

79th Legislature VTR Bill Summaries

Effective Immediately:

HB 0120 - The creation of an organ donor education, awareness, and registry program; the establishment of an organ donor and tissue council; and the establishment of a voluntary \$1 fee collected at the time of initial and renewal of motor vehicle registration.

HB 1596 - Regulates motor-assisted scooters by amending the TRC to define “motor-assisted scooter” and also provides for their operation on roadways or sidewalks.

Under the bill, a new section (TRC, 551.351) is added to define motor-assisted scooter as a self-propelled device with at least two wheels in contact with the ground during operation, a braking system capable of stopping the device, a gas or electric motor not exceeding 40 cubic centimeters, a deck designed to allow a person to stand or sit, and the ability to be propelled by human power alone.

Also, Section 551.352, TRC, is added to regulate scooter operation on roadways or sidewalks. A motor-assisted scooter may be operated only on a street or highway where the posted speed limit is 35 miles per hour or less. A scooter may cross a road at an intersection where the posted speed limit exceeds 35 mph.

HB 1735 - The distribution of souvenir special license plate fees is changed and organizations who have special license plate programs may purchase bulk orders of souvenir license plates for their use or resale.

HB 2481 - Relates to the continuation and provisions of the Texas Emissions Reduction Plan (TERP) and the use of money currently dedicated to the TERP Fund.

This legislation provides that title applicants who reside in a nonattainment county designated by law as an affected county shall continue to pay a title application fee of \$33 until August 31, 2010. Beginning September 1, 2010, the title fee for all counties in the state will be \$28.

\$15 of the title application fee, which is collected prior September 1, 2008, will continue to be distributed to the TERP Fund. On or after September 1, 2008, \$10 of this fee will be distributed to the Texas Mobility Fund and \$5 will continue to be distributed to the TERP Fund through September 1, 2010.

Additionally, this legislation extends the expiration date for the collection of the 2.5 percent and 1 percent emissions surcharge from September 1, 2008 to September 1, 2010, and extends the expiration date for the collection of the 10 percent registration emissions surcharge from August 31, 2008 to August 31, 2010.

For information concerning TERP, contact TCEQ Media Relations at (512) 239-5000.

For information concerning motor vehicle taxes and surcharges, contact the Texas Comptroller for Public Accounts Media Relations at (512) 463-4070.

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Effective Immediately: continued

HB 2702 - Allows the Texas Transportation Commission to authorize TxDOT to contract with a private vendor to produce and distribute vehicle registration renewals, along with the inclusion of paid advertising; the bill also clarifies the definition of motor assisted scooter while creating a new definition for pocket bike or minimotorbike.

Under HB 2702, a motor assisted scooter does not include a pocket bike or minimotorbike, which is defined in Sec. 551.301, TRC, as a self-propelled vehicle equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters. Also, such a vehicle is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title.

Finally, Subchapter D, Chapter 551, TRC, is amended by adding Sec. 551.304 to prevent the operation of a pocket bike or minimotorbike on any highway, road, or street; a path set aside for the exclusive operation of bicycles; or a sidewalk.

HB 2894 - Requires the Texas Department of Transportation to enter into a contract with the private vendor whose proposal is most advantageous to the state, for the marketing and sale of personalized license plates; or with the agreement of the private vendor to market other specialty license plates.

HB 2509 - Authorizes municipal courts to have concurrent jurisdiction for actions brought by the attorney general, or district or city attorney to enforce certain dealer and manufacturer's license plate laws (violations under Chapter 503, Transportation Code).

HB 2593 - Procedures and fees for Texas Online project, to include actions with the vendor, are defined.

HB 2793 - Requires each manufacturer of vehicles in this state, individually or as a group, to implement a program for the recovery, management and collection of convenience switches removed from end of life motor vehicles. The convenience switch removal plan will be managed by the Texas Commission on Environmental Quality.

SB 0280 - Changed the meaning of an "Automotive wrecking and salvage yard" to "...remove parts for sale or for use in [an] automotive repair or rebuilding [business]." and provides for an injunction to prohibit a violation or threatened violation by an automotive wrecking and salvage yard.

Minimal Impact:

HB 0178 – Allows an election officer to access electronically readable information on a driver's license or personal identification card for the purpose of establishing the identity of a voter.

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Minimal Impact: continued

HB 0480 - Addresses the payment of certain expenses for towed and stored vehicles by law enforcement, owner access to a stored vehicle, and the forms of payment a storage facility must accept.

HB 0809 - Exempts an individual who owns and is the primary operator of one or more passenger cars or light trucks in the course of the individual's occupation or profession and also operates those vehicles for personal activities that do not involve the production of income from the requirement of rendering the vehicles for ad valorem taxes.

HB 0925 - Creates a Border Inspection, Trade, and Transportation Advisory Committee; members include a representative of TxDOT. Creates the Texas-Mexico Strategic Investment Commission; members include the Executive Director of TxDOT or a designee. Creates an Interagency Work Group on Border Issues; members include the head of the agency or a designee.

HB 1130 - States, under the Business and Commerce Code, that a person (business) may not require an individual (consumer) to disclose the individual's social security number unless the person adopts a privacy policy and makes the privacy policy available to the individual.

HB 2495 - Requires a public auction, which holds a general dealer distinguishing number, to take assignment of a motor vehicle title before transferring the title to a buyer. The dealer must transfer the title to the buyer before the 21st day after the day of sale.

HB 2630 - Procedures regarding removal and storage of motor vehicles.

HB 3221 - Records of certain vehicle repairs, sales, and purchases.

SB 0213 - More Spanish language content available online.

SB 1311 - Requires the establishment of an off-highway vehicle trail and recreational area program, under the Parks and Wildlife Code.

AN ACT

relating to the creation of a donor education, awareness, and registry program, the establishment of an organ donor and tissue council, and anatomical gift donation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 521.401(b), (c), and (d), Transportation Code, are amended to read as follows:

(b) The statement of gift may be shown on a donor's driver's license or personal identification certificate or by a card designed to be carried by the donor to evidence the donor's intentions with respect to organ, tissue, and eye donation. A donor card signed by the donor shall be given effect as if executed pursuant to Section 692.003(d), Health and Safety Code.

(c) Donor cards shall be provided to the department by qualified organ or tissue procurement organizations or eye banks, as those terms are defined in Section 692.002, Health and Safety Code, or by the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49, Health and Safety Code. The department shall:

(1) provide to each applicant for the issuance of an original, renewal, corrected, or duplicate driver's license or personal identification certificate who applies in person, by mail, over the Internet, or by other electronic means:

(A) the opportunity to indicate on the person's

1 driver's license or personal identification certificate that the
2 person is willing to make an anatomical gift, in the event of death,
3 in accordance with Section 692.003, Health and Safety Code; and

4 (B) an opportunity for the person to consent in
5 writing to the department's provision of the person's name, date of
6 birth, driver's license number, most recent address, and other
7 information needed for identification purposes at the time of
8 donation to the organization selected by the commissioner of state
9 health services under Chapter 49, Health and Safety Code, for
10 inclusion in the statewide Internet-based registry of organ,
11 tissue, and eye donors and for release to qualified organ, tissue,
12 and eye bank organizations; and

13 (2) provide a means to distribute donor cards to
14 interested individuals in each office authorized to issue driver's
15 licenses or personal identification certificates[. The department
16 and other appropriate state agencies, in cooperation with qualified
17 organ, tissue, and eye bank organizations shall pursue the
18 development of a combined statewide database of donors].

19 (d) An [Effective September 1, 1997, a statement of gift on
20 driver's licenses or personal identification certificates shall
21 have no force and effect, provided, however, that an] affirmative
22 statement of gift on a person's driver's license or personal
23 identification certificate executed after August 31, 2005 [prior to
24 September 1, 1997], shall be conclusive evidence of a decedent's
25 status as a donor and serve as consent for organ, tissue, and eye
26 removal.

27 SECTION 2. Section 521.402, Transportation Code, is amended

1 by amending Subsection (a) and adding Subsection (c) to read as
2 follows:

3 (a) To revoke an affirmative statement of gift on a person's
4 driver's license or personal identification certificate [~~made~~
5 ~~prior to September 1, 1997~~], a person must apply to the department
6 for an amendment to the license or certificate.

7 (c) To have a person's name deleted from the statewide
8 Internet-based registry of organ, tissue, and eye donors maintained
9 as provided by Chapter 49, Health and Safety Code, a person must
10 provide written notice to the organization selected by the
11 commissioner of state health services under that chapter to
12 maintain the registry directing the deletion of the person's name
13 from the registry. On receipt of a written notice under this
14 subsection, the organization shall promptly remove the person's
15 name and information from the registry.

16 SECTION 3. Section 521.403, Transportation Code, is amended
17 to read as follows:

18 Sec. 521.403. INFORMATION PROVIDED TO HOSPITAL. The donor
19 card of a person who is involved in an accident or other trauma
20 shall accompany the person to the hospital or other health care
21 facility. The driver's license or personal identification
22 certificate [~~issued prior to September 1, 1997~~] indicating an
23 affirmative statement of gift of a person who is involved in an
24 accident or other trauma[7] shall accompany the person to the
25 hospital or health care facility if the person does not have a donor
26 card.

27 SECTION 4. Chapter 49, Health and Safety Code, is amended to

read as follows:

CHAPTER 49. DONOR EDUCATION, AWARENESS, AND REGISTRY

[ANATOMICAL GIFT EDUCATIONAL] PROGRAM OF TEXAS

Sec. 49.001. DEFINITIONS [DEVELOPMENT AND IMPLEMENTATION
OF PROGRAM]. In this chapter:

(1) "Commissioner" means the commissioner of state
health services.

(2) "Department" means the Department of State Health
Services.

(3) "Registry program" means the Donor Education,
Awareness, and Registry Program of Texas.

Sec. 49.002. ESTABLISHMENT OF PROGRAM. (a) In
consultation with the Department of Public Safety and organ
procurement organizations, the department shall establish the
Donor Education, Awareness, and Registry Program of Texas.

(b) The department shall enter into an agreement with an
organization selected by the commissioner under a competitive
proposal process for the establishment and maintenance of a
statewide Internet-based registry of organ, tissue, and eye donors.
Contingent on the continued availability of appropriations under
Subsection (h), the term of the initial agreement is two years and
may be renewed for two-year terms thereafter unless terminated in a
written notice to the other party by the department or organization
not later than the 180th day before the last day of a term.

(c) The Department of Public Safety at least monthly shall
electronically transfer to the organization selected by the
commissioner as provided by Subsection (b) the name, date of birth,

1 driver's license number, most recent address, and any other
2 relevant information in the possession of the Department of Public
3 Safety for any person who indicates on the person's driver's license
4 application under Section 521.401, Transportation Code, that the
5 person would like to make an anatomical gift and consents in writing
6 to the release of the information by the Department of Public Safety
7 to the organization for inclusion in the statewide Internet-based
8 registry of organ, tissue, and eye donors.

9 (d) The contract between the department and the
10 organization selected by the commissioner as provided by Subsection
11 (b) must require the organization to:

12 (1) make information obtained from the Department of
13 Public Safety under Subsection (c) available to qualified organ,
14 tissue, and eye bank organizations;

15 (2) allow potential donors to submit information in
16 writing directly to the organization for inclusion in the statewide
17 Internet-based registry of organ, tissue, and eye donors;

18 (3) maintain the statewide Internet-based registry of
19 organ, tissue, and eye donors in a manner that allows qualified
20 organ, tissue, and eye bank organizations to immediately access
21 organ, tissue, and eye donation information 24 hours a day, seven
22 days a week, through electronic and telephonic methods; and

23 (4) protect the confidentiality and privacy of the
24 individuals providing information to the statewide Internet-based
25 registry, regardless of the manner in which the information is
26 provided.

27 (e) Except as otherwise provided by Subsection (d)(3) or

this subsection, the Department of Public Safety, the organization selected by the commissioner under Subsection (b), or a qualified organ, tissue, and eye bank organization may not sell, rent, or otherwise share any information provided to the registry. A qualified organ, tissue, and eye bank organization may share any information provided to the registry with an organ procurement organization or a health care provider or facility providing medical care to a potential donor as necessary to properly identify an individual at the time of donation.

(f) The Department of Public Safety, the organization selected by the commissioner under Subsection (b), or the qualified organ, tissue, and eye bank organizations may not use any demographic or specific data provided to the registry for any fund-raising activities. Data may only be transmitted from the selected organization to qualified organ, tissue, and eye bank organizations through electronic and telephonic methods using secure, encrypted technology to preserve the integrity of the data and the privacy of the individuals providing information.

(g) In each office authorized to issue driver's licenses or personal identification certificates, the Department of Public Safety shall make available educational materials developed by the Texas Organ, Tissue, and Eye Donor Council established under Chapter 113.

(h) The Department of Public Safety shall remit to the comptroller the money collected under Sections 521.421(g) and 521.422(c), Transportation Code, as provided by those subsections. A county assessor-collector shall remit to the comptroller any

1 money collected under Section 502.1745, Transportation Code, as
2 provided by that section. Money remitted to the comptroller in
3 accordance with this subsection that is appropriated to the
4 department must be spent in accordance with the priorities
5 established by the department in consultation with the Texas Organ,
6 Tissue, and Eye Donor Council to pay the costs of:

7 (1) maintaining, operating, and updating the
8 statewide Internet-based donor registry and establishing
9 procedures for an individual to be added to the registry; and

10 (2) designing and distributing education materials
11 for prospective donors as required under this section.

12 (i) Any additional money over the amount necessary to
13 accomplish the purposes of Subsections (h)(1) and (2) may be used by
14 the department to provide education under this chapter or may be
15 awarded using a competitive grant process to organizations to
16 conduct organ, eye, and tissue donation education activities in
17 this state. A member of the Texas Organ, Tissue, and Eye Donor
18 Council may not receive a grant under this subsection.

19 (j) The department shall require the organization selected
20 under Subsection (b) to submit an annual written report to the
21 department that includes:

22 (1) the number of donors listed on the registry;

23 (2) changes in the number of donors listed on the
24 registry; and

25 (3) the demographic characteristics of listed donors,
26 to the extent the characteristics may be determined from
27 information provided on donor registry forms submitted by donors to

1 the organization.

2 (k) To the extent funds are available and as part of the
3 registry program, the [(a) The] department shall [develop a
4 program to] educate residents about anatomical gifts. The program
5 shall include information about:

6 (1) the laws governing anatomical gifts, including
7 Subchapter Q, Chapter 521, Transportation Code, and Chapter 692;

8 (2) the procedures for becoming an organ, eye, or
9 tissue donor or donee; and

10 (3) the benefits of organ, eye, or tissue donation.

11 (1) [(b)] In developing the program, the department in
12 consultation with the Texas Organ, Tissue, and Eye Donor Council
13 shall solicit broad-based input reflecting recommendations of all
14 interested groups, including representatives of patients,
15 providers, ethnic groups, and geographic regions.

16 (m) In consultation with the Texas Organ, Tissue, and Eye
17 Donor Council, the department may implement a training program for
18 all appropriate Department of Public Safety and Texas Department of
19 Transportation employees on the benefits of organ, tissue, and eye
20 donation and the procedures for individuals to be added to the
21 statewide Internet-based registry of organ, tissue, and eye donors.
22 The department shall implement the training program before the date
23 that the statewide Internet-based registry is operational and shall
24 conduct the training on an ongoing basis for new employees.

25 Sec. 49.003 [(c) The department shall implement the program
26 only to the extent that funds are available from Section 521.421(g)
27 or 521.422(c), Transportation Code.

1 ~~[Sec. 49.002]~~. EDUCATION FOR HEALTH CARE PROVIDERS AND
2 ATTORNEYS. (a) The department shall develop a program to educate
3 health care providers and attorneys in this state regarding
4 anatomical gifts.

5 (b) The department through the program shall encourage
6 attorneys to provide organ donation information to clients seeking
7 legal advice for end-of-life decisions.

8 (c) The department shall encourage medical schools and
9 nursing schools in this state to include mandatory organ donation
10 education in the schools' curriculums.

11 (d) The department shall encourage medical schools in this
12 state to require a physician in a neurology or neurosurgery
13 residency program to complete an advanced course in organ donation
14 education.

15 ~~[(c) The department shall implement the program only to the~~
16 ~~extent that:~~

17 ~~[(1) funds are available from Section 521.421(g) or~~
18 ~~521.422(c), Transportation Code,~~

19 ~~[(2) money or in-kind donations are donated to the~~
20 ~~department for the purpose of implementing the program, or~~

21 ~~[(3) the legislature specifically appropriates money~~
22 ~~from another source for the purpose of implementing the program.]~~

23 SECTION 5. Subtitle E, Title 2, Health and Safety Code, is
24 amended by adding Chapter 113 to read as follows:

25 CHAPTER 113. TEXAS ORGAN, TISSUE, AND EYE DONOR COUNCIL

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 113.001. DEFINITIONS. In this chapter:

1 (1) "Council" means the Texas Organ, Tissue, and Eye
2 Donor Council.

3 (2) "Commissioner" means the commissioner of state
4 health services.

5 (3) "Department" means the Department of State Health
6 Services.

7 (4) "Public safety director" means the public safety
8 director of the Department of Public Safety.

9 Sec. 113.002. SUNSET PROVISION; ABOLISHMENT. The Texas
10 Organ, Tissue, and Eye Donor Council is subject to Chapter 325,
11 Government Code (Texas Sunset Act). Unless continued in existence
12 as provided by that chapter, the council is abolished and this
13 chapter expires September 1, 2017, unless the department and the
14 council mutually determine that the public interest is best served
15 by abolition of the council and agree to abolish the council on an
16 earlier date.

17 [Sections 113.003-113.050 reserved for expansion]

18 SUBCHAPTER B. COUNCIL

19 Sec. 113.051. COMPOSITION OF COUNCIL. (a) The council is
20 composed of:

21 (1) a representative of the department appointed by
22 the commissioner;

23 (2) a representative of the Department of Public
24 Safety appointed by the public safety director;

25 (3) a representative of the Texas Department of
26 Transportation appointed by the executive director of that agency;

27 (4) five professional members appointed by the

1 commissioner as follows:

2 (A) one representative from each of the state's
3 three federally qualified organ procurement organizations
4 nominated by each organization;

5 (B) one representative who is a transplant
6 physician or nurse licensed in this state; and

7 (C) one representative of an acute care hospital
8 in this state; and

9 (5) two public members appointed by the commissioner.

10 (b) A public member of the council must:

11 (1) be a donor, recipient, or member of a donor's
12 family; and

13 (2) be selected from a pool of members compiled from
14 the recommendations of the following nonprofit organizations in the
15 field of transplantation and organ donor education:

16 (A) the Texas Medical Association;

17 (B) the Texas Transplantation Society;

18 (C) the Transplant Nurses' Association;

19 (D) the National Kidney Foundation;

20 (E) the National Minority Organ Tissue
21 Transplant Education Program; and

22 (F) the American Society of Minority Health and
23 Transplant Professionals.

24 (c) A member of the council who is a representative of an
25 agency of this state is a nonvoting member of the council.

26 (d) Appointments to the council shall be made without regard
27 to the race, color, disability, sex, religion, age, or national

1 origin of the appointee.

2 Sec. 113.052. MEMBERSHIP ELIGIBILITY. A person is not
3 eligible for appointment as a professional or public member of the
4 council if the person or the person's spouse:

5 (1) is employed by or participates in the management
6 of a business entity or other organization receiving funds from the
7 council or from the department regarding a matter on which the
8 council advises the department;

9 (2) owns or controls, directly or indirectly, more
10 than a 10 percent interest in a business entity or other
11 organization receiving funds from the council or from the
12 department regarding a matter on which the council advises the
13 department; or

14 (3) uses or receives a substantial amount of tangible
15 goods, services, or funds from the council or from the department
16 regarding a matter on which the council advises the department,
17 other than compensation or reimbursement authorized by law for
18 council membership, attendance, or expenses.

19 Sec. 113.053. TERMS; VACANCY. (a) Council members
20 appointed by the commissioner serve for staggered six-year terms,
21 with the terms of two or three members, as applicable, expiring
22 February 1 of each odd-numbered year.

23 (b) A council member appointed as a representative of an
24 agency serves at the will of the appointing agency.

25 (c) If a vacancy occurs, the commissioner or other
26 appropriate appointing authority shall appoint a person, in the
27 same manner as the original appointment, to serve for the remainder

1 of the unexpired term.

2 (d) An appointed member may not serve more than one term
3 consecutively.

4 Sec. 113.054. PRESIDING OFFICER. The commissioner shall
5 designate a public member of the council as the presiding officer of
6 the council to serve in that capacity at the will of the
7 commissioner.

8 Sec. 113.055. GROUNDS FOR REMOVAL. (a) It is a ground for
9 removal from the council that a member:

10 (1) does not have at the time of taking office the
11 qualifications required by this chapter;

12 (2) does not maintain during service on the council
13 the qualifications required by this chapter;

14 (3) cannot, because of illness or disability,
15 discharge the member's duties for a substantial part of the member's
16 term; or

17 (4) is absent from more than half of the regularly
18 scheduled council meetings that the member is eligible to attend
19 during a calendar year without an excuse approved by a majority vote
20 of the council.

21 (b) The validity of an action of the council is not affected
22 by the fact that it is taken when a ground for removal of a council
23 member exists.

24 (c) If the commissioner has knowledge that a potential
25 ground for removal exists, the commissioner shall notify the
26 presiding officer of the council of the potential ground. The
27 presiding officer shall then notify the attorney general that a

1 potential ground for removal exists. If the potential ground for
2 removal involves the presiding officer, the director shall notify
3 the next highest ranking officer or most senior member of the
4 council, who shall then notify the attorney general that a
5 potential ground for removal exists.

6 Sec. 113.056. MEETINGS; QUORUM. (a) The council shall
7 meet at least twice each calendar year and at the call of the
8 presiding officer.

9 (b) The council shall adopt bylaws for the conduct of its
10 meetings.

11 (c) Any action taken by the council requires two-thirds of
12 the members to be present and the action must be approved by a
13 majority of the members present.

14 Sec. 113.057. COMPENSATION. (a) A member of the council
15 may not receive compensation for service on the council.

16 (b) A member shall be reimbursed for the member's actual and
17 necessary expenses for meals, lodging, transportation, and
18 incidental expenses incurred while performing council business,
19 subject to any applicable limitation on reimbursement prescribed by
20 the General Appropriations Act.

21 Sec. 113.058. INFORMATION ABOUT STANDARDS OF CONDUCT. The
22 commissioner or the commissioner's designee shall provide to
23 members of the council, as often as necessary, information
24 regarding the requirements for membership on the council under this
25 chapter, including information regarding a person's
26 responsibilities under laws relating to applicable standards of
27 conduct.

[Sections 113.059-113.100 reserved for expansion]

SUBCHAPTER C. COUNCIL POWERS AND DUTIES

Sec. 113.101. GENERAL DUTIES. The council as required by the department shall:

(1) advise the department concerning the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49;

(2) advise the department on priorities for the initiatives to be implemented under the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49;

(3) advise the department regarding donor education, awareness, and registry outreach specifically targeted at African American and Hispanic populations;

(4) advise the commissioner, public safety director, and director of the Texas Department of Transportation on the allocation of money received by the comptroller for the activities authorized under Chapter 49; and

(5) advise the department, Department of Public Safety, and the Texas Department of Transportation regarding necessary performance standards and quality control measures concerning the operation of the statewide Internet-based donor registry, as well as related donor educational programs.

Sec. 113.102. REPORT. Before December 1 of each even-numbered year, the council shall submit a report of the council's activities and recommendations to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

1 Sec. 113.103. AUDIT. The financial transactions pertaining
2 to the council are subject to audit by the state auditor in
3 accordance with Chapter 321, Government Code.

4 Sec. 113.104. COSTS IN ADMINISTERING PROGRAM. Ten percent
5 of all money collected under Sections 521.421(g), 521.422(c), and
6 502.1745, Transportation Code, may be appropriated only to the
7 department to administer this chapter.

8 SECTION 6. Section 521.421(g), Transportation Code, is
9 amended to read as follows:

10 (g) The department shall collect an additional fee of \$1 for
11 the issuance or renewal of a license, including a duplicate
12 license, a license issued to reflect an additional authorization or
13 a change in classification, or a license issued or renewed over the
14 Internet or by other electronic means, to pay the costs of the Donor
15 Education, Awareness, and Registry Program of Texas, established
16 under Chapter 49, Health and Safety Code, and, subject to Section
17 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye
18 Donor Council, established under Chapter 113 ~~[fund the anatomical~~
19 ~~gift educational program established under Chapter 49]~~, Health and
20 Safety Code, if the person applying for, [or] renewing, or changing
21 a license opts to pay the additional fee. The department shall
22 remit fees collected under this subsection to the comptroller, who
23 shall maintain the identity of the source of the fees. Subject to
24 appropriation, the department may retain three percent of the money
25 collected under this subsection to cover the costs in administering
26 this subsection.

27 SECTION 7. Section 521.422(c), Transportation Code, is

amended to read as follows:

(c) The department shall collect an additional fee of \$1 for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to pay the costs of the Donor Education, Awareness, and Registry Program of Texas, established under Chapter 49, Health and Safety Code, and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113 [~~fund the anatomical gift educational program established under Chapter 49~~], Health and Safety Code, if the person applying for or renewing a personal identification card opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

SECTION 8. Subchapter D, Chapter 502, Transportation Code, is amended by adding Section 502.1745 to read as follows:

Sec. 502.1745. VOLUNTARY FEE. (a) The department shall provide to each county assessor-collector the educational materials for prospective donors provided as required by the Donor Education, Awareness, and Registry Program of Texas under Chapter 49, Health and Safety Code. A county assessor-collector shall make the educational materials available in each office authorized to accept applications for registration of motor vehicles.

1 (b) A county assessor-collector shall collect an additional
2 fee of \$1 for the registration or renewal of registration of a motor
3 vehicle to pay the costs of the Donor Education, Awareness, and
4 Registry Program of Texas, established under Chapter 49, Health and
5 Safety Code, and of the Texas Organ, Tissue, and Eye Donor Council,
6 established under Chapter 113, Health and Safety Code, if the
7 person registering or renewing the registration of a motor vehicle
8 opts to pay the additional fee. Notwithstanding any other
9 provision of this chapter, the county assessor-collector shall
10 remit all fees collected under this subsection to the comptroller,
11 who shall maintain the identity of the source of the fees.

12 (c) Three percent of all money collected under this section
13 may be appropriated only to the department to administer this
14 section.

15 SECTION 9. Notwithstanding any other provision of law, 25
16 percent of the money collected under Section 502.1745,
17 Transportation Code, as added by this Act, shall be deposited in the
18 state highway fund for the initial costs estimated to be incurred by
19 the Texas Department of Transportation in the state fiscal biennium
20 beginning September 1, 2005, to implement the changes in law made by
21 this Act.

22 SECTION 10. (a) Promptly after this Act takes effect, the
23 following shall appoint a representative of their agency to serve
24 as a member of the Texas Organ, Tissue, and Eye Donor Council:

25 (1) the commissioner of state health services for the
26 Department of State Health Services;

27 (2) the public safety director of the Department of

1 Public Safety of the State of Texas; and

2 (3) the executive director of the Texas Department of
3 Transportation.

4 (b) Promptly after this Act takes effect, the commissioner
5 of state health services shall appoint five professional and two
6 public members to the Texas Organ, Tissue, and Eye Donor Council.
7 In appointing the professional members, the commissioner shall
8 appoint one person to a term expiring February 1, 2007, two persons
9 to a term expiring February 1, 2009, and two persons to a term
10 expiring February 1, 2011. In appointing the public members, the
11 commissioner shall appoint one person to a term expiring February
12 1, 2007, and one person to a term expiring February 1, 2009.

13 SECTION 11. (a) The Department of State Health Services
14 shall contract with an organization for the establishment and
15 maintenance of a registry for organ, tissue, and eye donors in
16 accordance with Chapter 49, Health and Safety Code, as amended by
17 this Act, and ensure the organization establishes the registry not
18 later than September 1, 2006.

19 (b) The Department of Public Safety of the State of Texas
20 must be in compliance with the changes in law made by this Act to
21 Subsection (g), Section 521.421, and Subsection (c), Section
22 521.422, Transportation Code, related to duplicate or changed
23 licenses or personal identification cards and related to
24 transactions conducted over the Internet or by other electronic
25 means not later than June 1, 2006.

26 SECTION 12. (a) Except as provided by Subsection (b) of
27 this section, this Act takes effect immediately if it receives a

H.B. No. 120

1 vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.

5 (b) Section 8 of this Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 120 was passed by the House on May 4, 2005, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 120 on May 27, 2005, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 120 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the regulation of motor-assisted scooters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter D, Chapter 551, Transportation Code, is amended to read as follows:

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES [~~AND MOTOR-ASSISTED~~
~~SCOOTERS~~]

SECTION 2. Section 551.301, Transportation Code, is amended to read as follows:

Sec. 551.301. DEFINITION [~~DEFINITIONS~~]. In this subchapter, ~~[+]~~

[~~(1)~~] "neighborhood [~~Neighborhood~~] electric vehicle" means a vehicle subject to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

[~~(2)~~] "~~Motor assisted scooter~~" means a self-propelled device with:

[~~(A)~~] ~~at least two wheels in contact with the ground during operation;~~

[~~(B)~~] ~~a braking system capable of stopping the device under typical operating conditions;~~

[~~(C)~~] ~~a gas or electric motor not exceeding 40 cubic centimeters;~~

[~~(D)~~] ~~a deck designed to allow a person to stand or sit while operating the device; and~~

1 ~~[(E) the ability to be propelled by human power~~
2 ~~alone.]~~

3 SECTION 3. Chapter 551, Transportation Code, is amended by
4 adding Subchapter E to read as follows:

5 SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

6 Sec. 551.351. DEFINITION. In this subchapter,
7 "motor-assisted scooter" means a self-propelled device with:

8 (1) at least two wheels in contact with the ground
9 during operation;

10 (2) a braking system capable of stopping the device
11 under typical operating conditions;

12 (3) a gas or electric motor not exceeding 40 cubic
13 centimeters;

14 (4) a deck designed to allow a person to stand or sit
15 while operating the device; and

16 (5) the ability to be propelled by human power alone.

17 Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) A
18 motor-assisted scooter may be operated only on a street or highway
19 for which the posted speed limit is 35 miles per hour or less. The
20 motor-assisted scooter may cross a road or street at an
21 intersection where the road or street has a posted speed limit of
22 more than 35 miles per hour.

23 (b) A county or municipality may prohibit the operation of a
24 motor-assisted scooter on a street, highway, or sidewalk if the
25 governing body of the county or municipality determines that the
26 prohibition is necessary in the interest of safety.

27 (c) The department may prohibit the operation of a

1 motor-assisted scooter on a highway if it determines that the
2 prohibition is necessary in the interest of safety.

3 (d) A person may operate a motor-assisted scooter on a path
4 set aside for the exclusive operation of bicycles or on a sidewalk.
5 Except as otherwise provided by this section, a provision of this
6 title applicable to the operation of a bicycle applies to the
7 operation of a motor-assisted scooter.

8 (e) A provision of this title applicable to a motor vehicle
9 does not apply to a motor-assisted scooter.

10 SECTION 4. Section 551.302, Transportation Code, as added
11 by Chapter 1325, Acts of the 78th Legislature, Regular Session,
12 2003, is repealed.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2005.

H.B. No. 1596

President of the Senate

Speaker of the House

I certify that H.B. No. 1596 was passed by the House on April 6, 2005, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1596 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to souvenir license plates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 504.003, Transportation Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:

(b) The fee for a single souvenir license plate is \$20. The fee shall be deposited to the credit of the state highway fund unless the souvenir license plate is a replica of a specialty license plate issued under Subchapter G or I for which the fee is deposited to an account other than the state highway fund, in which case:

(1) \$10 of the fee for the souvenir license plate shall be deposited to the credit of the designated account; and

(2) \$10 of the fee for the souvenir license plate shall be deposited to the credit of the state highway fund.

(c) If the souvenir license plate is personalized, the fee for the plate is \$40. Of the fee:

(1) \$20 shall be deposited to the credit of the state highway fund; ~~and~~

(2) \$10 shall be deposited to the credit of the designated account if the souvenir license plate is a replica of a specialty license plate issued under Subchapter G or I for which the fee is deposited to a designated account other than the state

1 highway fund; and

2 (3) the remainder shall be deposited to the credit of
3 the general revenue fund.

4 (e) A beneficiary of a specialty license plate issued under
5 Subchapter G or I, as designated by the applicable section of those
6 subchapters, may purchase the specialty license plates, in boxes of
7 25, for use or resale by the beneficiary. The beneficiary shall pay
8 the required fee per plate, less the amount of the fee that would be
9 deposited to the credit of the designated account.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.

H.B. No. 1735

President of the Senate

Speaker of the House

I certify that H.B. No. 1735 was passed by the House on April 14, 2005, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1735 was passed by the Senate on May 19, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to air contaminant emissions reductions, including the continuation and provisions of the Texas emissions reduction plan and the use of money currently dedicated to the Texas emissions reduction plan fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.0172(c), Health and Safety Code, is amended to read as follows:

(c) The commission may authorize or allow substitution of emissions reductions under Subsection (b) only if:

(1) reductions in emissions of one air contaminant for which the area has been designated as nonattainment are substituted for reductions in emissions of another air contaminant for which the area has been designated as nonattainment; or ~~and~~

(2) the commission finds that the substitution will clearly result in greater health benefits for the community as a whole than would reductions in emissions at the original facility.

SECTION 2. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0173 to read as follows:

Sec. 382.0173. ADOPTION OF RULES REGARDING CERTAIN STATE IMPLEMENTATION PLAN REQUIREMENTS AND STANDARDS OF PERFORMANCE FOR CERTAIN SOURCES. (a) The commission shall adopt rules to comply with Sections 110(a)(2)(D) and 111(d) of the federal Clean Air Act (42 U.S.C. Sections 7410 and 7411). In adopting the rules, at a

1 minimum the commission shall adopt and incorporate by reference 40
2 C.F.R. Subparts AA through II and Subparts AAA through III of Part
3 96 and 40 C.F.R. Subpart HHHH of Part 60. The commission shall
4 adopt a state implementation plan in accordance with the rules and
5 submit the plan to the United States Environmental Protection
6 Agency for approval according to the schedules adopted by that
7 agency.

8 (b) The commission may require emissions reductions in
9 conjunction with implementation of the rules adopted under
10 Subsection (a) only for electric generating units. The commission
11 shall make permanent allocations that are reflective of the
12 allocation requirements of 40 C.F.R. Subparts AA through HH and
13 Subparts AAA through HHH of Part 96 and 40 C.F.R. Subpart HHHH of
14 Part 60, as applicable, at no cost to units as defined in 40 C.F.R.
15 Section 51.123 and 60.4102 using the United States Environmental
16 Protection Agency's allocation method as specified by Section
17 60.4142(a)(1)(i), as issued by that agency on May 12, 2005, or 40
18 C.F.R. Section 96.142(a)(1)(i), as issued by that agency on May 18,
19 2005, as applicable with the exception of nitrogen oxides which
20 shall be allocated according to the additional requirements of
21 Subsection (c). The commission shall maintain a special reserve of
22 allocations for new units commencing operation on or after January
23 1, 2001, as defined by 40 C.F.R. Subparts AA through HH and Subparts
24 AAA through HHH of Part 96 and 40 C.F.R. Subpart HHHH of Part 60, as
25 applicable with the exception of nitrogen oxides which shall be
26 allocated according to the additional requirements of Subsection
27 (c).

1 (c) Additional requirements regarding NOx allocations:

2 (1) The commission shall maintain a special reserve of
3 allocations for nitrogen oxide of 9.5 percent for new units.
4 Beginning with the 2015 control period, units shall be considered
5 new for each control period in which they do not have five years of
6 operating data reported to the commission prior to the date of
7 allocation for a given control period. Prior to the 2015 control
8 period, units that commenced operation on or after January 1, 2001,
9 will receive NOx allocations from the special reserve only.

10 (2) Nitrogen oxide allowances shall be established for
11 the 2009-2014 control periods for units commencing operation before
12 January 1, 2001, using the average of the three highest amounts of
13 the unit's adjusted control period heat input for 2000 through
14 2004, with the adjusted control period heat input for each year
15 calculated as follows:

16 (A) if the unit is coal-fired during the year,
17 the unit's control period heat input for such year is multiplied by
18 90 percent;

19 (B) if the unit is natural gas-fired during the
20 year, the unit's control period heat input for such year is
21 multiplied by 50 percent; and

22 (C) if the fossil fuel fired unit is not subject
23 to Subparagraph (A) or (B) of this paragraph, the unit's control
24 period heat input for such year is multiplied by 30 percent.

25 (3) Before the allocation date specified by EPA for
26 the control period beginning January 1, 2016, and every five years
27 thereafter, the commission shall adjust the baseline for all

1 affected units using the average of the three highest amounts of the
2 unit's adjusted control period heat input for periods one through
3 five of the preceding seven control periods, with the adjusted
4 control period heat input for each year calculated as follows:

5 (A) for units commencing operation before
6 January 1, 2001:

7 (i) if the unit is coal-fired during the
8 year, the unit's control period heat input for such year is
9 multiplied by 90 percent;

10 (ii) if the unit is natural gas-fired
11 during the year, the unit's control period heat input for such year
12 is multiplied by 50 percent; and

13 (iii) if the fossil fuel fired unit is not
14 subject to Subdivision (3)(A)(i) or (3)(A)(ii) of this
15 subparagraph, the unit's control period heat input for such year is
16 multiplied by 30 percent.

17 (B) for units commencing operation on or after
18 January 1, 2001, in accordance with the formulas set forth by USEPA
19 in 40 C.F.R. 96.142 with any corrections to this section that may be
20 issued by USEPA prior to the allocation date.

21 (d) This section applies only while the federal rules cited
22 in this section are enforceable and does not limit the authority of
23 the commission to implement more stringent emissions control
24 requirements.

25 (e) In adopting rules under Subsection (a), the commission
26 shall incorporate any modifications to the federal rules cited in
27 this section that result from a request for rehearing regarding

1 those rules that is filed with the United States Environmental
2 Protection Agency or from a petition for review of those rules that
3 is filed with a court.

4 (f) The commission shall take all reasonable and
5 appropriate steps to exclude the West Texas Region and El Paso
6 Region, as defined by Section 39.264(g), Utilities Code, from any
7 requirement under, derived from, or associated with 40 C.F.R.
8 Sections 51.123, 51.124, and 51.125, including filing a petition
9 for reconsideration with the United States Environmental
10 Protection Agency requesting that it amend 40 C.F.R. Sections
11 51.123, 51.124, and 51.125 to exclude such regions. The commission
12 shall promptly amend the rules it adopts under Subsection (a) of
13 this section to incorporate any exclusions for such regions that
14 result from the petition required under this subsection.

15 (g) The commission shall study the availability of mercury
16 control technology. The commission shall also examine the timeline
17 for implementing the reductions required under the federal rules,
18 the cost of additional controls both to the plant owners and
19 consumers, and the fiscal impact on the state of higher levels of
20 mercury emissions between 2005 and 2018, and consider the impact of
21 trading on local communities. The commission shall report its
22 findings by September 1, 2006.

23 SECTION 3. Section 386.002, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 386.002. EXPIRATION. This chapter expires August 31,
26 2010 [2008].

27 SECTION 4. Section 386.053(c), Health and Safety Code, is

amended to read as follows:

(c) The commission shall make draft guidelines and criteria available to the public and the United States Environmental Protection Agency before the 30th ~~[45th]~~ day preceding the date of final adoption and shall hold at least one public meeting to consider public comments on the draft guidelines and criteria before final adoption. The public meeting shall be held in the affected state implementation plan area, and if the guidelines affect more than one state implementation plan area, a public meeting shall be held in each affected state implementation plan area affected by the guidelines.

SECTION 5. Sections 386.058(b) and (e), Health and Safety Code, are amended to read as follows:

(b) The governor shall appoint to the advisory board:

- (1) a representative of the trucking industry;
- (2) a representative of the air conditioning manufacturing industry;
- (3) a representative of the electric utility industry;
- (4) a representative of regional transportation; and
- (5) a representative of the nonprofit organization described by Section 386.252(a)(2) ~~[the Texas Council on Environmental Technology]~~.

(e) Appointed members of the advisory board serve staggered four-year ~~[two-year]~~ terms, with the ~~[The]~~ terms of seven or eight appointed members expiring ~~[expire]~~ February 1 of each ~~[even-numbered year. The terms of eight appointed members expire February 1 of each]~~ odd-numbered year. An appointed member may be

1 reappointed to a subsequent term.

2 SECTION 6. Section 386.102, Health and Safety Code, is
3 amended by adding Subsection (e) to read as follows:

4 (e) To improve the success of the program the commission:

5 (1) shall establish cost-effective limits for grants
6 awarded under the program to an owner or operator of a locomotive or
7 marine vessel that are lower than the cost-effectiveness limits
8 applied to other emissions reductions grants;

9 (2) shall determine the maximum amount of reductions
10 available from the locomotive and marine sectors and develop
11 strategies to facilitate the maximum amount of reductions in these
12 sectors; and

13 (3) shall include in the report required by Section
14 386.057(b) that is due not later than December 1, 2006, an analysis
15 of the cost-effectiveness of the grants in these sectors.

16 SECTION 7. Section 386.111(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) The commission shall review an application for a grant
19 for a project authorized under this subchapter, including an
20 application for a grant for an infrastructure project, immediately
21 on receipt of the application. If the commission determines that an
22 application is incomplete, the commission shall notify the
23 applicant~~[, not later than the 15th working day after the date on~~
24 ~~which the commission received the application,~~] with an explanation
25 of what is missing from the application. The commission shall
26 ~~[record the date and time of receipt of each application the~~
27 ~~commission determines to be complete and shall]~~ evaluate the

completed application according to the appropriate project criteria. Subject to available funding, the commission shall make a final determination on an application as soon as possible ~~[and not later than the 60th working day after the date the application is determined to be complete]~~.

SECTION 8. Section 386.116(d), Health and Safety Code, is amended to read as follows:

(d) ~~The [On or before December 1 of each even-numbered year, the]~~ commission shall include in the biennial plan report required by Section 386.057(b) a report of commission actions and results under this section ~~[to the governor, lieutenant governor, and speaker of the house of representatives]~~.

SECTION 9. Subchapter C, Chapter 386, Health and Safety Code, is amended by adding Section 386.117 to read as follows:

Sec. 386.117. REBATE GRANTS. (a) The commission shall adopt a process for awarding grants under this subchapter in the form of rebates to streamline the grant application, contracting, reimbursement, and reporting processes for certain projects. The process adopted under this section must:

(1) designate certain types of projects, such as repowers, replacements, and retrofits, as eligible for rebates;

(2) project standardized oxides of nitrogen emissions reductions for each designated project type;

(3) assign a standardized rebate amount for each designated project type;

(4) allow for processing rebates on an ongoing first-come, first-served basis; and

1 (5) consolidate, simplify, and reduce the
2 administrative work for applicants and the commission associated
3 with grant application, contracting, reimbursement, and reporting
4 processes for designated project types.

5 (b) The commission may limit or expand the designated
6 project types as necessary to further the goals of the program.

7 (c) The commission may award rebate grants as a pilot
8 project for a specific region or may award the grants statewide.

9 (d) The commission may administer the rebate grants or may
10 designate another entity to administer the grants.

11 SECTION 10. Section 386.251(c), Health and Safety Code, is
12 amended to read as follows:

13 (c) The fund consists of:

14 (1) the amount of money deposited to the credit of the
15 fund [~~contributions, fees, and surcharges~~] under:

16 (A) Section 386.056;

17 (B) Sections 151.0515 and 152.0215, Tax Code; and

18 (C) Sections 501.138, 502.1675, and 548.5055
19 [~~and 548.256(c)~~], Transportation Code; and

20 (2) grant money recaptured under Section 386.111(d).

21 SECTION 11. Section 386.252(a), Health and Safety Code, is
22 amended to read as follows:

23 (a) Money in the fund may be used only to implement and
24 administer programs established under the plan and shall be
25 allocated as follows:

26 (1) for the diesel emissions reduction incentive
27 program, 87.5 percent of the money in the fund, of which not more

1 than 10 percent may be used for on-road diesel purchase or lease
2 incentives;

3 (2) for the new technology research and development
4 program, 9.5 percent of the money in the fund, of which up to
5 \$250,000 is allocated for administration, up to \$200,000 is
6 allocated for a health effects study, \$500,000 is to be deposited in
7 the state treasury to the credit of the clean air account created
8 under Section 382.0622 to supplement funding for air quality
9 planning activities in affected counties, ~~and~~ not less than 20
10 percent is to be allocated each year to support research related to
11 air quality for the Houston-Galveston-Brazoria and Dallas-Fort
12 Worth nonattainment areas by a nonprofit organization based in
13 Houston, and the balance is to be allocated each year to that
14 nonprofit organization based in Houston to be used to implement and
15 administer the new technology research and development program
16 under a contract with the commission for the purpose of
17 identifying, testing, and evaluating new emissions-reducing
18 technologies with potential for commercialization in this state and
19 to facilitate their certification or verification; and

20 (3) for administrative costs incurred by the
21 commission and the laboratory, three percent of the money in the
22 fund.

23 SECTION 12. Effective September 1, 2008, Section
24 386.252(a), Health and Safety Code, is amended to read as follows:

25 (a) Money in the fund may be used only to implement and
26 administer programs established under the plan and shall be
27 allocated as follows:

1 (1) for the diesel emissions reduction incentive
2 program, 64 [~~87.5~~] percent of the money in the fund, of which not
3 more than 10 percent may be used for on-road diesel purchase or
4 lease incentives;

5 (2) for the new technology research and development
6 program, 33 [~~9.5~~] percent of the money in the fund, of which up to
7 \$250,000 is allocated for administration, up to \$200,000 is
8 allocated for a health effects study, \$500,000 is to be deposited in
9 the state treasury to the credit of the clean air account created
10 under Section 382.0622 to supplement funding for air quality
11 planning activities in affected counties, [~~and~~] not less than 10
12 [~~20~~] percent is to be allocated each year to support research
13 related to air quality for the Houston-Galveston-Brazoria and
14 Dallas-Fort Worth nonattainment areas by a nonprofit organization
15 based in Houston, not less than 25.5 percent is to be allocated each
16 year to that nonprofit organization based in Houston to be used to
17 implement and administer the new technology research and
18 development program under a contract with the commission for the
19 purpose of identifying, testing, and evaluating new
20 emissions-reducing technologies with potential for
21 commercialization in this state and to facilitate their
22 certification or verification, not more than \$12,500,000 is to be
23 allocated each year from any excess funds to be administered by the
24 commission to fund a study of regional ozone formation in this
25 state, meteorological and chemical modeling, and issues related to
26 ozone formation by ozone precursors and fine particulate matter
27 formation in this state, and the balance is to be allocated each

1 year to the commission to fund promising new technologies as
2 identified through the new technology research and development
3 program and recommended by that nonprofit organization based in
4 Houston in order to permit obtaining the maximum credits for
5 emissions reductions under the state's air quality state
6 implementation plans; and

7 (3) for administrative costs incurred by the
8 commission and the laboratory, three percent of the money in the
9 fund.

10 SECTION 13. Section 387.003(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) The nonprofit organization described by Section
13 386.252(a)(2), under a contract with the commission as described by
14 that section~~[, in consultation with the Texas Council on~~
15 ~~Environmental Technology]~~, shall establish and administer a new
16 technology research and development program as provided by this
17 chapter.

18 SECTION 14. Section 387.005(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) Grants awarded under this chapter shall be directed
21 toward a balanced mix of:

22 (1) retrofit and add-on technologies to reduce
23 emissions from the existing stock of vehicles targeted by the Texas
24 emissions reduction plan;

25 (2) advanced technologies for new engines and vehicles
26 that produce very-low or zero emissions of oxides of nitrogen,
27 including stationary and mobile fuel cells;

1 (3) studies to improve air quality assessment and
2 modeling; and

3 (4) [~~advanced technologies that promote increased~~
4 ~~building and appliance energy performance, and~~

5 [~~(5)~~] advanced technologies that reduce emissions
6 from other significant sources.

7 SECTION 15. Section 388.003(e), Health and Safety Code, is
8 amended to read as follows:

9 (e) Local amendments may not result in less stringent energy
10 efficiency requirements in nonattainment areas and in affected
11 counties than the energy efficiency chapter of the International
12 Residential Code or International Energy Conservation Code. Local
13 amendments must comply with the National Appliance Energy
14 Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as
15 amended. The laboratory, at the request of a municipality or
16 county, shall determine the relative impact of proposed local
17 amendments to an energy code, including whether proposed amendments
18 are substantially equal to or less stringent than the unamended
19 code. For the purpose of establishing uniform requirements
20 throughout a region, and on request of a council of governments, a
21 county, or a municipality, the laboratory may recommend a
22 climatically appropriate modification or a climate zone
23 designation for a county or group of counties that is different from
24 the climate zone designation in the unamended code. The laboratory
25 shall:

26 (1) report its findings to the council, county, or
27 municipality, including an estimate of any energy savings potential

1 above the base code from local amendments; and

2 (2) annually submit a report to the commission:

3 (A) identifying the municipalities and counties
4 whose codes are more stringent than the unamended code, and whose
5 codes are equally stringent or less stringent than the unamended
6 code; and

7 (B) quantifying energy savings and emissions
8 reductions from this program.

9 SECTION 16. Section 389.003, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 389.003. COMPUTING ENERGY EFFICIENCY EMISSIONS
12 REDUCTIONS AND ASSOCIATED CREDITS. (a) The commission shall
13 develop a method to use in computing emissions reductions obtained
14 through energy efficiency initiatives, including renewable energy
15 initiatives, and the credits associated with those reductions.

16 (b) The laboratory shall assist the commission and affected
17 political subdivisions in quantifying, as part of the state
18 implementation plan, credits for emissions reductions attributable
19 to energy efficiency programs, including renewable energy
20 programs.

21 SECTION 17. Section 151.0515(d), Tax Code, is amended to
22 read as follows:

23 (d) This section expires September 30, 2010 [~~2008~~].

24 SECTION 18. Section 152.0215(c), Tax Code, is amended to
25 read as follows:

26 (c) This section expires September 30, 2010 [~~2008~~].

27 SECTION 19. Section 501.138, Transportation Code, is

1 amended by amending Subsections (a) and (b) and adding Subsections
2 (b-1), (b-2), and (b-3) to read as follows:

3 (a) An applicant for a certificate of title, other than the
4 state or a political subdivision of the state, must pay the county
5 assessor-collector a fee of:

6 (1) \$33 if the applicant's residence is a county
7 located within a nonattainment area as defined under Section 107(d)
8 of the federal Clean Air Act (42 U.S.C. Section 7407), as amended,
9 or is an affected county, as defined by Section 386.001, Health and
10 Safety Code;

11 (2) \$28 if the applicant's residence is any other
12 county; or

13 (3) on or after September 1, 2010 [~~2008~~], \$28
14 regardless of the county in which the applicant resides.

15 (b) The county assessor-collector shall send:

16 (1) \$5 of the fee to the county treasurer for deposit
17 in the officers' salary fund;

18 (2) \$8 of the fee to the department:

19 (A) together with the application within the time
20 prescribed by Section 501.023; or

21 (B) if the fee is deposited in an
22 interest-bearing account or certificate in the county depository or
23 invested in an investment authorized by Subchapter A, Chapter 2256,
24 Government Code, not later than the 35th day after the date on which
25 the fee is received; and

26 (3) the following amount to the comptroller at the
27 time and in the manner prescribed by the comptroller:

1 (A) \$20 of the fee if the applicant's residence
2 is a county located within a nonattainment area as defined under
3 Section 107(d) of the federal Clean Air Act (42 U.S.C. Section
4 7407), as amended, or is an affected county, as defined by Section
5 386.001, Health and Safety Code;

6 (B) \$15 of the fee if the applicant's residence
7 is any other county; or

8 (C) on or after September 1, 2010, \$15 regardless
9 of the county in which the applicant resides.

10 (b-1) Fees collected under Subsection (b) [~~this subsection~~]
11 to be sent to the comptroller shall be deposited as follows:

12 (1) [~~(i)~~] before September 1, 2008, to the credit of
13 the Texas emissions reduction plan fund; and

14 (2) on or [~~(i)~~] after September 1, 2008, to the credit
15 of the Texas Mobility Fund, except that \$5 of each fee imposed under
16 Subsection (a)(1) and deposited on or after September 1, 2008, and
17 before September 1, 2010, shall be deposited to the credit of the
18 Texas emissions reduction plan fund.

19 (b-2) The comptroller shall establish a record of the amount
20 of the fees deposited to the credit of the Texas Mobility Fund under
21 Subsection (b-1). On or before the fifth workday of each month, the
22 department shall remit to the comptroller for deposit to the credit
23 of the Texas emissions reduction plan fund an amount of money equal
24 to the amount of the fees deposited by the comptroller to the credit
25 of the Texas Mobility Fund under Subsection (b-1) in the preceding
26 month. The department shall use for remittance to the comptroller
27 as required by this subsection money in the state highway fund that

1 is not required to be used for a purpose specified by Section 7-a,
2 Article VIII, Texas Constitution, and may not use for that
3 remittance money received by this state under the congestion
4 mitigation and air quality improvement program established under 23
5 U.S.C. Section 149.

6 (b-3) This subsection and Subsection (b-2) expire September
7 1, 2010.

8 SECTION 20. Section 502.1675(c), Transportation Code, is
9 amended to read as follows:

10 (c) This section expires August 31, 2010 [~~2008~~].

11 SECTION 21. Section 548.5055(c), Transportation Code, is
12 amended to read as follows:

13 (c) This section expires August 31, 2010 [~~2008~~].

14 SECTION 22. Sections 386.001(4), 386.057(e), 387.002, and
15 387.010, Health and Safety Code, and Sections 548.256(c) and (d),
16 Transportation Code, are repealed.

17 SECTION 23. The Texas Commission on Environmental Quality
18 shall prepare guidance documents for the rebate grants required by
19 Section 386.117, Health and Safety Code, as added by this Act, not
20 later than January 1, 2006.

21 SECTION 24. (a) As soon as practicable on or after the
22 effective date of this Act, the governor shall appoint to the Texas
23 Emissions Reduction Plan Advisory Board a representative of the
24 nonprofit organization described by Section 386.252(a)(2), Health
25 and Safety Code, as required by Section 386.058(b), Health and
26 Safety Code, as amended by this Act, to replace the representative
27 of the Texas Council on Environmental Technology serving on that

1 board on the effective date of this Act.

2 (b) As soon as practicable on or after the effective date of
3 this Act, the governor, lieutenant governor, and speaker of the
4 house of representatives, by mutual agreement, shall designate the
5 terms of the appointed members of the Texas Emissions Reduction
6 Plan Advisory Board so that the terms of seven appointed members
7 expire on February 1, 2007, and the terms of eight appointed members
8 expire on February 1, 2009, as provided by Section 386.058(e),
9 Health and Safety Code, as amended by this Act.

10 SECTION 25. Except as otherwise provided by this Act, this
11 Act takes effect September 1, 2005.

H.B. No. 2481

President of the Senate

Speaker of the House

I certify that H.B. No. 2481 was passed by the House on April 28, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2481 on May 29, 2005, by a non-record vote; and that the House adopted H.C.R. No. 248 authorizing certain corrections in H.B. No. 2481 on May 30, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2481 was passed by the Senate, with amendments, on May 20, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 248 authorizing certain corrections in H.B. No. 2481 on May 30, 2005, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to jurisdiction of a municipal court over an action to enforce certain vehicle dealer and manufacturer license plate laws.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 503.092(b), Transportation Code, is amended to read as follows:

(b) A justice or municipal court has concurrent original jurisdiction with the county court or a county court at law over an action to enforce this chapter.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

H.B. No. 2509

President of the Senate

Speaker of the House

I certify that H.B. No. 2509 was passed by the House on May 9, 2005, by the following vote: Yeas 144, Nays 0, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2509 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the TexasOnline project, the TexasOnline Authority, and related powers and fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2054.111(e), Government Code, is amended to read as follows:

(e) A state agency or local government that uses the project may charge a fee under Subchapter I if:

(1) the fee is necessary to recover the actual costs directly and reasonably incurred by the agency or local government because of the project for:

(A) the use of electronic payment methods; or

(B) interfacing with other information technology systems;

(2) the fee does not include an amount to recover state agency or local government employee costs;

(3) the state agency or local government approves the amount of the fee using the state agency's or local government's standard approval process for fee increases;

(4) the chief financial officer for the state agency or local government certifies that the amount of the fee is necessary to recover the actual costs incurred because of the project; and

(5) the authority approves the amount of the fee.

SECTION 2. Section 2054.1115(b), Government Code, is amended to read as follows:

(b) The state agency or local government may charge a reasonable fee, as provided by Section 2054.111 or Subchapter I, to recover costs incurred through electronic payment methods used under this section.

SECTION 3. Sections 2054.252(a) and (e), Government Code, are amended to read as follows:

(a) The authority shall implement a project designated "TexasOnline" that establishes a common electronic infrastructure through which state agencies and local governments, including licensing entities, may electronically:

(1) send and receive documents or required payments to and from:

(A) members of the public;

(B) persons who are regulated by the agencies or local governments; and

(C) the agencies and local governments;

(2) receive applications for original and renewal licenses and permits, including occupational licenses, complaints about occupational license holders, and other documents for filing from members of the public and persons who are regulated by a state agency or local government that, when secure access is necessary, can be electronically validated by the agency, local government, member of the public, or regulated person;

(3) send original and renewal occupational licenses to persons regulated by licensing entities;

1 (4) send profiles of occupational license holders to
2 persons regulated by licensing entities and to the public;

3 (5) store information; and

4 (6) provide and receive any other service to and from
5 the agencies and local governments or the public.

6 (e) The authority shall charge fees to licensing entities as
7 provided by this subchapter in amounts sufficient to cover the cost
8 of implementing this section with respect to licensing entities.
9 The authority shall charge a subscription fee to be paid by each
10 licensing entity. The authority may not charge the subscription
11 fee until the service for which the fee is charged is available on
12 the Internet. If the authority determines that the transaction
13 costs exceed the maximum increase in occupational license issuance
14 or renewal fees allowed under Subsection (g), the authority may
15 also charge a reasonable convenience fee to be recovered from a
16 license holder who uses the project for online issuance or renewal
17 of a license.

18 SECTION 4. Section 2054.258, Government Code, is amended to
19 read as follows:

20 Sec. 2054.258. TRAINING FOR AUTHORITY MEMBERS. Not later
21 than six months after the date on which an authority member is
22 appointed, the member must complete training on the following:

23 (1) the legislation that created the authority~~[, the~~
24 ~~division]~~ and the project;

25 (2) the department rules that relate to the authority
26 and the project;

27 (3) the programs operated by the authority ~~[and~~

~~division~~];

(4) the role and functions of the authority [~~and~~
~~division~~];

(5) the current budget for the authority [~~and~~
~~division~~];

(6) the results of the most recent formal audit of the
authority;

(7) the requirements of:

(A) the open meetings law, Chapter 551;

(B) the public information law, Chapter 552;

(C) the administrative procedure law, Chapter
2001; and

(D) other laws relating to public officials,
including conflict of interest laws; and

(8) any applicable ethics policies adopted by the
authority or the Texas Ethics Commission.

SECTION 5. Section 2054.259, Government Code, is amended to
read as follows:

Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXASONLINE
AUTHORITY. The authority shall:

(1) develop policies related to operation of the
project;

(2) approve or disapprove services to be provided by
the project;

(3) operate and promote the project;

(4) oversee contract performance for the project;

(5) comply with department financial requirements;

1 (6) oversee money generated for the operation and
2 expansion of the project;

3 (7) develop project pricing policies, including
4 policies regarding any fees that a state agency, including the
5 authority, or a local government may charge for a transaction that
6 uses the project;

7 (8) evaluate participation in the project to determine
8 if performance efficiencies or other benefits and opportunities are
9 gained through project implementation;

10 (9) advise the department about the project; and

11 (10) coordinate with the department to receive
12 periodic security audits of the operational facilities of the
13 project.

14 SECTION 6. Subchapter I, Chapter 2054, Government Code, is
15 amended by adding Sections 2054.2591 and 2054.2595 to read as
16 follows:

17 Sec. 2054.2591. FEES. (a) The authority shall set fees
18 that a state agency, including the authority, or a local government
19 may charge for a transaction that uses the project. The authority
20 shall set fees at amounts sufficient to recover the direct and
21 indirect costs of the project and provide a reasonable rate of
22 return to the authority.

23 (b) The authority shall charge a state agency or local
24 government a fee for all services provided to that entity.

25 (c) A fee set by the authority for using the project is in
26 addition to any other statutory fees. The revenue collected from
27 the fees must be used to support the project, including the recovery

1 of project costs.

2 (d) No fee may be charged to a person authorized to file
3 electronically under Section 195.003, Local Government Code, for
4 filing, recording, access to, or electronic copies of a real
5 property record subject to the provisions of Chapter 195, Local
6 Government Code, except as provided in Section 195.006 or 195.007,
7 Local Government Code.

8 Sec. 2054.2595. FEE EXEMPTIONS. The authority may not
9 charge the State Board of Barber Examiners or the Texas Cosmetology
10 Commission a fee to use the project for the issuance or renewal of
11 an occupational license.

12 SECTION 7. Section 2054.260, Government Code, is amended to
13 read as follows:

14 Sec. 2054.260. REPORTING REQUIREMENTS: AUTHORITY. (a)
15 Not later than September 1 of each even-numbered year, the
16 authority shall report on the status, progress, benefits, and
17 efficiency gains of the project. The authority shall provide the
18 report to:

19 (1) the presiding officer of each house of the
20 legislature;

21 (2) the chair of each committee in the legislature
22 that has primary jurisdiction over the department;

23 (3) the governor; and

24 (4) each state agency or local government
25 participating in the project.

26 (b) Not later than September 1 of each even-numbered year,
27 the ~~[As required by the department, the]~~ authority shall report on

1 ~~[to the department regarding]~~ financial matters, including project
2 costs and revenues. In addition, the

3 ~~[(c) The]~~ authority shall report ~~[to the department]~~ on any
4 significant issues regarding contract performance on the project.
5 The authority shall report on additional financial or contract
6 performance matters as required by the department. The authority
7 shall provide the report to:

8 (1) the department;

9 (2) the presiding officer of each house of the
10 legislature; and

11 (3) the chair of each committee in the legislature
12 that has primary jurisdiction over the department.

13 SECTION 8. Section 2054.265, Government Code, is amended to
14 read as follows:

15 Sec. 2054.265. SEPARATION OF RESPONSIBILITIES. The
16 authority shall develop and implement policies that clearly
17 separate the policymaking responsibilities of the authority and the
18 management responsibilities of the department ~~[division]~~.

19 SECTION 9. Subchapter I, Chapter 2054, Government Code, is
20 amended by adding Section 2054.272 to read as follows:

21 Sec. 2054.272. INDEPENDENT ANNUAL AUDIT. (a) Not later
22 than August 1 of each year, the vendor operating the TexasOnline
23 portal shall have an audit of the vendor's finances associated with
24 management and operation of the TexasOnline portal performed by an
25 independent certified public accountant selected by the state, paid
26 by the portal vendor.

27 (b) Not later than August 15 of each year, the authority

1 shall provide a copy of the audit report to:

2 (1) the presiding officer of each house of the
3 legislature; and

4 (2) the chair of each committee in the legislature
5 that has primary jurisdiction over the department.

6 (c) The authority shall keep a copy of the audit report and
7 make the audit report available for inspection by any interested
8 person during regular business hours.

9 SECTION 10. Subchapter I, Chapter 2054, Government Code, is
10 amended by adding Section 2054.273 to read as follows:

11 Sec. 2054.273. COLLECTION AND FORWARDING OF FEES. (a) A
12 state agency or a vendor, as determined by the authority, shall
13 collect all fees charged to use the project. If a state agency
14 collects the fees charged to use the project, the state agency shall
15 forward the fees to the vendor, if the state has contracted with a
16 vendor under Section 2054.252(d). If the state has not contracted
17 with a vendor, the state agency shall forward to the state an amount
18 equal to the state's share of the fees. If a vendor collects or
19 receives the fees charged for use of the project, it shall forward
20 to the state an amount equal to the state's share of the fees as
21 provided by the vendor's contract with the department.

22 (b) A person that pays a fee for using the project may
23 recover the fee in the ordinary course of business.

24 SECTION 11. Subchapter E, Chapter 548, Transportation Code,
25 is amended by adding Section 548.258 to read as follows:

26 Sec. 548.258. USE OF TEXASONLINE. (a) In this section,
27 "TexasOnline" has the meaning assigned by Section 2054.003,

1 Government Code.

2 (b) The department may adopt rules to require an inspection
3 station to use TexasOnline to:

4 (1) purchase inspection certificates; or

5 (2) send to the department a record, report, or other
6 information required by the department.

7 SECTION 12. The following laws are repealed:

8 (1) Sections 2054.251(2), 2054.264, and 2054.2645,
9 Government Code; and

10 (2) Section 7, Chapter 342, Acts of the 77th
11 Legislature, Regular Session, 2001.

12 SECTION 13. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect on the 91st day after the last day of
17 the legislative session.

H.B. No. 2593

President of the Senate

Speaker of the House

I certify that H.B. No. 2593 was passed by the House on May 13, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2593 on May 27, 2005, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2593 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

1 (2) the proposed expansion involves the addition of
2 not more than 12 miles of track to the system.

3 SECTION 2.85. Subchapter D, Chapter 502, Transportation
4 Code, is amended by adding Section 502.1515 to read as follows:

5 Sec. 502.1515. OUTSOURCING PRODUCTION OF RENEWAL NOTICES;
6 PAID ADVERTISING. The commission may authorize the department to
7 enter into a contract with a private vendor to produce and
8 distribute motor vehicle registration renewal notices. The
9 contract may provide for the inclusion of paid advertising in the
10 registration renewal notice packet.

11 SECTION 2.86. Section 551.301, Transportation Code, is
12 amended by amending Subdivision (2) and adding Subdivision (3) to
13 read as follows:

14 (2) "Motor assisted scooter":

15 (A) means a self-propelled device with:

16 (i) ~~[(A)]~~ at least two wheels in contact
17 with the ground during operation;

18 (ii) ~~[(B)]~~ a braking system capable of
19 stopping the device under typical operating conditions;

20 (iii) ~~[(C)]~~ a gas or electric motor not
21 exceeding 40 cubic centimeters;

22 (iv) ~~[(D)]~~ a deck designed to allow a
23 person to stand or sit while operating the device; and

24 (v) ~~[(E)]~~ the ability to be propelled by
25 human power alone; and

26 (B) does not include a pocket bike or
27 minimotorbike.

1 (3) "Pocket bike or minimotorbike" means a
2 self-propelled vehicle that is equipped with an electric motor or
3 internal combustion engine having a piston displacement of less
4 than 50 cubic centimeters, is designed to propel itself with not
5 more than two wheels in contact with the ground, has a seat or
6 saddle for the use of the operator, is not designed for use on a
7 highway, and is ineligible for a certificate of title under Chapter
8 501. The term does not include:

9 (A) a moped or motorcycle;

10 (B) an electric bicycle or motor-driven cycle, as
11 defined by Section 541.201;

12 (C) a motorized mobility device, as defined by
13 Section 542.009;

14 (D) an electric personal assistive mobility
15 device, as defined by Section 551.201; or

16 (E) a neighborhood electric vehicle.

17 SECTION 2.87. Subchapter D, Chapter 551, Transportation
18 Code, is amended by adding Section 551.304 to read as follows:

19 Sec. 551.304. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR
20 MINIMOTORBIKE. This subchapter may not be construed to authorize
21 the operation of a pocket bike or minimotorbike on any:

22 (1) highway, road, or street;

23 (2) path set aside for the exclusive operation of
24 bicycles; or

25 (3) sidewalk.

26 SECTION 2.88. Section 101.022, Civil Practice and Remedies
27 Code, is amended to read as follows:

AN ACT

relating to the removal and collection of convenience switches from motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 5, Health and Safety Code, is amended by adding Chapter 375 to read as follows:

CHAPTER 375. REMOVAL OF CONVENIENCE SWITCHES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 375.001. DEFINITIONS. In this chapter:

(1) "Capture rate" means the annual number of convenience switches removed, collected, and recovered, expressed as a percentage of the number of convenience switches estimated to be available for removal in that year from end-of-life vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Convenience switch" means a capsule, commonly known as a bullet, that:

(A) is part of a convenience light switch assembly; and

(B) because of its mercury content, is the type of switch subject to work practice standards promulgated by the United States Environmental Protection Agency under Section 112 of the federal Clean Air Act (42 U.S.C. Section 7412).

(4) "Convenience switch recovery program" means a

1 program for removing, collecting, and recovering convenience
2 switches from end-of-life vehicles in accordance with Subchapter B.

3 (5) "Eligible vehicle" means a vehicle identified by
4 information provided by the manufacturer to the commission under
5 Section 375.051 as a vehicle that might contain a convenience
6 switch.

7 (6) "End-of-life vehicle" means a vehicle that:

8 (A) has not been intentionally flattened,
9 crushed, shredded, or baled; and

10 (B) is sold, given, or otherwise conveyed to a
11 vehicle recycler or scrap metal recycling facility for the purpose
12 of recycling.

13 (7) "Executive director" means the executive director
14 of the commission.

15 (8) "Manufacturer" means:

16 (A) a person who is the last entity in the
17 production or assembly process of a new vehicle; or

18 (B) the importer or domestic distributor of the
19 vehicle, in the case of an imported vehicle.

20 (9) "Scrap metal recycling facility" means a facility
21 at a fixed location that uses equipment to process and refabricate
22 scrap metal into prepared grades and principally produces scrap
23 iron, scrap steel, or nonferrous metallic scrap for sale.

24 (10) "Vehicle" means any automobile, station wagon,
25 truck, van, or sport utility vehicle with a gross vehicle weight
26 rating of less than 12,000 pounds.

27 (11) "Vehicle recycler" means a person engaged in the

1 business of acquiring, dismantling, or preparing for recycling six
2 or more end-of-life vehicles in a calendar year for the primary
3 purpose of reselling the vehicles' parts. The term includes a
4 salvage vehicle dealer licensed under Chapter 2302, Occupations
5 Code.

6 Sec. 375.002. APPLICABILITY OF CHAPTER. (a) This chapter
7 applies only to:

8 (1) a manufacturer of vehicles sold in this state that
9 contain or contained convenience switches; and

10 (2) a vehicle recycler or scrap metal recycling
11 facility in this state.

12 (b) The requirements of this chapter do not apply to a
13 manufacturer on or after the 10th anniversary of the date on which
14 the manufacturer last installed a convenience switch in a vehicle
15 sold in this state.

16 Sec. 375.003. EXPIRATION. This chapter expires August 31,
17 2015.

18 [Sections 375.004-375.050 reserved for expansion]

19 SUBCHAPTER B. CONVENIENCE SWITCH RECOVERY PROGRAM

20 Sec. 375.051. MANUFACTURER PROGRAM COMPONENTS. (a) Each
21 manufacturer of vehicles sold in this state, individually or as
22 part of a group, shall, not later than January 1, 2006, implement a
23 program that provides the following:

24 (1) information identifying that manufacturer's
25 eligible vehicles, including:

26 (A) a description of the convenience switches
27 used by the manufacturer;

1 (B) the location on each vehicle of each
2 convenience switch;

3 (C) the safe and environmentally sound methods
4 for removing a convenience switch from an end-of-life vehicle; and

5 (D) the estimated number of convenience switches
6 available, for purposes of computing the capture rate;

7 (2) educational materials to assist a vehicle recycler
8 or scrap metal recycling facility in following a safe and
9 environmentally sound method to remove convenience switches from
10 end-of-life vehicles, including educational materials on hazards
11 presented by the content of a convenience switch and the proper
12 handling of that content;

13 (3) methods for recycling or disposing of the
14 manufacturer's convenience switches, including the method of
15 packaging and shipping a convenience switch to an authorized
16 recycling, storage, or disposal facility; and

17 (4) methods for the storage of a convenience switch
18 collected and recovered from an end-of-life vehicle if
19 environmentally appropriate recycling or disposal technologies are
20 not available.

21 (b) To the extent possible, a convenience switch recovery
22 program must use existing end-of-life vehicle infrastructure. If
23 that infrastructure is not used, the program must include reasons
24 for establishing a separate infrastructure.

25 Sec. 375.052. PACKAGING, SHIPPING, AND RECYCLING COSTS.
26 Each manufacturer, individually or as part of a group, shall pay the
27 costs of:

1 (1) packaging and shipping of the manufacturer's
2 convenience switches to recycling, storage, or disposal
3 facilities; and

4 (2) recycling, storing, or disposing of the
5 manufacturer's removed convenience switches.

6 Sec. 375.053. COSTS OF EDUCATIONAL MATERIALS. Each
7 manufacturer shall provide financing for:

8 (1) the preparation of educational materials required
9 under Section 375.051; and

10 (2) the distribution of those materials at workshops
11 that the commission is required to conduct as part of the
12 commission's technical assistance.

13 Sec. 375.054. PROVISION OF STORAGE CONTAINERS. Each
14 manufacturer, individually or as part of a group, shall pay for and
15 provide to each vehicle recycler and scrap metal recycling facility
16 containers suitable for the safe storage of convenience switches,
17 including switches encased in light assemblies from which the
18 switches cannot be removed.

19 [Sections 375.055-375.100 reserved for expansion]

20 SUBCHAPTER C. CONVENIENCE SWITCH RECOVERY PROGRAM IMPLEMENTATION

21 Sec. 375.101. REMOVAL AND MANAGEMENT OF CONVENIENCE
22 SWITCHES. (a) A vehicle recycler or scrap metal recycling facility
23 that removes convenience switches from eligible vehicles in
24 accordance with educational materials received under this chapter
25 shall be provided regulatory incentives by the commission under
26 programs implemented pursuant to Section 5.755, Water Code,
27 including on-site technical assistance and compliance history

1 classification adjustments.

2 (b) In order to qualify for the regulatory incentives
3 provided by this section, a vehicle recycler or scrap metal
4 recycling facility must submit a report to the commission by
5 November 15 of each year documenting:

6 (1) the number of convenience switches collected
7 during the prior 12 months; and

8 (2) the total number of eligible vehicles processed
9 for recycling during the same time period.

10 (c) Nothing in this chapter shall be construed to require
11 scrap metal recycling facilities or vehicle recyclers to remove
12 convenience switches or maintain records regarding convenience
13 switches they have not removed, and the commission shall not
14 promulgate regulations that create such requirements.

15 Sec. 375.102. HANDLING OF CONVENIENCE SWITCHES. After
16 removal from a vehicle, a convenience switch shall be collected,
17 stored, transported, and otherwise handled in accordance with:

18 (1) the applicable convenience switch recovery
19 program; and

20 (2) the applicable solid waste rules of the
21 commission.

22 [Sections 375.103-375.150 reserved for expansion]

23 SUBCHAPTER D. REPORTS

24 Sec. 375.151. ANNUAL IMPLEMENTATION REPORT. (a) On or
25 before December 31 of each year, the commission shall:

26 (1) publish a report that documents the capture rate
27 achieved through the implementation of this chapter; and

1 (2) issue recommendations to the governor, the
2 lieutenant governor, the speaker of the house of representatives,
3 and the chair of each standing committee of the legislature with
4 jurisdiction over environmental issues, which identifies
5 legislative action that may be appropriate to improve the capture
6 rate referenced in Subsection (a)(1) while promoting vehicle
7 recycling and preventing the export of scrap metal from the state.

8 (b) The executive director may discontinue the requirement
9 for an annual report under this section if the executive director
10 determines that the convenience switches in end-of-life vehicles no
11 longer pose a significant threat to the environment or to public
12 health.

13 Sec. 375.152. ANNUAL MANUFACTURER'S IMPLEMENTATION REPORT.
14 On or before November 15 of each year, each manufacturer,
15 individually or as part of a group, shall report to the commission
16 the total number of convenience switches recovered in this state
17 and the total amount of mercury, by weight, recovered from those
18 convenience switches during the preceding 12 months.

19 SECTION 2. (a) The Texas Commission on Environmental
20 Quality shall adopt rules for regulating a convenience switch, as
21 defined by Section 375.001, Health and Safety Code, as added by this
22 Act, as universal waste under 30 T.A.C. Section 335.261.

23 (b) Until rules have been adopted and promulgated under
24 Subsection (a) of this section, the Texas Commission on
25 Environmental Quality shall regulate a convenience switch, as
26 defined by Section 375.001, Health and Safety Code, as added by this
27 Act, as a universal waste in accordance with 40 C.F.R. Part 273, and

1 as incorporated by reference in 30 T.A.C. Section 335.261.

2 SECTION 3. Not later than the 60th day after the effective
3 date of this Act, individually or as part of a group, a manufacturer
4 shall provide containers as required by Section 375.054, Health and
5 Safety Code, as added by this Act, to each vehicle recycler and
6 scrap metal recycling facility identified by the Texas Commission
7 on Environmental Quality.

8 SECTION 4. The initial report described by Section 375.151,
9 Health and Safety Code, as added by this Act, shall be published as
10 required by that section on or before December 31, 2006.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect August 29, 2005.

H.B. No. 2793

President of the Senate

Speaker of the House

I certify that H.B. No. 2793 was passed by the House on May 13, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2793 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2793 on May 29, 2005, by a non-record vote.

Chief Clerk of the House

H.B. No. 2793

I certify that H.B. No. 2793 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2793 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the marketing and sale of certain license plates by a private vendor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 504.851, Transportation Code, is amended by amending Subsections (a), (b), (c), (e), (f), (g), and (h) and adding Subsections (g-1) and (k)-(m) to read as follows:

(a) The ~~[commission may authorize the]~~ department shall ~~[to]~~ enter into a contract with the private vendor whose proposal is most advantageous to the state, as determined from competitive sealed proposals that satisfy the requirements of this section, for the marketing and sale of:

(1) personalized ~~[prestige]~~ license plates authorized by Section 504.101; or

(2) with the agreement of the private vendor, other specialty ~~[specialized]~~ license plates authorized by this subchapter.

(b) Instead of the fees established by Section 504.101(c), ~~[if the commission authorizes the department to contract with a private vendor under Subsection (a)(1) for the marketing and sale of personalized prestige license plates,~~ the commission by rule shall establish fees for the issuance or renewal of personalized ~~[prestige]~~ license plates that are marketed and sold by the private vendor. Fees must be reasonable and not less than the greater of:

1 (1) the amounts necessary to allow the department to
2 recover all reasonable costs to the department associated with the
3 evaluation of the competitive sealed proposals received by the
4 department and with the implementation and enforcement of the
5 contract, including direct, indirect, and administrative costs; or

6 (2) the amount established by Section 504.101(c).

7 (c) ~~The [If the commission authorizes the department to~~
8 ~~contract with a private vendor under Subsection (a)(2) for the~~
9 ~~marketing and sale of other specialized license plates authorized~~
10 ~~by this subchapter, including specialized license plates that may~~
11 ~~be personalized, the]~~ commission by rule shall establish the fees
12 for the issuance or renewal of souvenir license plates, specialty
13 ~~[specialized]~~ license plates, or souvenir or specialty license
14 plates that are personalized that are marketed and sold by the
15 private vendor. Fees must be reasonable and not less than the
16 amounts necessary to allow the department to recover all reasonable
17 costs to the department associated with the evaluation of the
18 competitive sealed proposals received by the department and with
19 the implementation and enforcement of the contract, including
20 direct, indirect, and administrative costs. A fee established
21 under this subsection is in addition to:

22 (1) the registration fee and any optional registration
23 fee prescribed by this chapter for the vehicle for which specialty
24 ~~[the specialized]~~ license plates are issued;

25 (2) any additional fee prescribed by this subchapter
26 for the issuance of specialty ~~[the specialized]~~ license plates for
27 that vehicle; and

(3) any additional fee prescribed by this subchapter for the issuance of personalized license plates for that vehicle.

(e) The portion of a [A] contract with a private vendor regarding the marketing and sale of personalized license plates ~~[under Subsection (a)(1)]~~ is payable only from amounts derived from the collection of the fee established under Subsection (b). The portion of a [A] contract with a private vendor regarding the marketing and sale of souvenir license plates, specialty license plates, or souvenir or specialty license plates that are personalized under Section 504.102 ~~[under Subsection (a)(2)]~~ is payable only from amounts derived from the collection of the fee established under Subsection (c).

(f) The department may approve ~~[create]~~ new design and color combinations for personalized ~~[prestige]~~ license plates that are marketed and ~~[or]~~ sold by a private vendor under a contract entered into with the private vendor ~~[under Subsection (a)(1)]~~. Each approved license plate design and color combination remains the property of the department.

(g) The department may approve ~~[create]~~ new design and color combinations for specialty ~~[specialized]~~ license plates authorized by this chapter, including specialty ~~[specialized]~~ license plates that may be personalized, that are marketed and ~~[or]~~ sold by a private vendor under a contract entered into with the private vendor ~~[under Subsection (a)(2)]~~. Each approved license plate design and color combination remains the property of the department. Except as otherwise provided by this chapter, this ~~[This]~~ subsection does not authorize:

1 (1) the department to approve a design or color
2 combination for a specialty [~~specialized~~] license plate that is
3 inconsistent with the design or color combination specified for the
4 license plate by the section of this chapter [~~subchapter~~] that
5 authorizes the issuance of the specialty [~~specialized~~] license
6 plate; or

7 (2) the private vendor to market and [~~or~~] sell a
8 specialty [~~specialized~~] license plate with a design or color
9 combination that is inconsistent with the design or color
10 combination specified by that section.

11 (g-1) The department may not:

12 (1) publish a proposed design or color combination for
13 a specialty license plate for public comment in the Texas Register
14 or otherwise, except on the department's website for a period not to
15 exceed 10 days; or

16 (2) restrict the background color, color
17 combinations, or color alphanumeric license plate numbers of a
18 specialty license plate, except as determined by the Department of
19 Public Safety as necessary for law enforcement purposes.

20 (h) Subject to the limitations provided by Subsections (g)
21 and (g-1) [In connection with a license plate that is marketed or
22 sold by a private vendor under contract], the department may cancel
23 a license plate or require the discontinuation of a license plate
24 design or color combination that is marketed and sold by a private
25 vendor under contract at any time if the department determines that
26 the cancellation or discontinuation is in the best interest of this
27 state or the motoring public.

1 (k) The department shall certify to the comptroller the
2 estimate, with a detailed explanation of the basis on which the
3 estimate is calculated, of all reasonable costs to the department
4 associated with the evaluation of competitive sealed proposals
5 received by the department under this section and associated with
6 the implementation and enforcement of a contract entered into under
7 this section, including direct, indirect, and administrative costs
8 for the issuance or renewal of personalized license plates or
9 specialty license plates.

10 (l) A contract entered into with the private vendor shall
11 provide for the department to recover all costs incurred by the
12 department in implementing this section. Under the contract, the
13 department may require the private vendor to reimburse the
14 department in advance for:

15 (1) not more than one-half of the department's
16 anticipated costs in connection with the contract; and

17 (2) the department's anticipated costs in connection
18 with the introduction of a new specialty license plate.

19 (m) To the extent that specialty license plate fees
20 collected under this section are in excess of the minimum amount
21 required under Subsection (b) or (c), the excess amount shall be
22 deposited to the credit of the general revenue fund.

23 SECTION 2. Subchapter J, Chapter 504, Transportation Code,
24 is amended by adding Section 504.852 to read as follows:

25 Sec. 504.852. CONTRACT LIMITATIONS. (a) In a contract
26 under Section 504.851, the department may not:

27 (1) unreasonably disapprove or limit any aspect of a

1 private vendor's marketing and sales plan;

2 (2) unreasonably interfere with the selection,
3 assignment, or management by the private vendor of the private
4 vendor's employees, agents, or subcontractors; or

5 (3) require a private vendor to market and sell
6 souvenir license plates, specialty license plates, or souvenir or
7 specialty license plates personalized under Section 504.102.

8 (b) If a private vendor contracts to market and sell
9 souvenir license plates, specialty license plates, or souvenir or
10 specialty license plates personalized under Section 504.102, the
11 initial term of the contract shall be for at least five years from
12 the effective date of the contract. The contract may provide, with
13 the agreement of the department and the private vendor, a second
14 term at least equal in length to the initial term of the contract.

15 (c) Notwithstanding Subsection (b), a private vendor may
16 not market and sell souvenir license plates, specialty license
17 plates, or souvenir or specialty license plates personalized under
18 Section 504.102 that compete directly for sales with another
19 specialty license plate issued under this chapter unless the
20 department and the sponsoring agency or organization of the other
21 license plate approve.

22 SECTION 3. A contract awarded by the Texas Department of
23 Transportation to a private vendor under the provisions of Section
24 504.851, Transportation Code, is not valid to the extent that the
25 contract does not comply with the changes in law made by this Act.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 2894

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2005.

H.B. No. 2894

President of the Senate

Speaker of the House

I certify that H.B. No. 2894 was passed by the House on May 11, 2005, by the following vote: Yeas 140, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2894 on May 27, 2005, by the following vote: Yeas 131, Nays 7, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2894 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to automotive wrecking and salvage yards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 396.001, Transportation Code, is amended to read as follows:

(1) "Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more wrecked vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in ~~[an]~~ automotive repair or rebuilding ~~[business]~~.

SECTION 2. Chapter 397, Transportation Code, is amended by adding Section 397.014 to read as follows:

Sec. 397.014. INJUNCTION. (a) A person is entitled to an injunction to prohibit a violation or threatened violation of this chapter.

(b) The venue for the injunction proceeding is in the county to which this chapter applies in which any part of the automotive wrecking and salvage yard is located.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 280 passed the Senate on March 17, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on April 20, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 280 passed the House, with amendment, on April 13, 2005, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

AN ACT

relating to the use of electronically readable information from a driver's license or personal identification card in an election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 63, Election Code, is amended by adding Section 63.0102 to read as follows:

Sec. 63.0102. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. (a) An election officer may access electronically readable information on a driver's license or personal identification card for proof of identification when determining whether a voter shall be accepted for voting.

(b) The secretary of state shall prescribe any necessary procedures to implement this section.

SECTION 2. Section 521.126(d), Transportation Code, is amended to read as follows:

(d) The prohibition provided by Subsection (b) does not apply to a person who accesses, uses, compiles, or maintains a database of the information for a law enforcement or governmental purpose, including:

(1) an officer or employee of the department carrying out ~~[who accesses or uses the information for]~~ law enforcement or government purposes;

(2) a peace officer, as defined by Article 2.12, Code of Criminal Procedure, acting in the officer's official capacity;

1 (3) a license deputy, as defined by Section 12.702,
2 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or
3 other similar item through use of a point-of-sale system under
4 Section 12.703, Parks and Wildlife Code; ~~or~~

5 (4) a person acting as authorized by Section 109.61,
6 Alcoholic Beverage Code; or

7 (5) a person establishing the identity of a voter
8 under Chapter 63, Election Code.

9 SECTION 3. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 178 was passed by the House on April 12, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 178 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 178 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the towing and storage of certain vehicles; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.23 to read as follows:

Art. 18.23. EXPENSES FOR MOTOR VEHICLE TOWED AND STORED FOR CERTAIN PURPOSES. (a) A law enforcement agency that directs the towing and storage of a motor vehicle for an evidentiary or examination purpose shall pay the cost of the towing and storage.

(b) Subsection (a) applies whether the motor vehicle is taken to or stored on property that is:

(1) owned or operated by the law enforcement agency;
or

(2) owned or operated by another person who provides storage services to the law enforcement agency, including:

(A) a governmental entity; and
(B) a vehicle storage facility, as defined by Section 2303.002, Occupations Code.

(c) Subsection (a) does not require a law enforcement agency to pay the cost of:

(1) towing or storing a motor vehicle for a purpose that is not an evidentiary or examination purpose, including towing or storing a vehicle that has been abandoned, illegally parked, in

1 an accident, or recovered after being stolen; or

2 (2) storing a motor vehicle after the date the law
3 enforcement agency authorizes the owner or operator of the property
4 to which the vehicle was taken or on which the vehicle is stored to
5 release the vehicle to the vehicle's owner.

6 (d) This subsection applies only to a motor vehicle taken to
7 or stored on property described by Subsection (b)(2). After a law
8 enforcement agency authorizes the release of a motor vehicle held
9 for an evidentiary or examination purpose, the owner or operator of
10 the storage property may not refuse to release the vehicle to the
11 vehicle's owner because the law enforcement agency has not paid the
12 cost of the towing and storage.

13 (e) Chapter 685, Transportation Code, does not apply to a
14 motor vehicle directed by a law enforcement agency to be towed and
15 stored for an evidentiary or examination purpose.

16 SECTION 2. Sections 2303.155(b) and (c), Occupations Code,
17 are amended to read as follows:

18 (b) The operator of a vehicle storage facility or
19 governmental vehicle storage facility may charge the owner of a
20 vehicle stored or parked at the facility:

21 (1) a notification fee set in a reasonable amount for
22 providing notice under this subchapter, including notice under
23 Section 2303.154(c);

24 (2) an impoundment fee of \$20 for any action that:

25 (A) is taken by or at the direction of the owner
26 or operator of the facility; and

27 (B) is necessary to preserve, protect, or service

1 a vehicle stored or parked at the facility;

2 (3) a daily storage fee of:

3 (A) not less than \$5 and not more than \$20 [~~\$15~~]
4 for each day or part of a day the vehicle is stored at the facility
5 if the vehicle is not longer than 25 feet; or

6 (B) \$35 [~~\$30~~] for each day or part of a day the
7 vehicle is stored at the facility if the vehicle is longer than 25
8 feet; and

9 (4) any fee that is required to be submitted to a law
10 enforcement agency, the agency's authorized agent, or a
11 governmental entity.

12 (c) A notification fee under Subsection (b) may not exceed
13 \$50 [~~\$32~~], except that if notice by publication is required by this
14 chapter and the cost of publication exceeds 50 percent of the
15 notification fee, the vehicle storage facility may recover the
16 additional amount of the cost of publication from the vehicle owner
17 or agent.

18 SECTION 3. Subchapter D, Chapter 2303, Occupations Code, is
19 amended by adding Section 2303.158 to read as follows:

20 Sec. 2303.158. ACCESS TO GLOVE COMPARTMENT, CONSOLE, OR
21 OTHER INTERIOR STORAGE AREA TO ESTABLISH IDENTITY OR OWNERSHIP.
22 The operator of a vehicle storage facility or a governmental
23 vehicle storage facility must allow a person claiming to be the
24 owner of a vehicle stored or parked at the facility to have access
25 to the vehicle's glove compartment, console, or other interior
26 storage area if documents necessary to establish the person's
27 identity or ownership of the vehicle are located in the glove

1 compartment, console, or other interior storage area.

2 SECTION 4. Subchapter D, Chapter 2303, Occupations Code, is
3 amended by adding Section 2303.159 to read as follows:

4 Sec. 2303.159. FORMS OF PAYMENT OF CHARGES. (a) The
5 operator of a vehicle storage facility shall accept payment by an
6 electronic check, debit card, or credit card for any charge
7 associated with delivery or storage of a vehicle.

8 (b) In this section, "vehicle storage facility" includes a
9 governmental vehicle storage facility as defined by Section
10 2303.155.

11 SECTION 5. Sections 643.206(a) and (c), Transportation
12 Code, are amended to read as follows:

13 (a) A towing company that makes a nonconsent tow shall tow
14 the vehicle to a vehicle storage facility that is operated by a
15 person who holds a license to operate the facility under Chapter
16 2303, Occupations Code, unless the towing company agrees to take
17 the vehicle to a location designated by the vehicle's owner.

18 (c) Except as provided by this chapter, Article 18.23, Code
19 of Criminal Procedure, or Chapter 2303, Occupations Code, a fee may
20 not be charged or collected without the prior written consent of the
21 vehicle owner or operator.

22 SECTION 6. Section 684.012(a), Transportation Code, is
23 amended to read as follows:

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

expense if:

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

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

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

(4) the vehicle is:

(A) left in violation of Section 684.011 or 684.0125; or

(B) in or obstructing a portion of a paved driveway or abutting public roadway used for entering or exiting the facility and the removal is approved by a peace officer.

SECTION 7. Section 684.014, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) A towing company that is insured as provided by Subsection (c) may, without the consent of an owner or operator of an unauthorized vehicle, remove and store the vehicle at a vehicle storage facility at the expense of the owner or operator of the vehicle if:

(1) the towing company has received written verification from the parking facility owner that:

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

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

6 (2) the vehicle is:

7 (A) left in violation of Section 684.011; or

8 (B) in or obstructing a portion of a paved
9 driveway or abutting public roadway used for entering or exiting
10 the facility and the removal is approved by a peace officer.

11 (d) A towing company may remove and store a vehicle under
12 Subsection (a) only if the parking facility owner:

13 (1) requests that the towing company remove and store
14 the specific vehicle; or

15 (2) has a standing written agreement with the towing
16 company to enforce parking restrictions in the parking facility
17 from which the vehicle will be removed.

18 SECTION 8. Section 684.085, Transportation Code, is amended
19 to read as follows:

20 Sec. 684.085. VIOLATION OF CHAPTER; FINE. A violation of
21 this chapter is a misdemeanor punishable by a fine of not less than
22 \$500 [~~\$200~~] or more than \$1,500 [~~\$500~~].

23 SECTION 9. (a) The change in law made by this Act to Section
24 684.085, Transportation Code, applies only to an offense committed
25 on or after the effective date of this Act. For purposes of this
26 section, an offense was committed before the effective date of this
27 Act if any element of the offense occurred before the effective

1 date.

2 (b) An offense committed before the effective date of this
3 Act is governed by the law in effect on the date the offense was
4 committed, and the former law is continued in effect for that
5 purpose.

6 SECTION 10. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 480 was passed by the House on April 26, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 480 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

AN ACT

relating to excepting certain motor vehicles owned by an individual and used for the production of income from required rendition for ad valorem tax purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.01, Tax Code, is amended by adding Subsection (k) to read as follows:

(k) Notwithstanding Subsections (a) and (b), an individual who owns and is the primary operator of one or more passenger cars or light trucks in the course of the individual's occupation or profession and also operates those vehicles for personal activities that do not involve the production of income is not required to render the vehicles for taxation. In this subsection, "passenger car" and "light truck" have the meanings assigned by Section 502.001, Transportation Code.

SECTION 2. The change in law made by this Act applies only to the rendition of property for an ad valorem tax year that begins on or after January 1, 2006.

SECTION 3. This Act takes effect January 1, 2006.

President of the Senate

Speaker of the House

I certify that H.B. No. 809 was passed by the House on April 20, 2005, by the following vote: Yeas 136, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 809 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 809 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to border issues.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0197 to read as follows:

Sec. 411.0197. ADVISORY OVERSIGHT COMMUNITY OUTREACH COMMITTEE. (a) The commission shall establish an Advisory Oversight Community Outreach Committee in the department and may adopt rules for the implementation and operation of the committee. The committee shall meet at the times and places specified by commission rule or at the call of the presiding officer or any two members.

(b) The commission shall appoint the members of the committee, which must include border crossing bridge owners, persons serving in the capacity of director of entities governing ports of entry, community leaders, planning developers, mayors, or persons designated by mayors, of the major municipalities in the area of the border of this state and the United Mexican States, representatives of law enforcement agencies, and representatives of the general public.

(c) The commission shall designate the presiding officer of the committee from among the committee's members. The presiding officer serves at the will of the commission.

(d) The committee shall:

1 (1) document to the commission trade-related
2 incidents involving department personnel;

3 (2) develop recommendations and strategies to improve
4 community relations, department personnel conduct, and the truck
5 inspection process at this state's ports of entry; and

6 (3) act as ombudsman between the department and the
7 communities located and residents residing in the area of the
8 border of this state and the United Mexican States and between the
9 department and the department's personnel.

10 (e) In determining action to be taken on the information and
11 recommendations received from the committee, the commission shall
12 consider the importance of trade with the United Mexican States,
13 the safety of the traveling public, preservation of the highway
14 system, applicable federal laws and regulations, and the concerns
15 expressed by communities.

16 (f) Not later than January 1 of each odd-numbered year the
17 commission shall submit to the lieutenant governor, speaker of the
18 house of representatives, and each other member of the legislature
19 a report documenting the committee's recommendations and comments,
20 incident reports received by the committee, and the actions taken
21 by the commission and department to address those matters.

22 SECTION 2. Subtitle F, Title 4, Government Code, is amended
23 by adding Chapter 490 to read as follows:

24 CHAPTER 490. TEXAS-MEXICO STRATEGIC INVESTMENT COMMISSION

25 Sec. 490.001. DEFINITIONS. In this chapter:

26 (1) "Commission" means the Texas-Mexico Strategic
27 Investment Commission.

1 (2) "Texas-Mexico border region" has the meaning
2 assigned by Section 2056.002.

3 Sec. 490.002. PURPOSE. The ongoing economic stability and
4 growth of Texas and the improved quality of life for all Texans are
5 dependent in part on coordination with neighboring states. Texas
6 and the Mexican border states of Chihuahua, Coahuila, Nuevo Leon,
7 and Tamaulipas face common challenges in the areas of
8 infrastructure, health care, access to and availability of water,
9 economic development and trade, and environmental protection. The
10 commission will encourage a collaborative approach between Texas
11 and neighboring Mexican states in specific areas so as to better
12 address challenges and plan for the future.

13 Sec. 490.003. TEXAS-MEXICO STRATEGIC INVESTMENT
14 COMMISSION; MEMBERS. (a) The Texas-Mexico Strategic Investment
15 Commission is established.

16 (b) The commission is composed of:

- 17 (1) the border commerce coordinator or a designee;
18 (2) the executive director of the Texas Department of
19 Transportation or a designee;
20 (3) the executive administrator of the Texas Water
21 Development Board or a designee;
22 (4) the commissioner of state health services or a
23 designee;
24 (5) the chair of the Railroad Commission or a
25 designee; and
26 (6) the executive director of the Texas Commission on
27 Environmental Quality or a designee.

1 (c) The border commerce coordinator shall serve as the chair
2 of the commission.

3 Sec. 490.004. FUNCTIONS OF COMMISSION. (a) The commission
4 shall:

5 (1) represent government agencies within the
6 Texas-Mexico border region to help reduce regulations by improving
7 communication and cooperation between federal, state, and local
8 governments;

9 (2) examine trade issues between the United States and
10 Mexico;

11 (3) study the flow of commerce at ports of entry
12 between this state and Mexico, including the movement of commercial
13 vehicles across the border, and establish a plan to aid that
14 commerce and improve the movement of those vehicles;

15 (4) work with federal officials to resolve
16 transportation issues involving infrastructure, including roads
17 and bridges, to allow for the efficient movement of goods and people
18 across the border between Texas and Mexico;

19 (5) work with federal officials to create a unified
20 federal agency process to streamline border crossing needs;

21 (6) identify problems involved with border truck
22 inspections and related trade and transportation infrastructure;

23 (7) work to increase funding for the North American
24 Development Bank to assist in the financing of water and wastewater
25 facilities;

26 (8) explore the sale of excess electric power from
27 Texas to Mexico;

1 (9) identify areas of environmental protection that
2 need to be addressed cooperatively between Texas and the Mexican
3 states;

4 (10) identify common challenges to health care on
5 which all states can collaborate; and

6 (11) develop recommendations, when possible, for
7 addressing border challenges.

8 (b) The commission shall work with local governments,
9 metropolitan planning organizations, and other appropriate
10 community organizations in the Texas Department of
11 Transportation's Pharr, Laredo, and El Paso transportation
12 districts, and with comparable entities in Mexican states bordering
13 those districts, to address the unique planning and capacity needs
14 of those areas. The commission shall assist those governments,
15 organizations, and entities to identify and develop initiatives to
16 address those needs.

17 (c) The commission shall work with industries and
18 communities on both sides of the Texas-Mexico border to develop
19 international industry cluster initiatives to capitalize on
20 resources available in communities located adjacent to each other
21 across the border.

22 (d) The commission may meet at least once a year with
23 representatives from the Mexican states of Chihuahua, Coahuila,
24 Nuevo Leon, and Tamaulipas during the Border Governors Conference
25 to discuss issues and challenges of the Texas-Mexico border region
26 and develop strategic collaborative approaches for addressing the
27 challenges.

1 Sec. 490.005. FUNDING. (a) In addition to any amount
2 appropriated by the legislature, the commission may request state
3 agencies to apply for funds from the federal government or any other
4 public or private entity. The commission may also solicit grants,
5 gifts, and donations from private sources on the state's behalf.
6 The use of a gift, grant, or donation solicited under this section
7 must be consistent with the purposes of the commission.

8 (b) The commission shall review and may require reports of
9 state agencies that receive appropriations, gifts, grants,
10 donations, or endowments as a result of the commission's
11 recommendations.

12 (c) A state agency may accept a gift, grant, donation, or
13 endowment received as a result of the commission's recommendations.

14 SECTION 3. (a) Section 772.010, Government Code, as added
15 by Chapters 429 and 1339, Acts of the 76th Legislature, Regular
16 Session, 1999, is reenacted and amended to read as follows:

17 Sec. 772.010. BORDER COMMERCE COORDINATOR. (a) The
18 governor shall designate a border commerce coordinator in the
19 governor's office or the office of the secretary of state as
20 determined by the governor. The coordinator shall:

21 (1) examine trade issues between the United States,
22 Mexico, and Canada;

23 (2) act as an ombudsman for government agencies within
24 the Texas and Mexico border region to help reduce regulations by
25 improving communication and cooperation between federal, state,
26 and local governments;

27 (3) study the flow of commerce at ports of entry

1 between this state and Mexico, including the movement of commercial
2 vehicles across the border, + and establish a plan to aid that
3 commerce and improve the movement of those vehicles;

4 (4) [~~(3)~~] work with federal officials to resolve
5 transportation issues involving infrastructure, including roads
6 and bridges, to allow for the efficient movement of goods and people
7 across the border between Texas and Mexico;

8 (5) [~~(4)~~] work with federal officials to create a
9 unified federal agency process to streamline border crossing needs;

10 (6) [~~(5)~~] work to increase funding for the North
11 American Development Bank to assist in the financing of water and
12 wastewater facilities; and

13 (7) [~~(6)~~] explore the sale of excess electric power
14 from Texas to Mexico.

15 (b) The governor shall appoint a border commerce
16 coordinator to serve at the will of the governor in the governor's
17 office or in the office of the secretary of state and may select the
18 secretary of state as the coordinator.

19 (c) The coordinator shall work with the interagency work
20 group established under Section 772.011, and with local
21 governments, metropolitan planning organizations, and other
22 appropriate community organizations adjacent to the border of this
23 state with the United Mexican States, and with comparable entities
24 in Mexican states adjacent to that border, to address the unique
25 planning and capacity needs of those areas. The coordinator shall
26 assist those governments, organizations, and entities to identify
27 and develop initiatives to address those needs. Before January 1

1 of each year, the coordinator shall submit to the presiding officer
2 of each house of the legislature a report of the coordinator's
3 activities under this subsection during the preceding year.

4 (d) The coordinator shall:

5 (1) work with private industry and appropriate
6 entities of Texas and the United States to require that low-sulfur
7 fuel be sold along highways in Texas carrying increased traffic
8 related to activities under the North American Free Trade
9 Agreement; and

10 (2) work with representatives of the government of
11 Mexico and the governments of those Mexican states bordering Texas
12 to increase the use of low-sulfur fuel.

13 (b) Chapter 772, Government Code, is amended by adding
14 Sections 772.0101 and 772.0102 to read as follows:

15 Sec. 772.0101. BORDER INSPECTION, TRADE, AND
16 TRANSPORTATION ADVISORY COMMITTEE. (a) The border commerce
17 coordinator shall establish and appoint the members of the Border
18 Inspection, Trade, and Transportation Advisory Committee. The
19 members must include representatives of the Texas Department of
20 Transportation, the Department of Public Safety of the State of
21 Texas, the Office of State-Federal Relations, the United States
22 Department of Transportation, the Federal Motor Carrier Safety
23 Administration, and other representatives of state and federal
24 agencies involved in border crossing issues. Chapter 2110 does not
25 apply to the size, composition, or duration of the Border
26 Inspection, Trade, and Transportation Advisory Committee.

27 (b) The coordinator shall work with the advisory committee

1 and the interagency work group established under Section 772.011
2 to:

3 (1) identify problems involved with border truck
4 inspections and related trade and transportation infrastructure;
5 and

6 (2) develop recommendations for addressing those
7 problems.

8 (c) The coordinator shall work with the advisory committee
9 and appropriate agencies of Texas, the United States, and Mexico to
10 develop initiatives to mitigate congestion at ports of entry at the
11 Mexican border by conducting in Mexico inspections of trucks
12 entering Texas. In developing the initiatives, the coordinator
13 shall give consideration to similar initiatives proposed or
14 implemented at the border of the United States and Canada.

15 (d) The coordinator shall report quarterly to the presiding
16 officer of each house of the legislature on the findings and
17 recommendations of the advisory committee.

18 Sec. 772.0102. TRADE AND COMMERCE PLAN. (a) The border
19 commerce coordinator shall develop, in conjunction with
20 representatives of chambers of commerce, metropolitan planning
21 organizations adjacent to the United Mexican States, and private
22 industry groups, and with the advice of the interagency work group
23 established under Section 772.011, a comprehensive trade and
24 commerce plan for the region designed to:

25 (1) increase trade by attracting new business
26 ventures;

27 (2) support expansion of existing industries; and

1 (3) address workforce training needs.

2 (b) The plan must cover five-year, 10-year, and 15-year
3 periods.

4 (c) The coordinator shall work with industries and
5 communities on both sides of the border to develop international
6 industry cluster initiatives to capitalize on resources available
7 in communities located adjacent to each other across the border.

8 (d) The coordinator shall conduct annual conferences of
9 interested persons, working with chambers of commerce and
10 universities of this state along the Texas and Mexico border
11 region, and shall host those conferences at no cost to the
12 coordinator. The purposes of the conferences are to:

13 (1) make the trade and commerce plan public;

14 (2) report on updated findings and progress of
15 implementation of the plan; and

16 (3) develop new international industry cluster
17 initiatives.

18 (c) This section takes effect only if a specific
19 appropriation for the implementation of this section is provided in
20 S.B. No. 1 (General Appropriations Act), Acts of the 79th
21 Legislature, Regular Session, 2005. If no specific appropriation
22 is provided in the General Appropriations Act, this section has no
23 effect.

24 SECTION 4. Chapter 772, Government Code, is amended by
25 adding Section 772.011 to read as follows:

26 Sec. 772.011. INTERAGENCY WORK GROUP ON BORDER ISSUES. (a)
27 An interagency work group is created to:

1 (1) develop or update a process to allow agencies to
2 work together on issues that face border communities;

3 (2) discuss and coordinate programs and services
4 offered to border communities and residents of border communities;
5 and

6 (3) develop regulatory and legislative
7 recommendations to eliminate duplication and combine program
8 services.

9 (b) The work group is composed of the heads of the following
10 agencies or their designees:

11 (1) the Office of Rural Community Affairs;

12 (2) the Texas Department of Housing and Community
13 Affairs;

14 (3) the Texas Water Development Board;

15 (4) the Texas Department of Transportation;

16 (5) the Texas Commission on Environmental Quality;

17 (6) the Texas Workforce Commission;

18 (7) the Department of State Health Services;

19 (8) the Health and Human Services Commission;

20 (9) the General Land Office;

21 (10) the Texas Education Agency;

22 (11) the Texas Economic Development and Tourism
23 Office;

24 (12) the Texas Office of State-Federal Relations;

25 (13) the Texas Higher Education Coordinating Board;

26 (14) the attorney general's office;

27 (15) the secretary of state's office;

1 (16) the Department of Public Safety; and

2 (17) the Railroad Commission.

3 (c) The work group shall meet at least once each year in
4 Austin to discuss border issues and to provide information showing
5 the impact each agency has on border communities for use in
6 developing border policy.

7 (d) In this section, "border region" means the portion of
8 this state located within 100 kilometers of this state's
9 international border.

10 (e) In fulfilling its duties, the work group shall consider
11 the effect of policies instituted by the federal government
12 impacting the border region.

13 SECTION 5. Section 502.054(a), Transportation Code, is
14 amended to read as follows:

15 (a) The department, through its director, may enter into an
16 agreement with an authorized officer of another jurisdiction,
17 including another state of the United States, a foreign country or a
18 state, province, territory, or possession of a foreign country, to
19 provide for:

20 (1) the registration of vehicles by residents of this
21 state and nonresidents on an allocation or mileage apportionment
22 plan, as under the International Registration Plan; and

23 (2) the exemption from payment of registration fees by
24 nonresidents if residents of this state are granted reciprocal
25 exemptions.

26 SECTION 6. Section 112.003, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 112.003. POWERS AND DUTIES. (a) The foundation shall
2 raise money from other foundations, governmental entities, and
3 other sources to finance health programs [~~in this state~~] in areas
4 adjacent to the border with the United Mexican States.

5 (b) The foundation shall:

6 (1) identify and seek potential partners in the
7 private sector that will afford this state the opportunity to
8 maintain or increase the existing levels of financing of health
9 programs and activities;

10 (2) engage in outreach efforts to make the existence
11 of the office known to potential partners throughout this area
12 [~~state~~]; and

13 (3) perform any other function necessary to carry out
14 the purposes of this section.

15 (c) The department shall review programs from all agencies
16 under its control to determine which projects should be available
17 to receive money under Subsection (a).

18 (d) The foundation has the powers necessary and convenient
19 to carry out its duties.

20 SECTION 7. Section 112.004, Health and Safety Code, is
21 amended to read as follows:

22 Sec. 112.004. ADMINISTRATION. (a) The foundation is
23 governed by a board of five directors [~~appointed by the Texas Board~~
24 ~~of Health from individuals recommended by the commissioner~~].
25 Vacancies shall be filled by a vote of the board of directors of the
26 foundation from individuals recommended by the department.

27 (b) Members of the board of directors serve for staggered

1 terms of six years, with as near as possible to one-third of the
2 members' terms expiring every two years.

3 (c) Appointments to the board of directors shall be made
4 without regard to the race, color, disability, sex, religion, age,
5 or national origin of the appointees.

6 (d) The board of directors shall ensure that the foundation
7 remains eligible for an exemption from federal income tax under
8 Section 501(a), Internal Revenue Code of 1986, as amended, by being
9 listed as an exempt organization under Section 501(c)(3) of that
10 code, as amended.

11 SECTION 8. Subchapter D, Chapter 6, Water Code, is amended
12 by adding Section 6.112 to read as follows:

13 Sec. 6.112. BORDER PROJECTS WEBSITE. (a) In this section,
14 "border region" means the portion of this state located within 100
15 kilometers of this state's international border.

16 (b) The board may maintain and update an Internet-based
17 directory of border projects, also know as the Border Activity
18 Tracker, containing information about projects in the border region
19 in which a state agency is involved. The board shall establish
20 guidelines as to which projects and information are to be included
21 in the directory.

22 (c) Each state agency involved in a project in the border
23 region may electronically submit to the board any information
24 required under this section to be on the Internet-based directory
25 of border projects. Each state agency shall update the information
26 promptly, not less often than quarterly.

27 SECTION 9. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 925 was passed by the House on May 20, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 925 on May 29, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 925 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the adoption of a privacy policy by a person who requires the disclosure of an individual's social security number; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.581 to read as follows:

Sec. 35.581. PRIVACY POLICY NECESSARY TO REQUIRE DISCLOSURE OF SOCIAL SECURITY NUMBER. (a) A person may not require an individual to disclose the individual's social security number to obtain goods or services from or enter into a business transaction with the person, unless the person:

(1) adopts a privacy policy;

(2) makes the privacy policy available to the individual; and

(3) maintains under the privacy policy the confidentiality and security of a social security number disclosed to the person.

(b) A privacy policy adopted under this section must include how personal information is collected, how and when the personal information is used, how the personal information is protected, who has access to the personal information, and how the personal information is disposed.

(c) This section does not apply to:

1 (1) a person who is required to maintain and
2 disseminate a privacy policy under the Gramm-Leach-Bliley Act (15
3 U.S.C. Sections 6801 to 6809), the Family Educational Rights and
4 Privacy Act (20 U.S.C. Section 1232g), or the Health Insurance
5 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d
6 et seq.);

7 (2) a covered entity under rules adopted by the
8 commissioner of insurance relating to insurance consumer health
9 information privacy or insurance consumer financial information
10 privacy;

11 (3) a governmental body, as defined by Section
12 552.003, Government Code, other than a municipally owned utility;
13 or

14 (4) a person with respect to a loan transaction, if the
15 person is not engaged in the business of making loans.

16 (d) A person who violates Subsection (a) is liable to the
17 state for a civil penalty in an amount not to exceed \$500 for each
18 calendar month during which a violation occurs. The civil penalty
19 may not be imposed for more than one violation that occurs in a
20 month. The attorney general or the prosecuting attorney in the
21 county in which the violation occurs may bring suit to recover the
22 civil penalty imposed under this section.

23 (e) The attorney general may bring an action in the name of
24 the state to restrain or enjoin a person from violating Subsection
25 (a).

26 SECTION 2. This Act takes effect September 1, 2005.

H.B. No. 1130

President of the Senate

Speaker of the House

I certify that H.B. No. 1130 was passed by the House on April 13, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1130 on May 16, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1130 was passed by the Senate, with amendments, on May 12, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the transfer of a motor vehicle title at a dealer auction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 501.071(a), Transportation Code, is amended to read as follows:

(a) Except as provided in Section 503.039, a [A] motor vehicle may not be the subject of a subsequent sale unless the owner designated in the certificate of title transfers the certificate of title at the time of the sale.

SECTION 2. Subchapter B, Chapter 503, Transportation Code, is amended by adding Section 503.039 to read as follows:

Sec. 503.039. PUBLIC MOTOR VEHICLE AUCTIONS. A motor vehicle may not be the subject of a subsequent sale at an auction by a holder of a dealer's general distinguishing number unless:

(1) equitable or legal title passes to the holder of a dealer's general distinguishing number before a transfer of title to the buyer; and

(2) the holder of a dealer's general distinguishing number transfers the certificate of title to the buyer before the 21st day after the date of the sale.

SECTION 3. This Act takes effect September 1, 2005.

H.B. No. 2495

President of the Senate

Speaker of the House

I certify that H.B. No. 2495 was passed by the House on May 9, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2495 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to procedures regarding the removal and storage of vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 683.011(b), Transportation Code, is amended to read as follows:

(b) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, ~~and~~ store, send notice regarding, and dispose of an abandoned motor vehicle, watercraft, or outboard motor taken into custody by the agency under this subchapter.

SECTION 2. Section 683.031(c), Transportation Code, is amended to read as follows:

(c) The garagekeeper shall report the abandonment of the motor vehicle to a law enforcement agency with jurisdiction where the vehicle is located or to the Department of Public Safety and shall pay a \$10 ~~[\$5]~~ fee to be used by the law enforcement agency for the cost of the notice required by this subchapter or other cost incurred in disposing of the vehicle. A fee paid to the Department of Public Safety shall be used to administer this chapter.

SECTION 3. Sections 683.034(a), (b), and (e), Transportation Code, are amended to read as follows:

(a) A law enforcement agency shall take into custody an

1 abandoned vehicle left in a storage facility that has not been
2 claimed in the period provided by the notice under Section 683.012.
3 In this section, a law enforcement agency has custody if the agency:

4 (1) has physical custody of the vehicle;

5 (2) has given notice to the storage facility that the
6 law enforcement agency intends to dispose of the vehicle under this
7 section; or

8 (3) has received a report under Section 683.031(c) and
9 the garagekeeper has met all of the requirements of that
10 subsection.

11 (b) The law enforcement agency may use the vehicle as
12 authorized by Section 683.016 or sell the vehicle at auction as
13 provided by Section 683.014. If a vehicle is sold, the proceeds of
14 the sale shall first be applied to a garagekeeper's charges for
15 providing notice regarding the vehicle and for service, towing,
16 impoundment, storage, and repair of the vehicle.

17 (e) If the law enforcement agency does not take the vehicle
18 into custody before the 31st day after the date the vehicle was
19 reported abandoned under Section 683.031 [~~notice is sent under~~
20 ~~Section 683.012~~]:

21 (1) the law enforcement agency may not take the
22 vehicle into custody; and

23 (2) the storage facility may dispose of the vehicle
24 under:

25 (A) Chapter 70, Property Code, except that notice
26 under Section 683.012 satisfies the notice requirements of that
27 chapter; or

1 (B) Chapter 2303, Occupations Code, if [~~+~~
2 [~~(i)~~] the storage facility is a vehicle
3 storage facility [~~, and~~
4 [~~(ii) the vehicle is an abandoned nuisance~~
5 ~~vehicle~~].

6 SECTION 4. Section 685.004, Transportation Code, is amended
7 to read as follows:

8 Sec. 685.004. JURISDICTION. [~~(a)~~] A hearing under this
9 chapter shall be in the justice court having jurisdiction in the
10 precinct in which the vehicle storage facility is located [~~is~~
11 ~~before the justice of the peace or a magistrate in whose~~
12 ~~jurisdiction is the location from which the vehicle was removed,~~
13 ~~except as provided by Subsection (b)~~].

14 [~~(b) In a municipality with a population of 1.9 million or~~
15 ~~more, a hearing under this chapter is before a judge of a municipal~~
16 ~~court in whose jurisdiction is the location from which the vehicle~~
17 ~~was removed.~~]

18 SECTION 5. Section 685.006, Transportation Code, is amended
19 to read as follows:

20 Sec. 685.006. CONTENTS OF NOTICE. [~~(a)~~] The notice under
21 Section 685.005 must include:

22 (1) a statement of:

23 (A) the person's right to submit a request within
24 14 days for a court hearing to determine whether probable cause
25 existed to remove the vehicle;

26 (B) the information that a request for a hearing
27 must contain; and

(C) any filing fee for the hearing;

(2) the name, address, and telephone number of the towing company that removed the vehicle;

(3) the name, address, and telephone number of the vehicle storage facility in which the vehicle was placed; ~~and~~

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

(5) the name, address, and telephone number of the justice court having jurisdiction in the precinct in which the vehicle storage facility is located ~~[one or more of the appropriate magistrates as determined under Subsection (b)]~~.

~~[(b) The notice must include the name, address, and telephone number of:~~

~~[(1) the municipal court of the municipality, if the towing company that removed the vehicle or the vehicle storage facility in which the vehicle was placed is located in a municipality; or~~

~~[(2) the justice of the peace of the precinct in which the towing company or the vehicle storage facility is located, if the towing company that removed the vehicle or the vehicle storage facility in which the vehicle was placed is not located in a municipality.]~~

SECTION 6. Section 685.008, Transportation Code, is amended to read as follows:

Sec. 685.008. FILING FEE AUTHORIZED. The court may charge a filing fee of \$20 ~~[\$10]~~ for a hearing under this chapter.

SECTION 7. Section 685.009, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A hearing under this chapter shall be held before the 10th ~~[seventh]~~ working day after the date the court receives the request for the hearing.

(b) The court shall notify the person who requested the hearing and the person or law enforcement agency that authorized the removal of the vehicle of the date, time, and place of the hearing by registered or certified mail. The notice of the hearing to the person or law enforcement agency that authorized the removal of the vehicle shall include a copy of the request for hearing.

(b-1) At a hearing under this section:

(1) the burden of proof is on the person who requested the hearing; and

(2) hearsay evidence is admissible if it is considered otherwise reliable by the justice of the peace.

SECTION 8. Chapter 685, Transportation Code, is amended by adding Section 685.010 to read as follows:

Sec. 685.010. APPEAL. An appeal from a hearing under this chapter is governed by the rules of procedure applicable to civil cases in justice court, except that no appeal bond may be required by the court.

SECTION 9. Section 2303.152, Occupations Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Notice to the registered owner and the primary

1 lienholder of a vehicle towed to a vehicle storage facility may be
2 provided by publication in a newspaper of general circulation in
3 the county in which the vehicle is stored if:

4 (1) the vehicle is registered in another state;

5 (2) the operator of the storage facility submits to
6 the governmental entity with which the vehicle is registered a
7 written request for information relating to the identity of the
8 registered owner and any lienholder of record;

9 (3) the identity of the registered owner cannot be
10 determined;

11 (4) the registration does not contain an address for
12 the registered owner; or ~~and~~

13 (5) the operator of the storage facility cannot
14 reasonably determine the identity and address of each lienholder.

15 (e) Notice to the registered owner and the primary
16 lienholder of a vehicle towed to a vehicle storage facility may be
17 provided by publication in a newspaper of general circulation in
18 the county in which the vehicle is stored if:

19 (1) the vehicle does not display a license plate or a
20 vehicle inspection certificate indicating the state of
21 registration;

22 (2) the identity of the registered owner cannot
23 reasonably be determined by the operator of the storage facility;
24 or

25 (3) the operator of the storage facility cannot
26 reasonably determine the identity and address of each lienholder.

27 SECTION 10. Section 2303.154, Occupations Code, is amended

by adding Subsection (a-1) to read as follows:

(a-1) If a vehicle is not claimed by a person permitted to claim the vehicle before the 10th day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall consider the vehicle to be abandoned and send notice of abandonment to a law enforcement agency under Chapter 683, Transportation Code.

SECTION 11. Sections 2303.155(e) and (f), Occupations Code, are amended to read as follows:

(e) The operator of a vehicle storage facility or governmental vehicle storage facility may charge a daily storage fee under Subsection (b):

(1) for not more than five days before the date notice is mailed or published under this subchapter, if the vehicle is registered in this state; ~~and~~

(2) for not more than five days before the date the request for owner information is sent to the appropriate governmental entity as required by this subchapter, if the vehicle is registered in another state; and

(3) for each day the vehicle is in storage after the date the notice is mailed or published until the vehicle is removed and all accrued charges are paid.

(f) The operator of a vehicle storage facility or governmental vehicle storage facility may not charge an additional fee related to the storage of a vehicle other than a fee authorized by this section or a towing fee authorized by Chapter 643, Transportation Code ~~[that is similar to a notification,~~

1 ~~impoundment, or administrative fee].~~

2 SECTION 12. Subchapter D, Chapter 2303, Occupations Code,
3 is amended by adding Section 2303.158 to read as follows:

4 Sec. 2303.158. FORMS OF PAYMENT OF CHARGES. (a) The
5 operator of a vehicle storage facility shall accept payment by an
6 electronic check, debit card, or credit card for any charge
7 associated with delivery or storage of a vehicle.

8 (b) In this section, "vehicle storage facility" includes a
9 governmental vehicle storage facility as defined by Section
10 2303.155.

11 SECTION 13. Section 101.141(a), Government Code, is amended
12 to read as follows:

13 (a) A clerk of a justice court shall collect fees and costs
14 as follows:

15 (1) additional court cost in certain civil cases to
16 establish and maintain an alternative dispute resolution system, if
17 authorized by the commissioners court of a county with a population
18 of at least 2.5 million (Sec. 152.005, Civil Practice and Remedies
19 Code) . . . not to exceed \$3;

20 (2) additional filing fees:

21 (A) to fund Dallas County civil court facilities
22 (Sec. 51.705, Government Code) . . . not more than \$15; and

23 (B) for filing any civil action or proceeding
24 requiring a filing fee, including an appeal, and on the filing of
25 any counterclaim, cross-action, intervention, interpleader, or
26 third-party action requiring a filing fee, to fund civil legal
27 services for the indigent (Sec. 133.153, Local Government

Code) . . . \$2;

(3) for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . \$1.50; and

(4) fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$20 [~~\$10~~].

SECTION 14. Section 101.161, Government Code, is amended to read as follows:

Sec. 101.161. MUNICIPAL COURT FEES AND COSTS. The clerk of a municipal court may collect a fee for a hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$20 [~~\$10~~].

SECTION 15. Section 101.181, Government Code, is amended to read as follows:

Sec. 101.181. MUNICIPAL COURTS OF RECORD FEES AND COSTS. The clerk of a municipal court of record shall collect the following fees and costs:

(1) from an appellant, a transcript preparation fee (Sec. 30.00014, Government Code) . . . \$25; and

(2) from an appellant in the City of El Paso, an appellate court docket fee (Sec. 30.00147, Government Code) . . . \$25[, ~~and~~

~~[(3) fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$10].~~

SECTION 16. The changes in law made by this Act apply only

1 to procedures for the removal of a vehicle to a vehicle storage
2 facility or the seizure of a vehicle on or after the effective date
3 of this Act. The removal or seizure of a vehicle before the
4 effective date of this Act is governed by the law in effect
5 immediately before the effective date of this Act, and the former
6 law is continued in effect for that purpose.

7 SECTION 17. This Act takes effect September 1, 2005.

H.B. No. 2630

President of the Senate

Speaker of the House

I certify that H.B. No. 2630 was passed by the House on May 12, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2630 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2630 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the records of certain vehicle repairs, sales, and purchases; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2305.001, Occupations Code, is amended by amending Subdivisions (2) and (3) and adding Subdivision (4) to read as follows:

(2) "Repair" includes the rebuilding of a motor vehicle [~~an automobile~~], the installation of a new or used part or accessory on a motor vehicle [~~an automobile~~], and the performance of electrical work in connection with the repair of a motor vehicle [~~an automobile~~]. The term does not include a repair covered by Chapter 2304.

(3) "Used motor vehicle [~~automobile~~]" includes a secondhand motor vehicle [~~automobile~~].

(4) "Motor vehicle" has the meaning assigned by Section 501.002, Transportation Code.

SECTION 2. Section 2305.002, Occupations Code, is amended to read as follows:

Sec. 2305.002. APPLICATION OF SUBCHAPTER. This subchapter applies to any person who:

(1) operates a shop or garage that is engaged in the business of repairing motor vehicles [~~automobiles~~]; or

(2) engages in the business of purchasing or selling

1 used motor vehicles [~~automobiles~~] in this state.

2 SECTION 3. Section 2305.003(a), Occupations Code, is
3 amended to read as follows:

4 (a) A person subject to this subchapter shall maintain a
5 register of each repair the person makes to a motor vehicle [~~an~~
6 ~~automobile~~]. The register must contain a substantially complete
7 and accurate description of each motor vehicle [~~automobile~~] that is
8 repaired.

9 SECTION 4. Section 2305.004, Occupations Code, is amended
10 to read as follows:

11 Sec. 2305.004. REGISTER OF USED MOTOR VEHICLE [~~AUTOMOBILE~~]
12 SALES AND PURCHASES. (a) A person subject to this subchapter shall
13 maintain a register of each sale or purchase the person makes of a
14 used motor vehicle [~~automobile~~].

15 (b) If the person buys a used motor vehicle [~~automobile~~],
16 the register must contain:

17 (1) the make and model, the number of cylinders, the
18 motor number, the vehicle identification number, and the passenger
19 capacity of the motor vehicle, if applicable [~~automobile~~];

20 (2) the name, date of birth [~~sex, apparent age~~], usual
21 place of address, and official identification number [~~any special~~
22 ~~identifying physical characteristics~~] of each person claiming to be
23 the owner of the motor vehicle [~~automobile~~]; and

24 (3) the state registration number of the motor
25 vehicle, if applicable [~~automobile~~].

26 (c) If the person sells a used motor vehicle [~~automobile~~],
27 in addition to the requirements of Subsection (b), the register

1 must contain the name and~~[, the]~~ address~~[, and a description]~~ of the
2 purchaser of the motor vehicle ~~[automobile]~~.

3 SECTION 5. Section 2305.006, Occupations Code, is amended
4 to read as follows:

5 Sec. 2305.006. MAINTENANCE ~~[AND INSPECTION]~~ OF RECORDS.

6 (a) All records required to be maintained under this subchapter
7 shall be~~[÷~~

8 ~~[(1)]~~ kept until at least the first anniversary of the
9 date the record is made~~[, and~~

10 ~~[(2)] open for public inspection at all reasonable~~
11 ~~hours]~~.

12 (b) The registers required by Sections 2305.003 and
13 2305.004 shall be maintained in a clear and intelligent manner in a
14 well-bound book or an electronic recordkeeping system and kept in a
15 secure place in the office or place of business where the work is
16 performed or the business is conducted. ~~[The registers shall be~~
17 ~~open at all times to inspection by:~~

18 ~~[(1)] a peace officer, or~~

19 ~~[(2)] any person interested in tracing or locating~~
20 ~~stolen automobiles.]~~

21 SECTION 6. Subchapter A, Chapter 2305, Occupations Code, is
22 amended by adding Section 2305.007 to read as follows:

23 Sec. 2305.007. ENTRY AND INSPECTION. (a) Except as
24 provided by Subsection (b), for the purpose of enforcing or
25 administering this chapter, Chapter 2302 of this code, or Chapter
26 501 or 502, Transportation Code, a member of the Texas
27 Transportation Commission, an employee of the Texas Transportation

1 Commission or Texas Department of Transportation, a member of the
2 Public Safety Commission, an officer of the Department of Public
3 Safety, or another peace officer who is interested in tracing or
4 locating a stolen motor vehicle may at a reasonable time:

5 (1) enter the premises of a business regulated under
6 one of those chapters; and

7 (2) inspect or copy any document, record, vehicle,
8 part, or other item regulated under one of those chapters.

9 (b) For the purposes of tracing or locating a stolen motor
10 vehicle on the premises of a person engaging in a business or
11 activity regulated under this chapter who is also licensed under
12 Chapter 348, Finance Code, only an officer of the Department of
13 Public Safety may at a reasonable time:

14 (1) enter the premises of the person's business; and

15 (2) inspect or copy any document, record, vehicle,
16 part, or other item regulated under this chapter or Chapter 348,
17 Finance Code.

18 (c) A person engaging in a business or activity regulated
19 under this chapter shall cooperate with a person conducting an
20 inspection under this section to assist in the recovery of stolen
21 motor vehicles and parts and to prevent the sale or transfer of
22 stolen motor vehicles and parts.

23 (d) An entry or inspection occurs at a reasonable time for
24 purposes of Subsection (a) or (b) if the entry or inspection occurs:

25 (1) during normal business hours of the person or
26 activity regulated under a chapter listed in Subsection (a) or (b);

27 or

1 (2) while an activity regulated under a chapter listed
2 in Subsection (a) or (b) is occurring on the premises.

3 SECTION 7. Section 2305.101, Occupations Code, is amended
4 to read as follows:

5 Sec. 2305.101. CRIMINAL PENALTY. (a) A person [~~who~~
6 ~~violates this chapter~~] commits an offense if the person violates
7 this chapter or a rule adopted under this chapter.

8 (b) Except as provided by Subsection (c), an [An] offense
9 under this section is punishable by a fine of not less than \$10 and
10 not more than \$100.

11 (c) An offense under this chapter that consists of the
12 violation of Section 2305.007 is a Class A misdemeanor.

13 SECTION 8. (a) The changes in law made by this Act apply
14 only to an offense committed on or after the effective date of this
15 Act. For purposes of this section, an offense is committed before
16 the effective date of this Act if any element of the offense occurs
17 before that date.

18 (b) An offense committed before the effective date of this
19 Act is covered by the law in effect when the offense was committed,
20 and the former law is continued in effect for that purpose.

21 SECTION 9. This Act takes effect September 1, 2005.

H.B. No. 3221

President of the Senate

Speaker of the House

I certify that H.B. No. 3221 was passed by the House on May 13, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3221 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to requiring more Spanish language content for online information provided by state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.116 to read as follows:

Sec. 2054.116. SPANISH LANGUAGE CONTENT ON AGENCY WEBSITES.

(a) In this section, "person of limited English proficiency" means a person whose primary language is other than English and whose English language skills are such that the person has difficulty interacting effectively with a state agency.

(b) Each state agency shall make a reasonable effort to ensure that Spanish-speaking persons of limited English proficiency can meaningfully access state agency information online.

(c) In determining whether a state agency is providing meaningful access, an agency shall consider:

(1) the number or proportion of Spanish-speaking persons of limited English proficiency in the agency's eligible service population;

(2) the frequency with which Spanish-speaking persons of limited English proficiency seek information regarding the agency's programs;

(3) the importance of the services provided by the

1 agency's programs; and

2 (4) the resources available to the agency.

3 (d) In making a reasonable effort to provide meaningful
4 access, the state agency must avoid:

5 (1) providing information in Spanish that is limited
6 in scope;

7 (2) unreasonably delaying the provision of
8 information in Spanish; and

9 (3) providing program information, including forms,
10 notices, and correspondence, in English only.

11 (e) This section does not apply to interactive applications
12 provided through TexasOnline.

13 SECTION 2. (a) As used in this section:

14 (1) "Person of limited English proficiency" has the
15 meaning assigned by Section 2054.116, Government Code, as added by
16 this Act.

17 (2) "State agency" has the meaning assigned by Section
18 2054.003, Government Code.

19 (b) Each state agency shall examine the online information
20 that it provides to the public in relation to the requirements of
21 Section 2054.116, Government Code, as added by this Act. In
22 performing the examination, the agency shall provide an adequate
23 opportunity for persons interested in the examination to provide
24 input, including persons of limited English proficiency and related
25 organizations.

26 SECTION 3. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 213 passed the Senate on
March 17, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 213 passed the House on
May 25, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

AN ACT

relating to the establishment of an off-highway vehicle trail and recreational area program; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Parks and Wildlife Code, is amended by adding Chapter 29 to read as follows:

CHAPTER 29. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL AREA
PROGRAM

Sec. 29.001. DEFINITION. In this chapter, "off-highway vehicle" means:

(1) an all-terrain vehicle, as defined by Section 663.001, Transportation Code;

(2) an off-highway motorcycle; and

(3) any other four-wheel drive vehicle not registered to be driven on a highway.

Sec. 29.002. ESTABLISHMENT AND OPERATION. (a) The off-highway vehicle trail and recreational area program is established under the administration of the department. The purposes of the program are to:

(1) further the establishment of motor vehicle recreation sites under Section 90.009;

(2) establish and maintain a public system of trails and other recreational areas for use by owners and riders of off-highway vehicles;

1 (3) improve existing trails and other recreational
2 areas open to the public for use by owners and riders of off-highway
3 vehicles; and

4 (4) foster the responsible use of off-highway
5 vehicles.

6 (b) The department shall establish and maintain trails and
7 recreational areas for use by owners and riders of off-highway
8 vehicles:

9 (1) on public land over which the department has
10 authority or on land purchased or leased by the department; or

11 (2) by making grants to federal agencies, political
12 subdivisions of this state, and nonprofit organizations under
13 Section 29.008.

14 (c) The department shall coordinate the implementation and
15 operation of the program established under this chapter with the
16 implementation and operation of the program established under
17 Section 90.009.

18 Sec. 29.003. OFF-HIGHWAY VEHICLE DECAL REQUIRED; FEE.

19 (a) Except as provided by Section 29.004, a person may not operate
20 an off-highway vehicle on a trail or in a recreational area
21 established or maintained by the department under this chapter, on
22 other public land, or on land purchased or developed under a grant
23 made under Section 29.008 or any other grant program operated or
24 administered by the department without having obtained an
25 off-highway vehicle decal.

26 (b) The fee for an off-highway vehicle decal is \$8 or an
27 amount set by the commission, whichever amount is more.

1 Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to a
2 person that is:

3 (1) acting on behalf of the United States, any state,
4 or a political subdivision of the United States or any state;

5 (2) participating in a search and rescue operation
6 under the authority or direction of a search and rescue or law
7 enforcement agency; or

8 (3) exempt under a rule adopted by the commission.

9 Sec. 29.005. ISSUANCE, DISPLAY, AND EXPIRATION OF DECAL.

10 (a) The department shall issue an off-highway vehicle decal to any
11 person whose off-highway vehicle is registered under Section
12 502.006, Transportation Code, on the payment of the fee under
13 Section 29.003(b).

14 (b) The department shall prescribe the form and manner in
15 which the decal must be issued to a person and displayed for use by
16 the person.

17 (c) A decal issued under this section is valid only during
18 the yearly period for which the decal is issued without regard to
19 the date on which the decal is acquired. A yearly period begins on
20 September 1 or another date set by the commission and extends
21 through August 31 of the next year or another date set by the
22 commission.

23 Sec. 29.006. DISPOSITION OF DECAL FEES. The department
24 shall deposit all revenue, less allowable costs, collected under
25 Section 29.005 to the credit of the off-highway vehicle trail and
26 recreational area account under Section 11.046.

27 Sec. 29.007. OTHER REVENUE. The department shall seek and

1 use funding from the federal government, including the Recreational
2 Trails Program administered by the United States Department of
3 Transportation, and other sources outside the general revenue fund
4 to identify and facilitate the development of off-highway vehicle
5 trails and recreational areas under this chapter.

6 Sec. 29.008. GRANTS. The department may make grants to
7 federal agencies, political subdivisions of this state, and
8 nonprofit organizations for the purpose of acquiring, developing,
9 and maintaining public trails or recreational areas under this
10 chapter.

11 Sec. 29.009. PENALTY. A person who violates Section 29.003
12 commits an offense that is a Class C Parks and Wildlife misdemeanor.

13 Sec. 29.010. RULES. The commission:

14 (1) shall adopt rules necessary to implement this
15 chapter; and

16 (2) may adopt rules:

17 (A) exempting certain classes of persons from the
18 requirements of Section 29.003; or

19 (B) concerning the department's use of funding
20 from sources outside the general revenue fund under Section 29.007.

21 SECTION 2. Subchapter C, Chapter 11, Parks and Wildlife
22 Code, is amended by adding Sections 11.046 and 11.047 to read as
23 follows:

24 Sec. 11.046. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL
25 AREA ACCOUNT. (a) The off-highway vehicle trail and recreational
26 area account is a separate account in the general revenue fund.

27 (b) The department shall deposit to the credit of the

1 off-highway vehicle trail and recreational area account all
2 revenue, less allowable costs, from the following sources:

- 3 (1) decal fees collected under Chapter 29;
4 (2) fines assessed against persons operating
5 off-highway vehicles in violation of Chapter 29 or any other law
6 relating to the operation of off-highway vehicles;
7 (3) all funding outside the general revenue fund
8 received by the department under Section 29.007; and
9 (4) all interest that accrues to the account.

10 Sec. 11.047. USE OF OFF-HIGHWAY VEHICLE TRAIL AND
11 RECREATIONAL AREA ACCOUNT. Money in the off-highway vehicle trail
12 and recreational area account may be used only for expenditures
13 necessary under Chapter 29 to:

- 14 (1) acquire, construct, develop, and maintain trails
15 and other recreational areas for use by owners and riders of
16 off-highway vehicles as defined by Section 29.001;
17 (2) provide access to those trails and recreational
18 areas;
19 (3) make grants under Section 29.008; and
20 (4) enforce and administer the off-highway vehicle
21 trail and recreational area program.

22 SECTION 3. The Parks and Wildlife Commission shall design
23 and make available the decal required under Section 29.003, Parks
24 and Wildlife Code, as added by this Act, not later than December 1,
25 2005.

26 SECTION 4. Section 29.009, Parks and Wildlife Code, as
27 added by this Act, takes effect January 1, 2006.

1 SECTION 5. Except as provided by Section 4 of this Act, this
2 Act takes effect September 1, 2005.

_____ President of the Senate	_____ Speaker of the House
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I hereby certify that S.B. No. 1311 passed the Senate on April 29, 2005, by the following vote: Yeas 29, Nays 0.

_____ Secretary of the Senate

I hereby certify that S.B. No. 1311 passed the House on May 18, 2005, by a non-record vote.

_____ Chief Clerk of the House

Approved:

_____ Date

_____ Governor
