDER THE
2-33 TERMS OF CHAPTER 2301, OCCUPATIONS CODE, IF YOU OPPOSE THIS
2-34 ACTION."

2-35 SECTION 5. Section 2301.454(b), Occupations Code, is
2-36 amended to read as follows:

2-37 (b) The notice required by Subsection (a)(1) must:

2-38 (1) be given not later than the 60th day before the
2-39 date of the modification or replacement; and

2-40 (2) contain on its first page a conspicuous statement
2-41 that reads: "NOTICE TO DEALER: YOU MAY BE ENTITLED TO FILE A
2-42 PROTEST WITH THE TEXAS DEPARTMENT OF MOTOR VEHICLES [~~VEHICLE BOARD~~]
2-43 IN AUSTIN, TEXAS, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE
2-44 PROPOSED MODIFICATION OR REPLACEMENT OF YOUR FRANCHISE UNDER THE
2-45 TERMS OF CHAPTER 2301, OCCUPATIONS CODE, IF YOU OPPOSE THIS
2-46 ACTION."

2-47 SECTION 6. Section 2301.606(c), Occupations Code, as
2-48 amended by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of
2-49 the 83rd Legislature, Regular Session, 2013, is reenacted and
2-50 amended to read as follows:

2-51 (c) An order issued under this subchapter may not require
2-52 [~~The board or a person delegated power from the board under Section~~
2-53 ~~2301.154 may not issue an order requiring]~~ a manufacturer,
2-54 converter, or distributor to make a refund or to replace a motor
2-55 vehicle unless:

2-56 (1) the owner or a person on behalf of the owner has
2-57 mailed written notice of the alleged defect or nonconformity to the
2-58 manufacturer, converter, or distributor; and

2-59 (2) the manufacturer, converter, or distributor has
2-60 been given an opportunity to cure the alleged defect or
2-61 nonconformity.

2-62 SECTION 7. Section 2301.607(c), Occupations Code, as
2-63 amended by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of
2-64 the 83rd Legislature, Regular Session, 2013, is reenacted and
2-65 amended to read as follows:

2-66 (c) If a final order is not issued [~~proposal for decision~~
2-67 ~~and recommendation for a final order are not issued]~~ before the
2-68 151st day after the date a complaint is filed under this subchapter,
2-69 the department shall provide written notice by certified mail to

3-1 the complainant and to the manufacturer, converter, or distributor
3-2 of the expiration of the 150-day period and of the complainant's
3-3 right to file a civil action. The department [~~board or a person~~
3-4 ~~delegated power from the board under Section 2301.154~~] shall extend
3-5 the 150-day period if a delay is requested or caused by the person
3-6 who filed the complaint.

3-7 SECTION 8. Section 2301.608, Occupations Code, as amended
3-8 by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of the 83rd
3-9 Legislature, Regular Session, 2013, is reenacted and amended to
3-10 read as follows:

3-11 Sec. 2301.608. ASSESSMENT OF COSTS FOR REPLACEMENT OR
3-12 REFUND. (a) An order issued under this subchapter must [~~In an~~
3-13 ~~order issued under this subchapter, the board or a person delegated~~
3-14 ~~power from the board under Section 2301.154 shall~~] name the person
3-15 responsible for paying the cost of any refund or replacement. A
3-16 manufacturer, converter, or distributor may not cause a franchised
3-17 dealer to directly or indirectly pay any money not specifically
3-18 required [~~ordered~~] by the order [~~board or a person delegated power~~
3-19 ~~from the board under Section 2301.154~~].

3-20 (b) If the final order requires [~~board or a person delegated~~
3-21 ~~power from the board under Section 2301.154 orders~~] a manufacturer,
3-22 converter, or distributor to make a refund or replace a motor
3-23 vehicle under this subchapter, the final order [~~board or person~~]
3-24 may require [~~order~~] the franchised dealer to reimburse the owner,
3-25 lienholder, manufacturer, converter, or distributor only for an
3-26 item or option added to the vehicle by the dealer to the extent that
3-27 the item or option contributed to the defect that served as the
3-28 basis for the order.

3-29 (c) In a case involving a leased vehicle, the final order
3-30 [~~board or a person delegated power from the board under Section~~
3-31 ~~2301.154~~] may terminate the lease and apportion allowances or
3-32 refunds, including the reasonable allowance for use, between the
3-33 lessee and lessor of the vehicle.

3-34 SECTION 9. Section 2301.610(d), Occupations Code, as
3-35 amended by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of
3-36 the 83rd Legislature, Regular Session, 2013, is reenacted and
3-37 amended to read as follows:

3-38 (d) The department shall maintain a toll-free telephone
3-39 number to provide information to a person who requests information
3-40 about a condition or defect that was the basis for repurchase or
3-41 replacement by an order issued under this subchapter [~~chapter~~].
3-42 The department shall maintain an effective method of providing
3-43 information to a person who makes a request.

3-44 SECTION 10. Section 2301.612, Occupations Code, is amended
3-45 to read as follows:

3-46 Sec. 2301.612. OPEN RECORDS EXCEPTION. Information filed
3-47 with the department [~~board~~] under this subchapter is not a public
3-48 record and is not subject to release under Chapter 552, Government
3-49 Code, until the complaint is [~~finally~~] resolved by a final order of
3-50 the department [~~board~~].

3-51 SECTION 11. Section 2301.651(a), Occupations Code, is
3-52 amended to read as follows:

3-53 (a) The board may deny an application for a license, revoke
3-54 or suspend a license, place on probation a person whose license has
3-55 been suspended, or reprimand a license holder if the applicant or
3-56 license holder:

3-57 (1) is unfit under standards described in this chapter
3-58 or board rules;

3-59 (2) wilfully omits material information from or makes
3-60 a material misrepresentation in any application or other
3-61 information filed under this chapter or board rules;

3-62 (3) violates this chapter or a board rule or order;

3-63 (4) violates any law relating to the sale,
3-64 distribution, financing, or insuring of motor vehicles;

3-65 (5) fails to maintain the qualifications for a
3-66 license;

3-67 (6) wilfully defrauds a purchaser;

3-68 (7) fails to fulfill a written agreement with a retail
3-69 purchaser of a motor vehicle; or

4-1 (8) violates the requirements of Section 503.0631,
4-2 Transportation Code.

4-3 SECTION 12. Section 2301.711, Occupations Code, is amended
4-4 to read as follows:

4-5 Sec. 2301.711. ORDERS AND DECISIONS. (a) Except as
4-6 otherwise provided by this chapter, the [The] board or a [other]
4-7 person delegated final order authority under Section 2301.154 shall
4-8 issue final orders for the implementation and enforcement of this
4-9 chapter and Chapter 503, Transportation Code.

4-10 (b) An order or decision under this chapter must:

4-11 (1) include a separate finding of fact with respect to
4-12 each specific issue required by law to be considered in reaching a
4-13 decision;

4-14 (2) set forth additional findings of fact and
4-15 conclusions of law on which the order or decision is based;

4-16 (3) give the reasons for the particular actions taken;
4-17 and

4-18 (4) be signed by the presiding officer or assistant
4-19 presiding officer for the board, a [or other] person delegated
4-20 final order authority under Section 2301.154, or a hearings
4-21 examiner in a contested case hearing under Section 2301.204 or
4-22 Subchapter M.

4-23 SECTION 13. Section 2301.712(b), Occupations Code, is
4-24 amended to read as follows:

4-25 (b) If a person who brings a complaint under Subchapter M
4-26 prevails in the case, the ~~[board or a person delegated power from~~
4-27 ~~the board under Section 2301.154 shall order the]~~ nonprevailing
4-28 party in the case shall ~~[to]~~ reimburse the amount of the filing fee
4-29 for the case.

4-30 SECTION 14. Section 2301.713, Occupations Code, as amended
4-31 by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of the 83rd
4-32 Legislature, Regular Session, 2013, is reenacted and amended to
4-33 read as follows:

4-34 Sec. 2301.713. REHEARING. (a) Except as otherwise
4-35 provided by this section ~~[Subsection (b)]~~, a party who seeks a
4-36 rehearing of an order shall seek the rehearing in accordance with
4-37 Chapter 2001, Government Code.

4-38 (b) The board by rule may establish procedures ~~[a procedure]~~
4-39 to allow a party ~~[parties]~~ to a contested case ~~[cases in which the~~
4-40 ~~final order is issued by a person to whom final order authority is~~
4-41 ~~delegated under Section 2301.154]~~ to file a motion ~~[motions]~~ for
4-42 rehearing ~~[with the board]~~.

4-43 (c) A motion for rehearing in a contested case under Section
4-44 2301.204 or Subchapter M must be filed with and decided by the chief
4-45 hearings examiner.

4-46 SECTION 15. Section 171.1011(g-7), Tax Code, is amended to
4-47 read as follows:

4-48 (g-7) A taxable entity that is a qualified courier and
4-49 logistics company shall exclude from its total revenue, to the
4-50 extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3),
4-51 subcontracting payments made by the taxable entity to nonemployee
4-52 agents for the performance of delivery services on behalf of the
4-53 taxable entity. For purposes of this subsection, "qualified
4-54 courier and logistics company" means a taxable entity that:

4-55 (1) receives at least 80 percent of the taxable
4-56 entity's annual total revenue from its entire business from a
4-57 combination of at least two of the following courier and logistics
4-58 services:

4-59 (A) expedited same-day delivery of an envelope,
4-60 package, parcel, roll of architectural drawings, box, or pallet;

4-61 (B) temporary storage and delivery of the
4-62 property of another entity, including an envelope, package, parcel,
4-63 roll of architectural drawings, box, or pallet; and

4-64 (C) brokerage of same-day or expedited courier
4-65 and logistics services to be completed by a person or entity under a
4-66 contract that includes a contractual obligation by the taxable
4-67 entity to make payments to the person or entity for those services;

4-68 (2) during the period on which margin is based, is
4-69 registered as a motor carrier under Chapter 643, Transportation

5-1 Code, and if the taxable entity operates on an interstate basis, is
 5-2 registered as a motor carrier or broker under the motor vehicle
 5-3 registration system established under 49 U.S.C. Section 14504a or a
 5-4 similar federal registration program that replaces that system
 5-5 [unified carrier registration system, as defined by Section
 5-6 643.001, Transportation Code,] during that period;

5-7 (3) maintains an automobile liability insurance
 5-8 policy covering individuals operating vehicles owned, hired, or
 5-9 otherwise used in the taxable entity's business, with a combined
 5-10 single limit for each occurrence of at least \$1 million;

5-11 (4) maintains at least \$25,000 of cargo insurance;

5-12 (5) maintains a permanent nonresidential office from
 5-13 which the courier and logistics services are provided or arranged;

5-14 (6) has at least five full-time employees during the
 5-15 period on which margin is based;

5-16 (7) is not doing business as a livery service, floral
 5-17 delivery service, motor coach service, taxicab service, building
 5-18 supply delivery service, water supply service, fuel or energy
 5-19 supply service, restaurant supply service, commercial moving and
 5-20 storage company, or overnight delivery service; and

5-21 (8) is not delivering items that the taxable entity or
 5-22 an affiliated entity sold.

5-23 SECTION 16. Section 256.101(3), Transportation Code, is
 5-24 amended to read as follows:

5-25 (3) "Weight tolerance permit" means a permit issued
 5-26 under Section 623.011 [~~Chapter 623~~] authorizing a vehicle to exceed
 5-27 maximum legal weight limitations.

5-28 SECTION 17. Section 501.002(30), Transportation Code, is
 5-29 amended to read as follows:

5-30 (30) "Travel trailer" means a house trailer-type
 5-31 vehicle or a camper trailer:

5-32 (A) that is a recreational vehicle defined under
 5-33 24 C.F.R. Section 3282.8(g); or

5-34 (B) that:

5-35 (i) is less than eight feet in width or 45
 5-36 [40] feet in length, exclusive of any hitch installed on the
 5-37 vehicle;

5-38 (ii) is designed primarily for use as
 5-39 temporary living quarters in connection with recreational,
 5-40 camping, travel, or seasonal use;

5-41 (iii) is not used as a permanent dwelling;
 5-42 and

5-43 (iv) is not a utility trailer, enclosed
 5-44 trailer, or other trailer that does not have human habitation as its
 5-45 primary function.

5-46 SECTION 18. Section 501.004(b), Transportation Code, is
 5-47 amended to read as follows:

5-48 (b) This chapter does not apply to:

5-49 (1) a farm trailer or farm semitrailer with a gross
 5-50 vehicle weight of 34,000 pounds or less used only for the
 5-51 transportation of farm products if the products are not transported
 5-52 for hire;

5-53 (2) the filing or recording of a lien that is created
 5-54 only on an automobile accessory, including a tire, radio, or
 5-55 heater;

5-56 (3) a motor vehicle while it is owned or operated by
 5-57 the United States; or

5-58 (4) a new motor vehicle on loan to a political
 5-59 subdivision of the state for use only in a driver education course
 5-60 approved by the Texas [Central] Education Agency.

5-61 SECTION 19. Subchapter A, Chapter 501, Transportation Code,
 5-62 is amended by adding Section 501.008 to read as follows:

5-63 Sec. 501.008. TITLE FOR AUTOCYCLE. (a) In this section,
 5-64 "autocycle" means a motor vehicle, other than a tractor, that is:

5-65 (1) designed to have when propelled not more than
 5-66 three wheels on the ground;

5-67 (2) equipped with a steering wheel;

5-68 (3) equipped with seating that does not require the
 5-69 operator to straddle or sit astride the seat; and

6-1 (4) manufactured and certified to comply with federal
6-2 safety requirements for a motorcycle.

6-3 (b) For purposes of issuing a title under this chapter, an
6-4 autocycle is considered to be a motorcycle.

6-5 SECTION 20. Section 501.021(a), Transportation Code, is
6-6 amended to read as follows:

6-7 (a) A motor vehicle title issued by the department must
6-8 include:

6-9 (1) the legal name and address of each purchaser [~~and~~
6-10 ~~seller~~] at the first sale or a subsequent sale;

6-11 (2) the legal name, city, and state of each seller at
6-12 the first sale or a subsequent sale;

6-13 (3) the make of the motor vehicle;

6-14 (4) [~~(3)~~] the body type of the vehicle;

6-15 (5) [~~(4)~~] the manufacturer's permanent vehicle
6-16 identification number of the vehicle or the vehicle's motor number
6-17 if the vehicle was manufactured before the date that stamping a
6-18 permanent identification number on a motor vehicle was universally
6-19 adopted;

6-20 (6) [~~(5)~~] the serial number for the vehicle;

6-21 (7) [~~(6)~~] the name and address of each lienholder and
6-22 the date of each lien on the vehicle, listed in the chronological
6-23 order in which the lien was recorded;

6-24 (8) [~~(7)~~] a statement indicating rights of
6-25 survivorship under Section 501.031;

6-26 (9) [~~(8)~~] if the vehicle has an odometer, the odometer
6-27 reading at the time of application for the title; and

6-28 (10) [~~(9)~~] any other information required by the
6-29 department.

6-30 SECTION 21. Section 501.0234(a), Transportation Code, is
6-31 amended to read as follows:

6-32 (a) A person who sells, including by consignment, at the
6-33 first or a subsequent sale a motor vehicle and who holds a general
6-34 distinguishing number issued under Chapter 503 of this code or
6-35 Chapter 2301, Occupations Code, shall:

6-36 (1) except as provided by this section, in the time and
6-37 manner provided by law, apply, in the name of the purchaser of the
6-38 vehicle, for the registration of the vehicle, if the vehicle is to
6-39 be registered, and a title for the vehicle and file with the
6-40 appropriate designated agent each document necessary to transfer
6-41 title to or register the vehicle; and [~~at the same time~~]

6-42 (2) at the time the person files for title and
6-43 registration under Subdivision (1), remit any required motor
6-44 vehicle sales tax.

6-45 SECTION 22. The heading to Section 501.036, Transportation
6-46 Code, is amended to read as follows:

6-47 Sec. 501.036. TITLE FOR FARM TRAILER OR FARM SEMITRAILER.

6-48 SECTION 23. Section 501.036, Transportation Code, is
6-49 amended by amending Subsections (a) and (b) and adding Subsection
6-50 (b-1) to read as follows:

6-51 (a) Notwithstanding any other provision of this chapter,
6-52 the department may issue a title for a farm trailer or farm
6-53 semitrailer with a gross vehicle weight of 34,000 [~~more than 4,000~~]
6-54 pounds or less if [~~+~~

6-55 [~~(1) the farm semitrailer is eligible for registration~~
6-56 ~~under Section 502.146, and~~

6-57 [~~(2) all [other] requirements for issuance of a title~~
6-58 ~~are met.~~

6-59 (b) To obtain a title under this section, the owner of the
6-60 farm trailer or farm semitrailer must:

6-61 (1) apply for the title in the manner required by
6-62 Section 501.023; and

6-63 (2) pay the fee required by Section 501.138.

6-64 (b-1) A subsequent purchaser of a farm trailer or farm
6-65 semitrailer titled previously under this section shall obtain a
6-66 title under this section.

6-67 SECTION 24. Section 501.037, Transportation Code, is
6-68 amended to read as follows:

6-69 Sec. 501.037. TITLE FOR TRAILERS OR SEMITRAILERS.

7-1 (a) Notwithstanding any other provision of this chapter, the
7-2 department may issue a title for a trailer or semitrailer that has a
7-3 gross vehicle weight of 4,000 pounds or less if all other
7-4 requirements for issuance of a title are met.

7-5 (b) To obtain a title under this section, the owner of the
7-6 trailer or semitrailer must:

7-7 (1) apply for the title in the manner required by
7-8 Section 501.023; and

7-9 (2) pay the fee required by Section 501.138.

7-10 (c) A subsequent purchaser of a trailer or semitrailer
7-11 titled previously under this section shall obtain a title under
7-12 this section.

7-13 SECTION 25. Section 501.052, Transportation Code, is
7-14 amended by amending Subsection (e) and adding Subsection (f) to
7-15 read as follows:

7-16 (e) An applicant aggrieved by the determination under
7-17 Subsection (d) may appeal only to the county or district court of
7-18 the county of the applicant's residence. An applicant must file an
7-19 appeal not later than the fifth day after the date of the
7-20 assessor-collector's determination and must serve a copy of the
7-21 petition on the department and all persons known to have a potential
7-22 ownership or security interest in the vehicle, including all owners
7-23 and lienholders listed on the title. The applicant must also
7-24 provide to the court a certified title history for the vehicle
7-25 obtained from the department. The judge shall try the appeal in the
7-26 manner of other civil cases. All rights and immunities granted in
7-27 the trial of a civil case are available to the department and all
7-28 interested parties. If the department's action is not sustained,
7-29 the department shall promptly issue a title for the vehicle.

7-30 (f) In an appeal brought under Subsection (e), the
7-31 department is not required to file an answer or appear before a
7-32 county or district court as a party to the appeal, but the
7-33 department may intervene to enter an appearance or provide
7-34 evidence. The court may require the department to respond to
7-35 requests for information relevant to the appeal.

7-36 SECTION 26. Section 501.0521, Transportation Code, is
7-37 amended by adding Subsection (c) to read as follows:

7-38 (c) In any action filed in a county or district court under
7-39 this subchapter, the petitioner must serve a copy of the petition on
7-40 the department and all persons and entities known to have a
7-41 potential ownership or security interest in the vehicle, including
7-42 all owners and lienholders listed on the title. The petitioner must
7-43 also provide to the court a certified title history for the vehicle
7-44 obtained from the department. The department is not required to
7-45 file an answer or appear before a county or district court as a
7-46 party to the action, but the department may intervene to enter an
7-47 appearance or provide evidence.

7-48 SECTION 27. Section 501.097(a), Transportation Code, as
7-49 amended by Chapters 1136 (H.B. 1422) and 1296 (H.B. 2357), Acts of
7-50 the 82nd Legislature, Regular Session, 2011, is reenacted and
7-51 amended to read as follows:

7-52 (a) An application for a nonrepairable vehicle title,
7-53 nonrepairable record of title, salvage vehicle title, or salvage
7-54 record of title must:

7-55 (1) be made in ~~on~~ a manner ~~form~~ prescribed by the
7-56 department and accompanied by a \$8 application fee;

7-57 (2) include, in addition to any other information
7-58 required by the department:

7-59 (A) the name and current address of the owner;
7-60 ~~and~~

7-61 (B) a description of the motor vehicle, including
7-62 the make, style of body, model year, and vehicle identification
7-63 number; and

7-64 (C) a statement describing whether the motor
7-65 vehicle:

7-66 (i) was the subject of a total loss claim
7-67 paid by an insurance company under Section ~~[501.092]~~ 501.0925,
7-68 501.1001, or 501.1002 ~~[501.093]~~;

7-69 (ii) is a self-insured motor vehicle under

8-1 Section 501.1001 [~~501.094~~];
 8-2 (iii) is an export-only motor vehicle under
 8-3 Section 501.099;
 8-4 (iv) was sold, transferred, or released to
 8-5 the owner or former owner of the motor vehicle or a buyer at a casual
 8-6 sale; or
 8-7 (v) is a motor vehicle for which an
 8-8 insurance company does not take ownership under Section 501.0935;
 8-9 and
 8-10 (3) include the name and address of:
 8-11 (A) any currently recorded lienholder, if the
 8-12 motor vehicle is a nonrepairable motor vehicle; or
 8-13 (B) any currently recorded lienholder or a new
 8-14 lienholder, if the motor vehicle is a salvage motor vehicle.
 8-15 SECTION 28. The heading to Section 501.134, Transportation
 8-16 Code, is amended to read as follows:
 8-17 Sec. 501.134. CERTIFIED COPY OF [LOST OR DESTROYED]
 8-18 CERTIFICATE OF TITLE.
 8-19 SECTION 29. Sections 501.134(a), (b), and (c),
 8-20 Transportation Code, are amended to read as follows:
 8-21 (a) ~~The [If a printed title is lost or destroyed, the]~~ owner
 8-22 or lienholder disclosed on a ~~[the]~~ title may obtain, in the manner
 8-23 provided by this section and department rule, a certified copy of
 8-24 the ~~[lost or destroyed]~~ title directly from the department by
 8-25 applying in a manner prescribed by the department and paying a fee
 8-26 of \$2. A fee collected under this subsection shall be deposited to
 8-27 the credit of the Texas Department of Motor Vehicles fund and may be
 8-28 spent only as provided by Section 501.138.
 8-29 (b) If a lien is disclosed on a title, the department may
 8-30 issue a certified copy of the ~~[original]~~ title only to the first
 8-31 lienholder or the lienholder's verified agent.
 8-32 (c) The department must plainly mark "certified copy" on the
 8-33 face of a certified copy issued under this section. A certified
 8-34 copy of the title that is lawfully obtained under this section
 8-35 supersedes and invalidates any previously issued title or certified
 8-36 copy. If the certified copy of title is later rescinded, canceled,
 8-37 or revoked under Section 501.051, the department may reinstate or
 8-38 reissue a previously superseded or invalidated title or certified
 8-39 copy of title. A subsequent purchaser or lienholder of the vehicle
 8-40 only acquires the rights, title, or interest in the vehicle held by
 8-41 the holder of the certified copy.
 8-42 SECTION 30. Sections 502.001(2) and (40), Transportation
 8-43 Code, are amended to read as follows:
 8-44 (2) "Apportioned license plate" means a license plate
 8-45 issued in lieu of a truck, motor bus, ~~[license plate]~~ or combination
 8-46 license plate to a motor carrier in this state who proportionally
 8-47 registers a vehicle owned or leased by the carrier in one or more
 8-48 other states.
 8-49 (40) "Token trailer" means a semitrailer that is
 8-50 registered under Section 502.255 and used in combination with a
 8-51 truck-tractor or commercial motor vehicle that is registered in
 8-52 combination under Section 502.255, regardless of whether the
 8-53 truck-tractor or commercial motor vehicle ~~[+~~
 8-54 ~~[(A) has a gross weight of more than 6,000~~
 8-55 ~~pounds; and~~
 8-56 ~~[(B) is operated in combination with a truck or a~~
 8-57 ~~truck-tractor that]~~ has been issued:
 8-58 (A) ~~[(i)]~~ an apportioned license plate;
 8-59 (B) ~~[(ii)]~~ a combination license plate; ~~[or]~~
 8-60 (C) ~~[(iii)]~~ a forestry vehicle license plate; or
 8-61 (D) another license plate.
 8-62 SECTION 31. Section 502.0023, Transportation Code, is
 8-63 amended by amending Subsections (c) and (d-1) and adding Subsection
 8-64 (k) to read as follows:
 8-65 (c) In addition to the registration fees prescribed by this
 8-66 chapter, an owner registering a commercial fleet under this section
 8-67 shall pay:
 8-68 (1) a one-time ~~[an annual]~~ commercial fleet
 8-69 registration fee of \$10 per motor vehicle, semitrailer, or trailer

9-1 in the fleet; and

9-2 (2) except as provided by Subsection (e), a one-time
9-3 license plate manufacturing fee of \$1.50 for each fleet motor
9-4 vehicle, semitrailer, or trailer license plate.

9-5 (d-1) The department shall issue a license plate for a token
9-6 trailer registered under this section that does not expire. The
9-7 license plate must include the word "Permanent." A [alphanumeric
9-8 pattern for a] license plate issued under this subsection may
9-9 remain on a token trailer [for as long as the registration of the
9-10 token trailer is renewed or] until the token trailer is removed from
9-11 service or sold, provided that the license plate must be removed if
9-12 the department cancels, suspends, or revokes the registration for
9-13 the token trailer as provided by law or department rule. The
9-14 registration receipt required under Section 621.002 is not required
9-15 for a vehicle that displays a license plate issued under this
9-16 subsection.

9-17 (k) A token trailer that displays a license plate issued
9-18 under Subsection (d-1) is subject to the inspection requirements
9-19 under Chapter 548 as if the token trailer was not permanently
9-20 registered. The department and the Department of Public Safety
9-21 shall adopt rules to establish a method to enforce the inspection
9-22 requirements under Chapter 548 for a token trailer that displays a
9-23 license plate issued under Subsection (d-1). The rules must
9-24 authorize the department to suspend the registration of a token
9-25 trailer that displays a license plate issued under Subsection (d-1)
9-26 for failure to comply with the inspection requirements. The
9-27 department may assess a fee to cover the department's
9-28 administrative costs to implement this subsection.

9-29 SECTION 32. Subchapter A, Chapter 502, Transportation Code,
9-30 is amended by adding Section 502.004 to read as follows:

9-31 Sec. 502.004. REGISTRATION OF AUTOCYCLE. (a) In this
9-32 section, "autocycle" means a motor vehicle, other than a tractor,
9-33 that is:

9-34 (1) designed to have when propelled not more than
9-35 three wheels on the ground;

9-36 (2) equipped with a steering wheel;

9-37 (3) equipped with seating that does not require the
9-38 operator to straddle or sit astride the seat; and

9-39 (4) manufactured and certified to comply with federal
9-40 safety requirements for a motorcycle.

9-41 (b) For purposes of registering a vehicle under this
9-42 chapter, an autocycle is considered to be a motorcycle.

9-43 SECTION 33. Sections 502.044(a) and (e), Transportation
9-44 Code, are amended to read as follows:

9-45 (a) Except as provided by Subsection (e), the [The]
9-46 department shall designate a vehicle registration year of 12
9-47 consecutive months to begin on the first day of a calendar month and
9-48 end on the last day of the 12th calendar month.

9-49 (e) The department shall use the date of sale of the vehicle
9-50 in designating the registration period [year] for a vehicle for
9-51 which registration is applied [for] under Section 501.0234 or by a
9-52 commercial fleet buyer described by Section 501.0234(b)(4). Unless
9-53 the department designates a registration period of less than 12
9-54 months, the registration period is:

9-55 (1) 12 consecutive months if the vehicle receives a
9-56 one-year inspection period under Section 548.102; or

9-57 (2) 24 consecutive months if the vehicle receives a
9-58 two-year inspection period under Section 548.102, provided that all
9-59 fees are paid for each year of registration.

9-60 SECTION 34. Sections 502.146(a) and (h), Transportation
9-61 Code, are amended to read as follows:

9-62 (a) The department shall issue distinguishing [specialty]
9-63 license plates to a vehicle described by Subsection (b) or
9-64 (c). The fee for the license plates is \$5 and shall be deposited to
9-65 the credit of the Texas Department of Motor Vehicles fund.

9-66 (h) A distinguishing [specialty] license plate may not be
9-67 issued or renewed under Subsection (a) to an owner of a vehicle
9-68 described by Subsection (b)(1) unless the vehicle's owner provides
9-69 a registration number issued by the comptroller under Section

10-1 151.1551, Tax Code. The comptroller shall allow access to the
 10-2 online system established under Section 151.1551(1), Tax Code, to
 10-3 verify a registration number provided under this subsection.

10-4 SECTION 35. Subchapter D, Chapter 502, Transportation Code,
 10-5 is amended by adding Section 502.147 to read as follows:

10-6 Sec. 502.147. CERTAIN FARM TRAILERS, FARM SEMITRAILERS,
 10-7 FARM TRACTORS, AND IMPLEMENTS OF HUSBANDRY. An owner is not
 10-8 required to register a farm trailer or farm semitrailer that has a
 10-9 gross weight of 4,000 pounds or less or a farm tractor or an
 10-10 implement of husbandry, if the trailer, semitrailer, tractor, or
 10-11 implement is operated only temporarily on the highways.

10-12 SECTION 36. The heading to Section 502.255, Transportation
 10-13 Code, is amended to read as follows:

10-14 Sec. 502.255. TRUCK-TRACTOR OR COMMERCIAL MOTOR VEHICLE
 10-15 COMBINATION FEE; PERMANENT SEMITRAILER TOKEN FEE.

10-16 SECTION 37. Section 502.255, Transportation Code, is
 10-17 amended by amending Subsections (c), (i), and (j) and adding
 10-18 Subsection (k) to read as follows:

10-19 (c) The one-time fee for registration of a semitrailer used
 10-20 in the manner described by Subsection (a), regardless of the date
 10-21 the semitrailer is registered, is \$105 [~~\$15 for a registration~~
 10-22 ~~year~~].

10-23 (i) The department shall issue a license plate for a token
 10-24 trailer registered under this section that does not expire or
 10-25 require an annual registration insignia to be valid. The license
 10-26 plate must include the word "Permanent." A [~~alphanumeric pattern~~
 10-27 ~~for a~~] license plate issued under this subsection may remain on a
 10-28 token trailer [~~for as long as the registration of the token trailer~~
 10-29 ~~is renewed or~~] until the token trailer is removed from service or
 10-30 sold, provided that the license plate must be removed if the
 10-31 department cancels, suspends, or revokes the registration for the
 10-32 token trailer as provided by law or department rule. The
 10-33 registration receipt required under Section 621.002 is not required
 10-34 for a vehicle that displays a license plate issued under this
 10-35 subsection.

10-36 (j) A person may register a semitrailer under this section
 10-37 if the person:

10-38 (1) applies to the department for registration;
 10-39 (2) provides proof of the person's eligibility to
 10-40 register the vehicle under this subsection as required by the
 10-41 department; and

10-42 (3) pays the [a] fee required by Subsection (c) [of
 10-43 \$15], plus any other applicable fee under this chapter [Section
 10-44 502.401, for each year included in the registration period].

10-45 (k) A token trailer that displays a license plate issued
 10-46 under Subsection (i) is subject to the inspection requirements
 10-47 under Chapter 548 as if the token trailer was not permanently
 10-48 registered. The department and the Department of Public Safety
 10-49 shall adopt rules to establish a method to enforce the inspection
 10-50 requirements under Chapter 548 for a token trailer that displays a
 10-51 license plate issued under Subsection (i). The rules must
 10-52 authorize the department to suspend the registration of a token
 10-53 trailer that displays a license plate issued under Subsection (i)
 10-54 for failure to comply with the inspection requirements. The
 10-55 department may assess a fee to cover the department's
 10-56 administrative costs to implement this subsection.

10-57 SECTION 38. Section 502.433(a-1), Transportation Code, is
 10-58 amended to read as follows:

10-59 (a-1) A commercial motor vehicle may not be registered or
 10-60 renewed under this section unless the vehicle's owner provides a
 10-61 registration number issued by the comptroller under Section
 10-62 151.1551, Tax Code. The comptroller shall allow access to the
 10-63 online system established under Section 151.1551(1), Tax Code, to
 10-64 verify a registration number provided under this subsection.

10-65 SECTION 39. Section 503.001(1), Transportation Code, is
 10-66 amended to read as follows:

10-67 (1) "Board" means the board of the Texas Department of
 10-68 Motor Vehicles [has the meaning assigned by Chapter 2301,
 10-69 Occupations Code].

11-1 SECTION 40. Section 503.003, Transportation Code, is
 11-2 amended to read as follows:

11-3 Sec. 503.003. DISPLAY OR SALE OF NONMOTORIZED VEHICLE OR
 11-4 TRAILER. This chapter does not prohibit the display or sale of a
 11-5 nonmotorized vehicle or trailer at a regularly scheduled vehicle or
 11-6 boat show with multiple vendors [~~in accordance with commission~~
 11-7 ~~rules~~].

11-8 SECTION 41. Section 503.007(a), Transportation Code, is
 11-9 amended to read as follows:

11-10 (a) The fee for an original general distinguishing number is
 11-11 \$500 for the first year and \$200 for each subsequent year [~~for which~~
 11-12 ~~the number is valid~~].

11-13 SECTION 42. Section 503.009(b), Transportation Code, as
 11-14 repealed by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature,
 11-15 Regular Session, 2013, and amended by Chapter 1379 (H.B. 1692),
 11-16 Acts of the 83rd Legislature, Regular Session, 2013, is reenacted
 11-17 and amended to read as follows:

11-18 (b) The procedures applicable to a hearing conducted under
 11-19 this section are those applicable to a hearing conducted under
 11-20 Chapter 2301, Occupations Code, or Chapter 2001, Government Code.

11-21 SECTION 43. Section 503.010, Transportation Code, is
 11-22 amended to read as follows:

11-23 Sec. 503.010. TERM OF GENERAL DISTINGUISHING NUMBER,
 11-24 LICENSE, OR LICENSE PLATE. Each general distinguishing number,
 11-25 license, or license plate issued under this chapter is valid for the
 11-26 period prescribed by the board [~~commission~~].

11-27 SECTION 44. Section 503.031(a), Transportation Code, is
 11-28 amended to read as follows:

11-29 (a) An applicant for a drive-a-way in-transit license must
 11-30 submit to the department [~~commission~~] an application containing the
 11-31 information required by the department [~~commission~~].

11-32 SECTION 45. Section 503.038(a), Transportation Code, is
 11-33 amended to read as follows:

11-34 (a) The department may cancel a dealer's general
 11-35 distinguishing number if the dealer:

11-36 (1) falsifies or forges a title document, including an
 11-37 affidavit making application for a certified copy of a title;

11-38 (2) files a false or forged tax document, including a
 11-39 sales tax affidavit;

11-40 (3) fails to take assignment of any basic evidence of
 11-41 ownership, including a certificate of title or manufacturer's
 11-42 certificate, for a vehicle the dealer acquires;

11-43 (4) fails to assign any basic evidence of ownership,
 11-44 including a certificate of title or manufacturer's certificate, for
 11-45 a vehicle the dealer sells;

11-46 (5) uses or permits the use of a metal dealer's license
 11-47 plate or a dealer's temporary tag on a vehicle that the dealer does
 11-48 not own or control or that is not in stock and offered for sale;

11-49 (6) wilfully omits material information from or makes
 11-50 a material misrepresentation in an application or other information
 11-51 filed with the department;

11-52 (7) fails to maintain the qualifications for a general
 11-53 distinguishing number;

11-54 (8) fails to provide to the department within 30 days
 11-55 after the date of demand by the department satisfactory and
 11-56 reasonable evidence that the person is regularly and actively
 11-57 engaged in business as a wholesale or retail dealer;

11-58 (9) has been licensed for at least 12 months and has
 11-59 not assigned at least five vehicles during the previous 12-month
 11-60 period;

11-61 (10) has failed to demonstrate compliance with
 11-62 Sections 23.12, 23.121, and 23.122, Tax Code;

11-63 (11) uses or allows the use of the dealer's general
 11-64 distinguishing number or the location for which the general
 11-65 distinguishing number is issued to avoid the requirements of this
 11-66 chapter;

11-67 (12) misuses or allows the misuse of a temporary tag
 11-68 authorized under this chapter;

11-69 (13) refuses to show on a buyer's temporary tag the

12-1 date of sale or other reasonable information required by the
12-2 department; or

12-3 (14) otherwise violates this chapter or a rule adopted
12-4 under this chapter.

12-5 SECTION 46. Section 503.0626(a), Transportation Code, is
12-6 amended to read as follows:

12-7 (a) The department shall develop, manage, and maintain a
12-8 secure, real-time database of information on vehicles to which
12-9 dealers and converters have affixed temporary tags. [~~The database
12-10 shall be managed by the vehicle titles and registration division of
12-11 the department.~~]

12-12 SECTION 47. Section 503.0631(a), Transportation Code, is
12-13 amended to read as follows:

12-14 (a) The department shall develop, manage, and maintain a
12-15 secure, real-time database of information on persons to whom
12-16 temporary buyer's tags are issued that may be used by a law
12-17 enforcement agency in the same manner that the agency uses vehicle
12-18 registration information. [~~The database shall be managed by the
12-19 vehicle titles and registration division of the department.~~]

12-20 SECTION 48. Section 503.069(a), Transportation Code, is
12-21 amended to read as follows:

12-22 (a) A license plate, other than an in-transit license plate,
12-23 or a temporary tag issued under this chapter shall be displayed in
12-24 accordance with board [~~commission~~] rules.

12-25 SECTION 49. Section 504.010(c), Transportation Code, is
12-26 amended to read as follows:

12-27 (c) Unless otherwise specified by statute, the [~~The~~] board
12-28 may adopt rules regarding the placement of license plates [~~for a
12-29 motor vehicle, road tractor, motorcycle, trailer, or semitrailer~~].

12-30 SECTION 50. Subchapter A, Chapter 504, Transportation Code,
12-31 is amended by adding Section 504.011 to read as follows:

12-32 Sec. 504.011. ISSUANCE DATE FOR CERTAIN SPECIALTY LICENSE
12-33 PLATES. (a) The department is not required to issue a specialty
12-34 license plate under this chapter that was created or authorized by
12-35 an Act of the 84th Legislature, Regular Session, 2015, until
12-36 January 1, 2016.

12-37 (b) This section expires January 31, 2016.

12-38 SECTION 51. Sections 504.202(b) and (e), Transportation
12-39 Code, are amended to read as follows:

12-40 (b) A veteran of the United States armed forces is entitled
12-41 to register, for the person's own use, motor vehicles under this
12-42 section if:

12-43 (1) the person has suffered, as a result of military
12-44 service:

12-45 (A) at least a 50 percent service-connected
12-46 disability; or

12-47 (B) a 40 percent service-connected disability
12-48 because of the amputation of a lower extremity;

12-49 (2) the person receives compensation from the United
12-50 States because of the disability; and

12-51 (3) the motor vehicle:

12-52 (A) is owned by the person; and

12-53 (B) has a gross vehicle weight of 18,000 pounds
12-54 or less or is a motor home.

12-55 (e) Other than license plates issued under Subsection (h),
12-56 license plates issued under this section must include[+]

12-57 [~~(1) the letters "DV" on the plate if the plate is
12-58 issued for a vehicle other than a motorcycle, and~~

12-59 [~~(2)~~] the words "Disabled Veteran" and "U.S. Armed
12-60 Forces" at the bottom of each license plate.

12-61 SECTION 52. Section 504.943(b), Transportation Code, is
12-62 amended to read as follows:

12-63 (b) A person commits an offense if the person operates on a
12-64 public highway during a registration period a road tractor, truck
12-65 tractor, motorcycle, trailer, or semitrailer that does not display
12-66 a license plate that:

12-67 (1) has been assigned by the department for the
12-68 period; and

12-69 (2) complies with department rules regarding the

13-1 placement of license plates.

13-2 SECTION 53. Section 541.201(5), Transportation Code, is
 13-3 amended to read as follows:

13-4 (5) "House trailer" means a trailer or semitrailer,
 13-5 other than a towable recreational vehicle, that:

13-6 (A) is transportable on a highway in one or more
 13-7 sections;

13-8 (B) is less than 45 [40] feet in length,
 13-9 excluding tow bar, while in the traveling mode;

13-10 (C) is built on a permanent chassis;

13-11 (D) is designed to be used as a dwelling or for
 13-12 commercial purposes if connected to required utilities; and

13-13 (E) includes plumbing, heating,
 13-14 air-conditioning, and electrical systems.

13-15 SECTION 54. Section 548.005, Transportation Code, is
 13-16 amended to read as follows:

13-17 Sec. 548.005. INSPECTION ONLY BY STATE-CERTIFIED AND
 13-18 SUPERVISED INSPECTION STATION. A compulsory inspection under this
 13-19 chapter may be made only by an inspection station, except that the
 13-20 department may:

13-21 (1) permit inspection to be made by an inspector under
 13-22 terms and conditions the department prescribes; and

13-23 (2) authorize the acceptance in this state of a
 13-24 certificate of inspection and approval issued in another state
 13-25 having a similar inspection law[~~and~~

13-26 [~~(3) authorize the acceptance in this state of a~~
 13-27 ~~certificate of inspection and approval issued in compliance with 49~~
 13-28 ~~C.F.R. Part 396 to a motor bus, as defined by Section 502.001, that~~
 13-29 ~~is registered in this state but is not domiciled in this state].~~

13-30 SECTION 55. Section 548.101, Transportation Code, is
 13-31 amended to read as follows:

13-32 Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD.
 13-33 (a) Except as provided by Section 548.102, the department shall
 13-34 require an annual inspection.

13-35 (b) ~~A [The department shall set the periods of inspection~~
 13-36 ~~and may make rules with respect to those periods. The rules must~~
 13-37 ~~provide that:~~

13-38 [~~(1) a~~] vehicle owner must [~~may~~] obtain an inspection
 13-39 not earlier than 90 days before the date of expiration of the
 13-40 vehicle's registration.

13-41 (c) ~~A [~~and~~~~
 13-42 [~~(2) a~~] used motor vehicle sold by a dealer, as defined
 13-43 by Section 503.001, must be inspected in the 180 days preceding the
 13-44 date the dealer sells the vehicle.

13-45 SECTION 56. The heading to Section 548.102, Transportation
 13-46 Code, is amended to read as follows:

13-47 Sec. 548.102. [~~TWO-YEAR~~] INITIAL INSPECTION PERIOD FOR
 13-48 PASSENGER CAR OR LIGHT TRUCK.

13-49 SECTION 57. Section 548.102, Transportation Code, is
 13-50 amended by amending Subsection (a) and adding Subsection (c) to
 13-51 read as follows:

13-52 (a) The initial inspection period is one year or two years,
 13-53 at the option of the purchaser of the vehicle, for a passenger car
 13-54 or light truck that:

13-55 (1) is sold in this state or purchased by a commercial
 13-56 fleet buyer described by Section 501.0234(b)(4) for use in this
 13-57 state;

13-58 (2) has not been previously registered in this or
 13-59 another state; and

13-60 (3) on the date of sale is of the current or preceding
 13-61 model year.

13-62 (c) Notwithstanding any other provision of this chapter,
 13-63 the initial inspection period begins on the date on which
 13-64 registration begins when a registration application is made:

13-65 (1) under Section 501.0234; or

13-66 (2) by a commercial fleet buyer described by Section
 13-67 501.0234(b)(4).

13-68 SECTION 58. Section 548.201(b), Transportation Code, is
 13-69 amended to read as follows:

(b) A program under this section also applies to any:

(1) ~~[vehicle or combination of vehicles with a gross weight rating of more than 10,000 pounds that is operated in interstate commerce and registered in this state;~~

~~[(2)]~~ school activity bus, as defined in Section 541.201, that has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds, or is designed to transport more than 15 passengers, including the driver; and

(2) ~~[(3)]~~ school bus that will operate at a speed authorized by Section 545.352(b)(4)(A) ~~[545.352(b)(5)(A)]~~.

SECTION 59. Section 548.203, Transportation Code, is amended to read as follows:

Sec. 548.203. EXEMPTIONS. (a) Notwithstanding any other provision of this chapter, a vehicle that is subject to inspection under 49 C.F.R. Part 396 is exempt from the safety inspection required under this subchapter.

(b) The commission by rule may exempt a type of commercial motor vehicle from the application of this subchapter if the vehicle:

(1) was manufactured before September 1, 1995;

(2) is operated only temporarily on a highway of this state and at a speed of less than 30 miles per hour; and

(3) complies with Section 548.051 and each applicable provision in Title 49, Code of Federal Regulations.

SECTION 60. Section 548.251, Transportation Code, is amended to read as follows:

Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE. The department shall maintain an electronic database to which inspection stations may electronically submit the information required by Section 548.253. The department must ensure that the vehicle identification number of each inspected vehicle is included in the database, along with a notation on whether the vehicle complies with the applicable inspection requirements under this chapter and Chapter 382, Health and Safety Code.

SECTION 61. Section 548.256, Transportation Code, is amended to read as follows:

Sec. 548.256. PROOF OF COMPLIANCE WITH INSPECTION REQUIREMENTS REQUIRED TO REGISTER VEHICLE. (a) Except as provided by Subsection (b), before ~~Before~~ a vehicle may be registered, the Texas Department of Motor Vehicles or the county assessor-collector registering the vehicle shall verify that the vehicle complies with ~~[has passed]~~ the applicable inspection requirements under this chapter and Chapter 382, Health and Safety Code ~~[inspections required by this chapter]~~, as indicated in the department's inspection database. If the database information is not available, the owner of the vehicle may present a vehicle inspection report issued for the vehicle.

(b) The Texas Department of Motor Vehicles or a county assessor-collector may register a vehicle that is not in compliance with the applicable inspection requirements under this chapter or Chapter 382, Health and Safety Code, if the vehicle is located in another state at the time the applicant applies for registration or registration renewal under Chapter 502 and the applicant certifies that the vehicle is located in another state and the applicant will comply with the applicable inspection requirements under this chapter, Chapter 382, Health and Safety Code, and the department's administrative rules regarding inspection requirements once the vehicle is operated in this state. The Texas Department of Motor Vehicles or the county assessor-collector shall add a notation to the Texas Department of Motor Vehicles' registration database for law enforcement to verify the inspection status of the vehicle.

SECTION 62. Section 548.301(c), Transportation Code, is amended to read as follows:

(c) A program established under this section must include registration and registration renewal-based ~~[reregistration-based]~~ enforcement.

SECTION 63. Sections 548.3011(a) and (c), Transportation Code, are amended to read as follows:

(a) This section applies only to a vehicle:

15-1 (1) the most recent [~~certificate of~~] title for which
15-2 or registration of which was issued in a county without a motor
15-3 vehicle emissions inspection and maintenance program; and

15-4 (2) the ownership of which has changed and which has
15-5 been the subject of a retail sale as defined by Section 2301.002,
15-6 Occupations Code.

15-7 (c) A vehicle subject to this section is not eligible for a
15-8 title receipt under Section 501.024, a [~~certificate of~~] title under
15-9 Section 501.027, or registration under Chapter 502 in a county with
15-10 a motor vehicle emissions inspection and maintenance program unless
15-11 proof is presented with the application for [~~certificate of~~] title
15-12 or registration, as appropriate, that the vehicle, not earlier than
15-13 the 90th day before the date on which the new owner's application
15-14 for [~~certificate of~~] title or registration is filed with the county
15-15 clerk or county assessor-collector, as appropriate, is in
15-16 compliance with the emissions inspection requirements as
15-17 determined by the department [~~has passed an approved vehicle~~
15-18 ~~emissions test in the county in which it is to be titled or~~
15-19 ~~registered~~].

15-20 SECTION 64. Section 548.306(h), Transportation Code, is
15-21 amended to read as follows:

15-22 (h) The Texas Department of Motor Vehicles [~~Transportation~~]
15-23 may deny the renewal of registration [~~reregistration~~] of a vehicle
15-24 if the registered owner of the vehicle has received notification
15-25 under Subsection (c) and the vehicle has not passed a verification
15-26 emissions inspection.

15-27 SECTION 65. The heading to Section 548.503, Transportation
15-28 Code, is amended to read as follows:

15-29 Sec. 548.503. [~~INITIAL~~] TWO-YEAR INSPECTION OF PASSENGER
15-30 CAR OR LIGHT TRUCK.

15-31 SECTION 66. Section 548.503(a), Transportation Code, is
15-32 amended to read as follows:

15-33 (a) The fee for inspection of a passenger car or light truck
15-34 that receives a two-year inspection period under Section 548.102
15-35 shall be set by the department by rule on or before September 1 of
15-36 each year. A fee set by the department under this subsection must
15-37 be based on the costs of providing inspections and administering
15-38 the program, but may not be less than \$21.75.

15-39 SECTION 67. Subchapter H, Chapter 548, Transportation Code,
15-40 is amended by adding Section 548.510 to read as follows:

15-41 Sec. 548.510. REFUND OF OVERCHARGED INSPECTION FEE.

15-42 (a) The owner of a motor vehicle who pays at the time of
15-43 registration an inspection fee in excess of the required amount is
15-44 entitled to a refund of the overcharge.

15-45 (b) A county assessor-collector who collects an excessive
15-46 fee, or the Texas Department of Motor Vehicles if the excessive fee
15-47 is collected by that department, shall refund an overcharge on
15-48 presentation of satisfactory evidence of the overcharge not later
15-49 than the first anniversary of the date the excessive inspection fee
15-50 was paid.

15-51 (c) The comptroller shall reimburse an entity for any
15-52 refunds made by the entity under this section.

15-53 SECTION 68. Subchapter I, Chapter 548, Transportation Code,
15-54 is amended by adding Section 548.605 to read as follows:

15-55 Sec. 548.605. DRIVING A VEHICLE WITHOUT COMPLYING WITH
15-56 INSPECTION REQUIREMENTS AS CERTIFIED; OFFENSE; DISMISSAL OF
15-57 CHARGE. (a) In this section, "working day" means any day other
15-58 than a Saturday, a Sunday, or a holiday on which county offices are
15-59 closed.

15-60 (b) A person commits an offense if:

15-61 (1) the person operates in this state a motor vehicle
15-62 for which a certification was provided under Section 548.256(b);
15-63 and

15-64 (2) the vehicle is not in compliance with the
15-65 applicable inspection requirements under this chapter, Chapter
15-66 382, Health and Safety Code, or the department's administrative
15-67 rules regarding inspection requirements.

15-68 (c) A peace officer may require the owner or operator to
15-69 produce a vehicle inspection report issued for the vehicle if the

16-1 Texas Department of Motor Vehicles' registration database includes
16-2 a notation for law enforcement to verify the inspection status of
16-3 the vehicle.

16-4 (d) It is a defense to prosecution under Subsection (b) that
16-5 a passing vehicle inspection report issued for the vehicle is in
16-6 effect at the time of the offense.

16-7 (e) A court shall:

16-8 (1) dismiss a charge under this section if the
16-9 defendant remedies the defect:

16-10 (A) not later than the 20th working day after the
16-11 date of the citation or before the defendant's first court
16-12 appearance date, whichever is later; or

16-13 (B) not later than the 40th working day after the
16-14 applicable deadline provided by this chapter, Chapter 382, Health
16-15 and Safety Code, or the department's administrative rules regarding
16-16 inspection requirements; and

16-17 (2) assess an administrative fee not to exceed \$20
16-18 when the charge has been remedied under Subdivision (1).

16-19 (f) An offense under this section is a Class C misdemeanor.

16-20 SECTION 69. Section 621.002, Transportation Code, is
16-21 amended by amending Subsection (a) and adding Subsection (c) to
16-22 read as follows:

16-23 (a) Except as provided by Subsection (c), a [A] copy of the
16-24 registration receipt issued under Section 502.057 for a commercial
16-25 motor vehicle, truck-tractor, trailer, or semitrailer shall be:

16-26 (1) carried on the vehicle when the vehicle is on a
16-27 public highway; and

16-28 (2) presented to an officer authorized to enforce this
16-29 chapter on request of the officer.

16-30 (c) Subsection (a) does not apply to a vehicle that displays
16-31 a license plate issued under Section 502.0023(d-1) or 502.255(i).

16-32 SECTION 70. Subchapter A, Chapter 621, Transportation Code,
16-33 is amended by adding Section 621.0075 to read as follows:

16-34 Sec. 621.0075. EVIDENCE OF PERMIT. (a) An operator of a
16-35 vehicle operating under a permit issued under this subtitle who is
16-36 required by law or rule to carry the permit in the vehicle shall, on
16-37 request, provide the permit for the vehicle or a photocopy of the
16-38 permit to a peace officer, as defined by Article 2.12, Code of
16-39 Criminal Procedure.

16-40 (b) If the department provides a permit electronically, the
16-41 vehicle operator may provide a legible and accurate image of the
16-42 permit displayed on a wireless communication device.

16-43 (c) The display of an image that includes permit information
16-44 on a wireless communication device under Subsection (b) does not
16-45 constitute effective consent for a law enforcement officer, or any
16-46 other person, to access the contents of the wireless communication
16-47 device except to view the permit information.

16-48 (d) The authorization of the use of a wireless communication
16-49 device to display permit information under Subsection (b) does not
16-50 prevent a court of competent jurisdiction from requiring a person
16-51 to provide a paper copy of the person's evidence of permit in a
16-52 hearing or trial or in connection with discovery proceedings.

16-53 (e) A telecommunications provider, as defined by Section
16-54 51.002, Utilities Code, may not be held liable to the operator of
16-55 the motor vehicle for the failure of a wireless communication
16-56 device to display permit information under Subsection (b).

16-57 SECTION 71. Subchapter A, Chapter 621, Transportation Code,
16-58 is amended by adding Section 621.009 to read as follows:

16-59 Sec. 621.009. SIZE AND WEIGHT LIMITATIONS. The size and
16-60 weight limitations provided by this chapter apply unless otherwise
16-61 provided by this subtitle.

16-62 SECTION 72. Section 621.101(a), Transportation Code, is
16-63 amended to read as follows:

16-64 (a) A vehicle or combination of vehicles may not be operated
16-65 over or on a public highway or at a port-of-entry between Texas and
16-66 the United Mexican States if the vehicle or combination has:

16-67 (1) a single axle weight heavier than 20,000 pounds,
16-68 including all enforcement tolerances;

16-69 (2) a tandem axle weight heavier than 34,000 pounds,

17-1 including all enforcement tolerances;

17-2 (3) an overall gross weight on a group of two or more
17-3 consecutive axles heavier than the weight computed using the
17-4 following formula and rounding the result to the nearest 500
17-5 pounds:

$$17-6 \quad W = 500((LN/(N - 1)) + 12N + 36)$$

17-7 where:

17-8 "W" is maximum overall gross weight on the group;

17-9 "L" is distance in feet between the axles of the group that
17-10 are the farthest apart; and

17-11 "N" is number of axles in the group; or

17-12 (4) tires that carry a weight heavier than the weight
17-13 specified and marked on the sidewall of the tire, unless expressly
17-14 authorized [~~the vehicle is being operated~~] under the terms of a
17-15 special permit.

17-16 SECTION 73. Section 621.102(d), Transportation Code, is
17-17 amended to read as follows:

17-18 (d) A vehicle operating under a permit issued under Section
17-19 623.011, 623.020, 623.071, 623.094, 623.121, 623.142, 623.181,
17-20 623.192, [~~or~~] 623.212, or 623.321, as added by Chapter 1135 (H.B.
17-21 2741), Acts of the 83rd Legislature, Regular Session, 2013, may
17-22 operate under the conditions authorized by the permit over a road
17-23 for which the executive director of the Texas Department of
17-24 Transportation has set a maximum weight under this section.

17-25 SECTION 74. Section 621.301(e), Transportation Code, is
17-26 amended to read as follows:

17-27 (e) A vehicle operating under a permit issued under Section
17-28 623.011, 623.020, 623.071, 623.094, 623.121, 623.142, 623.181,
17-29 623.192, [~~or~~] 623.212, or 623.321, as added by Chapter 1135 (H.B.
17-30 2741), Acts of the 83rd Legislature, Regular Session, 2013, may
17-31 operate under the conditions authorized by the permit over a road
17-32 for which the commissioners court has set a maximum weight under
17-33 this section.

17-34 SECTION 75. Section 621.502(d), Transportation Code, is
17-35 amended to read as follows:

17-36 (d) Intent to operate a vehicle at a weight that is heavier
17-37 than the weight authorized by a permit issued under Section 623.011
17-38 or 623.020 is presumed if:

17-39 (1) the vehicle is operated at a weight that is heavier
17-40 than the applicable weight plus the tolerance allowance provided by
17-41 Section 623.011(a) or 623.020(a); and

17-42 (2) a permit to operate at that weight has not been
17-43 issued for the vehicle.

17-44 SECTION 76. The heading to Section 621.503, Transportation
17-45 Code, is amended to read as follows:

17-46 Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR
17-47 WEIGHT LIMITATION.

17-48 SECTION 77. Sections 621.503(a) and (b), Transportation
17-49 Code, are amended to read as follows:

17-50 (a) A person may not load, or cause to be loaded, a vehicle
17-51 for operation on a public highway of this state that exceeds the
17-52 height, width, length, or weight limitations for operation of that
17-53 vehicle provided by this subtitle [~~Section 621.101~~].

17-54 (b) Intent to violate a weight limitation is presumed if the
17-55 weight of the loaded vehicle is heavier than the applicable axle or
17-56 gross weight limit by 15 percent or more.

17-57 SECTION 78. Subchapter G, Chapter 621, Transportation Code,
17-58 is amended by adding Section 621.511 to read as follows:

17-59 Sec. 621.511. NAME ON PERMIT; OFFENSE. (a) A person
17-60 commits an offense if:

17-61 (1) the person operates or moves on a public highway a
17-62 vehicle that is issued a permit under this subtitle; and

17-63 (2) the person operating or moving the vehicle is not
17-64 the person named on the permit for the vehicle.

17-65 (b) An offense under this section is a Class C misdemeanor.

17-66 SECTION 79. Section 622.901, Transportation Code, is
17-67 amended to read as follows:

17-68 Sec. 622.901. WIDTH EXCEPTIONS. The width limitation
17-69 provided by Section 621.201 does not apply to:

18-1 (1) highway building or maintenance machinery that is
 18-2 traveling:
 18-3 (A) during daylight on a public highway other
 18-4 than a highway that is part of the national system of interstate and
 18-5 defense highways; or
 18-6 (B) for not more than 50 miles on a highway that
 18-7 is part of the national system of interstate and defense highways;
 18-8 (2) a vehicle traveling during daylight on a public
 18-9 highway other than a highway that is part of the national system of
 18-10 interstate and defense highways or traveling for not more than 50
 18-11 miles on a highway that is part of the national system of interstate
 18-12 and defense highways if the vehicle is:
 18-13 (A) a farm tractor or implement of husbandry; or
 18-14 (B) a vehicle on which a farm tractor, ~~[or]~~
 18-15 implement of husbandry, or equipment used in the harvesting and
 18-16 production of timber, other than a tractor, ~~[or]~~ implement, or
 18-17 equipment being transported from one dealer to another, is being
 18-18 moved by the owner of the tractor, ~~[or]~~ implement, or equipment or
 18-19 by an agent or employee of the owner:
 18-20 (i) to deliver the tractor, ~~[or]~~ implement,
 18-21 or equipment to a new owner;
 18-22 (ii) to transport the tractor, ~~[or]~~
 18-23 implement, or equipment to or from a mechanic for maintenance or
 18-24 repair; or
 18-25 (iii) in the course of an agricultural
 18-26 operation, including a forestry operation;
 18-27 (3) machinery that is used solely for drilling water
 18-28 wells, including machinery that is a unit or a unit mounted on a
 18-29 conventional vehicle or chassis, and that is traveling:
 18-30 (A) during daylight on a public highway other
 18-31 than a highway that is part of the national system of interstate and
 18-32 defense highways; or
 18-33 (B) for not more than 50 miles on a highway that
 18-34 is part of the national system of interstate and defense highways;
 18-35 (4) a vehicle owned or operated by a public, private,
 18-36 or volunteer fire department;
 18-37 (5) a vehicle registered under Section 502.431; or
 18-38 (6) a recreational vehicle to which Section 622.903
 18-39 applies.
 18-40 SECTION 80. Section 623.0113, Transportation Code, is
 18-41 amended to read as follows:
 18-42 Sec. 623.0113. ROUTE RESTRICTIONS. (a) Except as provided
 18-43 by Subsection (b), a permit issued under Section 623.011 or 623.020
 18-44 does not authorize the operation of a vehicle on:
 18-45 (1) the national system of interstate and defense
 18-46 highways in this state if the weight of the vehicle is greater than
 18-47 authorized by federal law; or
 18-48 (2) a bridge for which a maximum weight and load limit
 18-49 has been established and posted by the Texas Transportation
 18-50 Commission under Section 621.102 or the commissioners court of a
 18-51 county under Section 621.301, if the gross weight of the vehicle and
 18-52 load or the axles and wheel loads are greater than the limits
 18-53 established and posted under those sections.
 18-54 (b) The restrictions under Subsection (a)(2) do not apply if
 18-55 a bridge described by Subsection (a)(2) provides the only public
 18-56 vehicular access from an origin or to a destination by a holder of a
 18-57 permit issued under Section 623.011 or 623.020.
 18-58 SECTION 81. Sections 623.0171(b) and (e), Transportation
 18-59 Code, are amended to read as follows:
 18-60 (b) The department may issue a permit that authorizes the
 18-61 operation of a ready-mixed concrete truck with three or more axles.
 18-62 (e) When the department issues a permit under this section,
 18-63 the department shall issue a sticker to be placed on the front
 18-64 windshield of the vehicle [~~above the inspection certificate issued~~
 18-65 ~~to the vehicle~~]. The department shall design the form of the
 18-66 sticker to aid in the enforcement of weight limits for vehicles.
 18-67 SECTION 82. Section 623.018(d), Transportation Code, is
 18-68 amended to read as follows:
 18-69 (d) If a vehicle has a permit issued under Section 623.011

19-1 or 623.020, a commissioners court may not:

19-2 (1) issue a permit under this section or charge an
19-3 additional fee for or otherwise regulate or restrict the operation
19-4 of the vehicle because of weight; or

19-5 (2) require the owner or operator to execute or comply
19-6 with a road use agreement or indemnity agreement, to make a filing
19-7 or application, or to provide a bond or letter of credit other than
19-8 the bond or letter of credit prescribed by Section 623.012.

19-9 SECTION 83. Subchapter B, Chapter 623, Transportation Code,
19-10 is amended by adding Section 623.020 to read as follows:

19-11 Sec. 623.020. 24-HOUR PERMIT FOR EXCESS AXLE OR GROSS
19-12 WEIGHT. (a) The department may issue a permit that authorizes the
19-13 operation of a commercial motor vehicle, trailer, semitrailer, or
19-14 combination of those vehicles, or a truck-tractor or combination of
19-15 a truck-tractor and one or more other vehicles:

19-16 (1) at an axle weight that is not heavier than the
19-17 weight equal to the maximum allowable axle weight for the vehicle or
19-18 combination plus a tolerance allowance of 10 percent of that
19-19 allowable weight; and

19-20 (2) at a gross weight that is not heavier than the
19-21 weight equal to the maximum allowable gross weight for the vehicle
19-22 or combination plus a tolerance allowance of five percent.

19-23 (b) To qualify for a permit under this section:

19-24 (1) the vehicle must be registered under Chapter 502
19-25 for the maximum gross weight applicable to the vehicle under
19-26 Section 621.101, not to exceed 80,000 pounds, and the motor carrier
19-27 must be registered under Chapter 643;

19-28 (2) an application must be made in a manner determined
19-29 by the department by rule; and

19-30 (3) a nonrefundable permit fee of \$50 must be paid.

19-31 (c) When a person applies for a permit under this section,
19-32 the person must pay in addition to the fee described by Subsection
19-33 (b)(3) an administrative fee adopted by board rule in an amount not
19-34 to exceed the direct and indirect cost to the department of
19-35 administering this section.

19-36 (d) A permit issued under this section:

19-37 (1) is valid for 24 hours;

19-38 (2) must be carried in the vehicle for which it is
19-39 issued; and

19-40 (3) may not be amended, corrected, or transferred.

19-41 (e) A vehicle operating under a permit issued under this
19-42 section may exceed the maximum allowable gross weight tolerance
19-43 allowance by not more than five percent, regardless of the weight of
19-44 any one axle or tandem axle, if no axle or tandem axle exceeds the
19-45 tolerance permitted by Subsection (a).

19-46 (f) When a person applies for a permit under this section,
19-47 the person must designate no more than five counties in which the
19-48 vehicle will be operated. A permit issued under this section does
19-49 not authorize the operation of the vehicle in a county that is not
19-50 designated in the application.

19-51 (g) Unless otherwise provided by state or federal law, a
19-52 county may not require a permit, fee, or license for the operation
19-53 of a vehicle holding a permit under this section.

19-54 (h) Of the fee collected under this section for a permit:

19-55 (1) 50 percent of the amount collected shall be
19-56 deposited to the credit of the state highway fund; and

19-57 (2) the other 50 percent shall be divided among and
19-58 distributed to the counties designated in permit applications under
19-59 Subsection (f) according to department rule.

19-60 (i) At least once each fiscal year, the comptroller shall
19-61 send the amount due each county under Subsection (h) to the county
19-62 treasurer or officer performing the function of that office for
19-63 deposit to the credit of the county road and bridge fund.

19-64 SECTION 84. Section 623.144, Transportation Code, is
19-65 amended to read as follows:

19-66 Sec. 623.144. REGISTRATION OF VEHICLE. [~~a~~] A person may
19-67 not operate a vehicle permitted under this subchapter on a public
19-68 highway unless the vehicle is registered under Chapter 502 for the
19-69 maximum gross weight applicable to the vehicle under Section

20-1 621.101 or has distinguishing [~~specialty~~] license plates as
20-2 provided by Section 502.146 if applicable to the vehicle.

20-3 [~~(b) The department may not issue specialty license plates~~
20-4 ~~to a vehicle described by Section 502.146(b)(3) unless the~~
20-5 ~~applicant complies with the requirements of that subsection.]~~

20-6 SECTION 85. Sections 623.271(a) and (e), Transportation
20-7 Code, are amended to read as follows:

20-8 (a) The department may investigate and, except as provided
20-9 by Subsection (f), may impose an administrative penalty, [~~or~~]
20-10 revoke an oversize or overweight permit issued under this chapter,
20-11 or revoke a motor carrier's registration, as provided by Section
20-12 643.252, if the person or the holder of the permit, as applicable:

20-13 (1) provides false information on the permit
20-14 application or another form required by the department for the
20-15 issuance of an oversize or overweight permit;

20-16 (2) violates this chapter, Chapter 621, or Chapter
20-17 622;

20-18 (3) violates a rule or order adopted under this
20-19 chapter, Chapter 621, or Chapter 622; or

20-20 (4) fails to obtain an oversize or overweight permit
20-21 if a permit is required.

20-22 (e) A person who has been ordered to pay an administrative
20-23 penalty under this section and the vehicle that is the subject of
20-24 the enforcement order may not be issued a permit under this chapter
20-25 or a registration, registration renewal, or reregistration of a
20-26 motor carrier's registration under Chapter 643 until the amount of
20-27 the penalty has been paid to the department.

20-28 SECTION 86. The heading to Section 623.272, Transportation
20-29 Code, is amended to read as follows:

20-30 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE
20-31 CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

20-32 SECTION 87. Section 623.272(a), Transportation Code, is
20-33 amended to read as follows:

20-34 (a) The department may investigate and impose an
20-35 administrative penalty on a shipper who:

20-36 (1) does not provide a shipper's certificate of weight
20-37 required under Section 623.274(b); or

20-38 (2) provides false information on a shipper's
20-39 certificate of weight that the shipper delivers to a person
20-40 transporting a shipment.

20-41 SECTION 88. Section 623.274, Transportation Code, is
20-42 amended by amending Subsection (b) and adding Subsection (c) to
20-43 read as follows:

20-44 (b) On the written request of the person transporting the
20-45 shipment, a [~~For a shipper's certificate of weight to be valid, the~~]
20-46 shipper must:

20-47 (1) certify that the information contained on the
20-48 certificate of weight [~~form~~] is accurate; and

20-49 (2) deliver the certificate of weight to the person
20-50 transporting the shipment [~~motor carrier or other person~~
20-51 ~~transporting the shipment before the motor carrier or other person~~
20-52 ~~applies for an overweight permit under this chapter].~~

20-53 (c) A person transporting a shipment must provide the
20-54 department with a copy of the certificate of weight before the
20-55 issuance of an overweight permit under this chapter if the combined
20-56 weight of the vehicle or vehicles and load is more than 200,000
20-57 pounds.

20-58 SECTION 89. Section 623.322, Transportation Code, as added
20-59 by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular
20-60 Session, 2013, is amended by adding Subsections (c) and (d) to read
20-61 as follows:

20-62 (c) When the department issues a permit under this section,
20-63 the department shall issue a sticker to be placed on the front
20-64 windshield of the vehicle. The department shall design the form of
20-65 the sticker to aid in the enforcement of weight limits for vehicles.

20-66 (d) The sticker must:

20-67 (1) indicate the expiration date of the permit; and

20-68 (2) be removed from the vehicle when:

20-69 (A) the permit for operation of the vehicle

21-1 expires;

21-2 (B) a lease of the vehicle expires; or

21-3 (C) the vehicle is sold.

21-4 SECTION 90. Section 623.323(c), Transportation Code, as
21-5 added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature,
21-6 Regular Session, 2013, is amended to read as follows:

21-7 (c) A financially responsible party shall electronically
21-8 file the notification document described by Subsection (b) with the
21-9 department under rules adopted by the department not later than the
21-10 first [second] business day before the first business day listed by
21-11 the financially responsible party under Subsection (b)(5),
21-12 provided that the notification document must be filed not later
21-13 than 24 hours before the earliest time of operation listed by the
21-14 financially responsible party under Subsection (b)(5). The
21-15 department shall immediately send an electronic copy of the
21-16 notification document to each county identified in the notification
21-17 document and the Texas Department of Transportation and an
21-18 electronic receipt for the notification document to the financially
21-19 responsible party. Not later than the first business day listed by
21-20 the financially responsible party under Subsection (b)(5), a county
21-21 or the Texas Department of Transportation may inspect a road or
21-22 highway identified in the notification document. If an inspection
21-23 is conducted under this subsection, a county or the Texas
21-24 Department of Transportation shall:

21-25 (1) document the condition of the roads or highways
21-26 and take photographs of the roads or highways as necessary to
21-27 establish a baseline for any subsequent assessment of damage
21-28 sustained by the financially responsible party's use of the roads
21-29 or highways; and

21-30 (2) provide a copy of the documentation to the
21-31 financially responsible party.

21-32 SECTION 91. Sections 643.054(a-2) and (a-3),
21-33 Transportation Code, are amended to read as follows:

21-34 (a-2) The department may deny a registration if the
21-35 applicant [applicant's business] is owned, operated, managed, or
21-36 otherwise controlled by or affiliated with a person, including [the
21-37 applicant,] a [relative,] family member, corporate officer,
21-38 entity, or shareholder, that [whom] the Department of Public Safety
21-39 has determined has:

21-40 (1) an unsatisfactory safety rating under 49 C.F.R.
21-41 Part 385; or

21-42 (2) multiple violations of Chapter 644, a rule adopted
21-43 under that chapter, or Subtitle C.

21-44 (a-3) The department may deny a registration if the
21-45 applicant is owned, [a motor carrier whose business is] operated,
21-46 managed, or otherwise controlled by or affiliated with a person,
21-47 including a [an owner, relative,] family member, corporate officer,
21-48 entity, or shareholder, that [whom the Department of Public Safety
21-49 has determined has]:

21-50 (1) owned, operated, managed, or otherwise controlled
21-51 a motor carrier that the Federal Motor Carrier Safety
21-52 Administration has placed out of service for unacceptable safety
21-53 compliance [an unsatisfactory safety rating under 49 C.F.R. Part
21-54 385]; or

21-55 (2) has unpaid administrative penalties assessed
21-56 under this chapter or Subtitle E [multiple violations of Chapter
21-57 644, a rule adopted under that chapter, or Subtitle C].

21-58 SECTION 92. Section 643.056, Transportation Code, is
21-59 amended by adding Subsection (c) to read as follows:

21-60 (c) The department may deny a supplement to a motor
21-61 carrier's application for registration if the motor carrier is
21-62 owned, operated, managed, or otherwise controlled by or affiliated
21-63 with a person, including a family member, corporate officer,
21-64 entity, or shareholder, that has unpaid administrative penalties
21-65 assessed under this chapter or Subtitle E.

21-66 SECTION 93. Section 643.058, Transportation Code, is
21-67 amended by adding Subsections (d) and (e) to read as follows:

21-68 (d) A motor carrier may not renew a registration that has
21-69 been expired for more than 180 days. The motor carrier may obtain a

22-1 new registration by complying with the requirements and procedures
22-2 for obtaining an original registration under this chapter.

22-3 (e) The department may deny a motor carrier's application to
22-4 renew a registration if the motor carrier is owned, operated,
22-5 managed, or otherwise controlled by or affiliated with a person,
22-6 including a family member, corporate officer, entity, or
22-7 shareholder, that:

22-8 (1) the Department of Public Safety has determined
22-9 has:

22-10 (A) an unsatisfactory safety rating under 49
22-11 C.F.R. Part 385; or

22-12 (B) multiple violations of Chapter 644, a rule
22-13 adopted under that chapter, or Subtitle C;

22-14 (2) owned, operated, managed, or otherwise controlled
22-15 a motor carrier that the Federal Motor Carrier Safety
22-16 Administration has placed out of service for unacceptable safety
22-17 compliance; or

22-18 (3) has unpaid administrative penalties assessed
22-19 under this chapter or Subtitle E.

22-20 SECTION 94. Subchapter B, Chapter 643, Transportation Code,
22-21 is amended by adding Section 643.0585 to read as follows:

22-22 Sec. 643.0585. REREGISTRATION. (a) If a motor carrier's
22-23 registration has been suspended or revoked, the motor carrier may
22-24 apply to the department for reregistration not later than the 180th
22-25 day after the date the registration was suspended or revoked.

22-26 (b) An application for reregistration must be submitted on a
22-27 form prescribed by the department and accompanied by:

22-28 (1) a \$10 fee for each vehicle requiring
22-29 reregistration;

22-30 (2) evidence of insurance or financial responsibility
22-31 as required by Section 643.103(a); and

22-32 (3) any insurance filing fee required under Section
22-33 643.103(c).

22-34 (c) The department may deny a motor carrier's application
22-35 for reregistration if the motor carrier is owned, operated,
22-36 managed, or otherwise controlled by or affiliated with a person,
22-37 including a family member, corporate officer, entity, or
22-38 shareholder, that:

22-39 (1) the Department of Public Safety has determined
22-40 has:

22-41 (A) an unsatisfactory safety rating under 49
22-42 C.F.R. Part 385; or

22-43 (B) multiple violations of Chapter 644, a rule
22-44 adopted under that chapter, or Subtitle C;

22-45 (2) owned, operated, managed, or otherwise controlled
22-46 a motor carrier that the Federal Motor Carrier Safety
22-47 Administration has placed out of service for unacceptable safety
22-48 compliance; or

22-49 (3) has unpaid administrative penalties assessed
22-50 under this chapter or Subtitle E.

22-51 SECTION 95. Section 643.059(c), Transportation Code, is
22-52 amended to read as follows:

22-53 (c) A motor carrier required to register under this
22-54 subchapter must keep a legible electronic or hard copy of the cab
22-55 card in the cab of each vehicle requiring registration the carrier
22-56 operates.

22-57 SECTION 96. Section 643.101(b), Transportation Code, is
22-58 amended to read as follows:

22-59 (b) Except as provided by this subsection and Section
22-60 643.1015, the department by rule may set the amount of liability
22-61 insurance required at an amount that does not exceed the amount
22-62 required for a motor carrier under a federal regulation adopted
22-63 under 49 U.S.C. Section 13906(a)(1). The department may determine
22-64 the amount if no amount is required under federal law or regulation.

22-65 In setting the amount the department shall consider:

22-66 (1) the class and size of the vehicle; and

22-67 (2) the persons or cargo being transported.

22-68 SECTION 97. Section 643.103(b), Transportation Code, is
22-69 amended to read as follows:

23-1 (b) A motor carrier shall keep evidence of insurance in a
 23-2 form, including an electronic form, approved by the department in
 23-3 the cab of each vehicle requiring registration the carrier
 23-4 operates.

23-5 SECTION 98. Section 643.153(d), Transportation Code, is
 23-6 amended to read as follows:

23-7 (d) A motor carrier that is required to register under
 23-8 Subchapter B and that transports household goods shall file a
 23-9 tariff with the department that establishes maximum charges for all
 23-10 transportation services [~~between two or more municipalities~~]. A
 23-11 motor carrier may comply with this requirement by filing, in a
 23-12 manner determined by the department, a copy of the carrier's tariff
 23-13 governing interstate transportation services [~~on a highway between~~
 23-14 ~~two or more municipalities~~]. The department shall make tariffs
 23-15 filed under this subsection available for public inspection [~~at the~~
 23-16 ~~department~~].

23-17 SECTION 99. Section 643.252(a), Transportation Code, is
 23-18 amended to read as follows:

23-19 (a) The department may suspend, revoke, or deny a
 23-20 registration issued under this chapter or place on probation a
 23-21 motor carrier whose registration is suspended if a motor carrier:

23-22 (1) fails to maintain insurance or evidence of
 23-23 financial responsibility as required by Section 643.101(a), (b), or
 23-24 (c) [~~, or (d)~~];

23-25 (2) fails to keep evidence of insurance in the cab of
 23-26 each vehicle as required by Section 643.103(b);

23-27 (3) fails to register a vehicle requiring
 23-28 registration;

23-29 (4) violates any other provision of this chapter or
 23-30 Chapter 621, 622, or 623;

23-31 (5) knowingly provides false information on any form
 23-32 filed with the department under this chapter or Chapter 621, 622, or
 23-33 623; [~~or~~]

23-34 (6) violates a rule or order adopted under this
 23-35 chapter or Chapter 621, 622, or 623; or

23-36 (7) is owned, operated, managed, or otherwise
 23-37 controlled by or affiliated with a person, including a family
 23-38 member, corporate officer, entity, or shareholder;

23-39 (A) whose registration has previously been
 23-40 revoked or denied; or

23-41 (B) that has unpaid administrative penalties
 23-42 assessed under this chapter or Subtitle E.

23-43 SECTION 100. Sections 643.2525(k) and (l), Transportation
 23-44 Code, are amended to read as follows:

23-45 (k) If the motor carrier is required to pay a penalty or cost
 23-46 under Subsection (f), failure to pay the penalty or cost before the
 23-47 61st day after the date the requirement becomes final is a violation
 23-48 of this chapter and may result in an additional penalty, revocation
 23-49 or suspension of a motor carrier registration, or denial [~~of~~
 23-50 ~~renewal~~] of a motor carrier registration renewal or reregistration.

23-51 (l) A motor carrier that is required to pay a penalty, cost,
 23-52 fee, or expense under this section or Section 643.251 is not
 23-53 eligible for a registration, reregistration, [reinstatement] or
 23-54 registration renewal [of a registration] under this chapter until
 23-55 all required amounts have been paid to the department.

23-56 SECTION 101. The heading to Section 643.2526,
 23-57 Transportation Code, is amended to read as follows:

23-58 Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL,
 23-59 OR REREGISTRATION [REINSTATEMENT].

23-60 SECTION 102. Section 643.2526(a), Transportation Code, is
 23-61 amended to read as follows:

23-62 (a) Notwithstanding any other law, a denial of an
 23-63 application for registration, renewal of registration, or
 23-64 reregistration [reinstatement of registration] under this chapter
 23-65 is not required to be preceded by notice and an opportunity for
 23-66 hearing.

23-67 SECTION 103. Section 643.253(a), Transportation Code, is
 23-68 amended to read as follows:

23-69 (a) A person commits an offense if the person fails to:

24-1 (1) register as required by Subchapter B;
 24-2 (2) maintain insurance or evidence of financial
 24-3 responsibility as required by Subchapter C; or

24-4 (3) keep a cab card in the cab of a vehicle as required
 24-5 by Section 643.059 or comply with an alternative method to the cab
 24-6 card established by the department under Section 643.059(e).

24-7 SECTION 104. The heading to Chapter 645, Transportation
 24-8 Code, is amended to read as follows:

24-9 CHAPTER 645. UNIFIED CARRIER [~~SINGLE STATE~~] REGISTRATION

24-10 SECTION 105. Section 645.001, Transportation Code, is
 24-11 amended to read as follows:

24-12 Sec. 645.001. FEDERAL UNIFIED [~~MOTOR~~] CARRIER
 24-13 REGISTRATION; DEFINITION. (a) In this chapter, "unified carrier
 24-14 registration plan and agreement" means the federal unified carrier
 24-15 registration plan and agreement provided by 49 U.S.C. Section
 24-16 14504a.

24-17 (b) The Texas Department of Motor Vehicles may, to the
 24-18 fullest extent practicable, participate in [~~a federal motor carrier~~
 24-19 ~~registration program under~~] the unified carrier registration plan
 24-20 and agreement [~~system as defined by Section 643.001 or a single~~
 24-21 ~~state registration system established under federal law~~].

24-22 SECTION 106. Section 645.002(b), Transportation Code, is
 24-23 amended to read as follows:

24-24 (b) The department may adopt rules regarding the method of
 24-25 payment of a fee required under the unified carrier registration
 24-26 plan and agreement [~~this chapter~~]. The rules may:

24-27 (1) authorize the use of an escrow account described
 24-28 by Subsection (c), an electronic funds transfer, or a valid credit
 24-29 card issued by a financial institution chartered by a state or the
 24-30 United States or by a nationally recognized credit organization
 24-31 approved by the department; and

24-32 (2) require the payment of a discount or service
 24-33 charge for a credit card payment in addition to the fee.

24-34 SECTION 107. Section 645.003, Transportation Code, is
 24-35 amended to read as follows:

24-36 Sec. 645.003. ENFORCEMENT RULES. (a) The department may
 24-37 [~~shall~~] adopt rules [~~that are consistent with federal law~~]
 24-38 providing for administrative penalties [~~and sanctions~~] for a
 24-39 failure to register or submit information and documents under [~~as~~
 24-40 ~~required by~~] the unified carrier registration plan and agreement
 24-41 [~~system or single state registration system~~] or for a violation of
 24-42 the unified carrier registration plan and agreement [~~this chapter~~
 24-43 ~~or a rule adopted under this chapter in the same manner as~~
 24-44 ~~Subchapter F, Chapter 643~~].

24-45 (b) The notice, hearing, and other procedural requirements
 24-46 of Section 643.2525 apply to the imposition of an administrative
 24-47 penalty under this section as if the action were being taken under
 24-48 that section.

24-49 (c) The amount of an administrative penalty imposed under
 24-50 this section is calculated in the same manner as the amount of an
 24-51 administrative penalty imposed under Section 643.251.

24-52 SECTION 108. Sections 645.004(a) and (c), Transportation
 24-53 Code, are amended to read as follows:

24-54 (a) A person commits an offense if the person fails to:

24-55 (1) [~~violates a rule adopted under this chapter, or~~
 24-56 [~~(2) fails to~~] register as required by the unified
 24-57 carrier registration plan and agreement; or

24-58 (2) submit information and documents as required by
 24-59 the unified carrier registration plan and agreement [~~a vehicle~~
 24-60 ~~required to be registered under this chapter~~].

24-61 (c) Each day a violation [~~of a rule~~] occurs is a separate
 24-62 offense under this section.

24-63 SECTION 109. Section 646.001(2), Transportation Code, is
 24-64 amended to read as follows:

24-65 (2) "Motor transportation broker" means a person who:

24-66 (A) sells, offers for sale, provides, or
 24-67 negotiates for the transportation of cargo by a motor carrier
 24-68 registered under Chapter 643 that is operated by another person; or

24-69 (B) aids or abets a person in performing an act

25-1 described by Paragraph (A).

25-2 SECTION 110. Section 646.002, Transportation Code, is
 25-3 amended to read as follows:

25-4 Sec. 646.002. EXCEPTION. This chapter does not apply to a
 25-5 motor transportation broker who:

25-6 (1) is registered as a motor carrier under Chapter
 25-7 643; or

25-8 (2) is registered as a motor carrier or broker under
 25-9 Chapter 139, [~~holds a permit issued under~~] Subtitle IV, Title 49,
 25-10 United States Code.

25-11 SECTION 111. Section 646.003(b), Transportation Code, is
 25-12 amended to read as follows:

25-13 (b) The bond must be in an amount of at least \$75,000
 25-14 [~~\$10,000~~] and must be:

25-15 (1) executed by a bonding company authorized to do
 25-16 business in this state;

25-17 (2) payable to this state or a person to whom the motor
 25-18 transportation broker provides services; and

25-19 (3) conditioned on the performance of the contract for
 25-20 transportation services between the broker and the person for whom
 25-21 services are provided.

25-22 SECTION 112. Section 1001.023(b), Transportation Code, is
 25-23 amended to read as follows:

25-24 (b) The chair shall:

25-25 (1) preside over board meetings, make rulings on
 25-26 motions and points of order, and determine the order of business;

25-27 (2) represent the department in dealing with the
 25-28 governor;

25-29 (3) report to the governor on the state of affairs of
 25-30 the department at least annually [~~quarterly~~];

25-31 (4) report to the board the governor's suggestions for
 25-32 department operations;

25-33 (5) report to the governor on efforts, including
 25-34 legislative requirements, to maximize the efficiency of department
 25-35 operations through the use of private enterprise;

25-36 (6) periodically review the department's
 25-37 organizational structure and submit recommendations for structural
 25-38 changes to the governor, the board, and the Legislative Budget
 25-39 Board;

25-40 (7) designate at least one employee of the department
 25-41 as a civil rights officer of the department and receive regular
 25-42 reports from the officer or officers on the department's efforts to
 25-43 comply with civil rights legislation and administrative rules;

25-44 (8) create subcommittees, appoint board members to
 25-45 subcommittees, and receive the reports of subcommittees to the
 25-46 board as a whole;

25-47 (9) appoint a member of the board to act in the absence
 25-48 of the chair and vice chair; and

25-49 (10) serve as the departmental liaison with the
 25-50 governor and the Office of State-Federal Relations to maximize
 25-51 federal funding for transportation.

25-52 SECTION 113. The following laws are repealed:

25-53 (1) Sections 2301.005(d) and (e), Occupations Code;
 25-54 and

25-55 (2) Sections 502.1585, 503.001(2), 504.202(i),
 25-56 621.203(c) and (d), 643.001(7-a), 643.064(a), and 645.002(a),
 25-57 Transportation Code.

25-58 SECTION 114. (a) The changes in law made by this Act apply
 25-59 only to an offense or violation committed on or after the effective
 25-60 date of this Act. An offense or violation committed before the
 25-61 effective date of this Act is governed by the law in effect on the
 25-62 date the offense or violation was committed, and the former law is
 25-63 continued in effect for that purpose. For purposes of this section,
 25-64 an offense or violation was committed before the effective date of
 25-65 this Act if any element of the offense or violation occurred before
 25-66 that date.

25-67 (b) The changes in law made by this Act relating to a
 25-68 complaint or protest filed or a hearing held under Chapter 2301,
 25-69 Occupations Code, or Chapter 501, Transportation Code, apply only

26-1 to a complaint or protest filed or hearing held under those chapters
26-2 on or after the effective date of this Act. A complaint or protest
26-3 filed or hearing held before that date is governed by the law as it
26-4 existed immediately before the effective date of this Act, and that
26-5 law is continued in effect for that purpose.

26-6 (c) The changes in law made by this Act relating to an
26-7 application filed under Chapter 2301, Occupations Code, or Chapters
26-8 501, 502, 503, 623, and 643, Transportation Code, apply only to an
26-9 application filed under those chapters on or after the effective
26-10 date of this Act. An application filed before that date is governed
26-11 by the law in effect on the date the application was filed, and the
26-12 former law is continued in effect for that purpose.

26-13 SECTION 115. To the extent of any conflict, this Act
26-14 prevails over another Act of the 84th Legislature, Regular Session,
26-15 2015, relating to nonsubstantive additions to and corrections in
26-16 enacted codes.

26-17 SECTION 116. (a) Except as provided by Subsection (b) of
26-18 this section, this Act takes effect September 1, 2015.

26-19 (b) Sections 501.134(b) and (c), Transportation Code, as
26-20 amended by this Act, take effect January 1, 2017.

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