

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HOUSE BILL 2553 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Wendy Davis
Sen. Wendy Davis

John Carona
Sen. John Carona

Kirk Watson
Sen. Kirk Watson

On the part of the Senate

Frank Corte
FRANK CORTE

Tracy King
LARRY PHILLIPS

MICHAEL VILLARREAL
part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2553

A BILL TO BE ENTITLED

AN ACT

relating to the registration and operation of certain motor vehicles.

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

SECTION 1. Section 29.001, Parks and Wildlife Code, is amended to read as follows:

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) a recreational off-highway vehicle, as defined by Section 502.001, Transportation Code; and

(4) any other motorized vehicle used for off-highway recreation on:

(A) public land over which the department has authority or on land purchased or leased by the department; or

(B) land acquired or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department.

SECTION 2. The heading to Section 29.011, Parks and Wildlife Code, is amended to read as follows:

Sec. 29.011. SAFETY APPAREL REQUIRED; SEAT BELTS.

SECTION 3. Section 29.011, Parks and Wildlife Code, is

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

3 (a) A person may not operate, ride, or be carried on an
4 off-highway vehicle on public property unless the person wears:

5 (1) a safety helmet that complies with United States
6 Department of Transportation standards; ~~and~~

7 (2) eye protection; and

8 (3) seat belts, if the vehicle is equipped with seat
9 belts.

10 (c) This section does not apply to a motor vehicle that:

11 (1) has at least four wheels and is registered by the
12 Texas Department of Transportation for use on a public highway,
13 unless the vehicle is an all-terrain vehicle as defined by
14 Section 502.001, Transportation Code;

15 (2) has four wheels and is equipped with bench or
16 bucket seats and seat belts and includes a roll bar or roll cage
17 construction to reduce the risk of injury to an occupant of the
18 vehicle in case of the vehicle's rollover; or

19 (3) is in the process of being loaded into or
20 unloaded from a trailer or another vehicle used to transport the
21 motor vehicle.

22 SECTION 4. Section 501.002(14), Transportation Code, is
23 amended to read as follows:

24 (14) "Motor vehicle" means:

25 (A) any motor driven or propelled vehicle
26 required to be registered under the laws of this state;

27 (B) a trailer or semitrailer, other than

1 manufactured housing, that has a gross vehicle weight that
2 exceeds 4,000 pounds;

3 (C) a house trailer;

4 (D) an all-terrain vehicle or a recreational
5 off-highway vehicle, as those terms are defined by Section
6 502.001, designed by the manufacturer for off-highway use that
7 is not required to be registered under the laws of this state;
8 or

9 (E) a motorcycle, motor-driven cycle, or moped
10 that is not required to be registered under the laws of this
11 state, other than a motorcycle, motor-driven cycle, or moped
12 designed for and used exclusively on a golf course.

13 SECTION 5. Section 502.001, Transportation Code, is
14 amended by amending Subdivision (1) and adding Subdivision (19-
15 a) to read as follows:

16 (1) "All-terrain vehicle" means a motor vehicle that
17 is:

18 (A) equipped with a saddle[~~, bench, or bucket~~
19 ~~seats~~] for the use of:

20 (i) the rider; and

21 (ii) a passenger, if the motor vehicle is
22 designed by the manufacturer to transport a passenger;

23 (B) designed to propel itself with three or more
24 tires in contact with the ground;

25 (C) designed by the manufacturer for off-highway
26 use; and

27 (D) not designed by the manufacturer primarily

1 for farming or lawn care.

2 (19-a) "Recreational off-highway vehicle" means a
3 motor vehicle that is:

4 (A) equipped with a non-straddle seat for the
5 use of:

6 (i) the rider; and

7 (ii) a passenger, if the vehicle is
8 designed by the manufacturer to transport a passenger;

9 (B) designed to propel itself with four or more
10 tires in contact with the ground;

11 (C) designed by the manufacturer for off-highway
12 use by the operator only; and

13 (D) not designed by the manufacturer primarily
14 for farming or lawn care.

15 SECTION 6. Section 502.006, Transportation Code, is
16 amended to read as follows:

17 Sec. 502.006. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES.

18 (a) Except as provided by Subsection (b), a person may not
19 register an all-terrain vehicle or a recreational off-highway
20 vehicle, with or without design alterations, for operation on a
21 public highway.

22 (b) The state, a county, or a municipality may register an
23 all-terrain vehicle or a recreational off-highway vehicle for
24 operation on a public beach or highway to maintain public safety
25 and welfare.

26 (c) A recreational off-highway vehicle registered as
27 provided by Subsection (b) may be operated on a public or

1 private beach in the same manner as a golf cart may be operated
2 on a public or private beach under Section 502.0071. The
3 operator must hold and have in the operator's possession a
4 driver's license issued under Chapter 521 or a commercial
5 driver's license issued under Chapter 522.

6 (d) ~~(e)~~ Section 502.172 does not apply to an all-terrain
7 vehicle or a recreational off-highway vehicle.

8 SECTION 7. Section 547.001, Transportation Code, is
9 amended by adding Subsection (2-a) to read as follows:

10 (2-a) "Golf cart" has the meaning assigned by Section
11 502.001.

12 SECTION 8. Section 547.002, Transportation Code, is
13 amended to read as follows:

14 Sec. 547.002. APPLICABILITY. Unless a provision is
15 specifically made applicable, this chapter and the rules of the
16 department adopted under this chapter do not apply to:

- 17 (1) an implement of husbandry;
- 18 (2) road machinery;
- 19 (3) a road roller;
- 20 (4) a farm tractor;
- 21 (5) a bicycle, a bicyclist, or bicycle equipment;
- 22 (6) an electric bicycle, an electric bicyclist, or
23 electric bicycle equipment; or
- 24 (7) a golf cart that is operated only as authorized
25 by ~~[not required to be registered under]~~ Section 551.403
26 ~~[502.284]~~.

27 SECTION 9. Subsection (d), Section 547.703, Transportation

1 Code, is amended to read as follows:

2 (d) A golf cart that is operated at a speed of not more
3 than 25 miles per hour [~~as defined by Section 502.001~~] is
4 required to display a slow-moving-vehicle emblem [~~only~~] when it
5 is operated on a public highway, as defined by Section 502.001,
6 under Section 551.403 or 551.404 [~~an arterial street~~].

7 SECTION 10. Chapter 551, Transportation Code, is amended
8 by adding Subchapter F to read as follows:

9 SUBCHAPTER F. GOLF CARTS

10 Sec. 551.401. DEFINITIONS. In this subchapter, "golf
11 cart" and "public highway" have the meanings assigned by Section
12 502.001.

13 Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas
14 Department of Transportation may not register a golf cart for
15 operation on a public highway regardless of whether any
16 alteration has been made to the golf cart.

17 (b) The department may issue license plates for a golf
18 cart only as authorized by Section 504.510.

19 Sec. 551.403. LIMITED OPERATION. (a) An operator may
20 operate a golf cart:

21 (1) in a master planned community:

22 (A) that has in place a uniform set of
23 restrictive covenants; and

24 (B) for which a county or municipality has
25 approved a plat;

26 (2) on a public or private beach; or

27 (3) on a public highway for which the posted speed

1 limit is not more than 35 miles per hour, if the golf cart is
2 operated:

3 (A) during the daytime; and

4 (B) not more than two miles from the location
5 where the golf cart is usually parked and for transportation to
6 or from a golf course.

7 (b) The Texas Department of Transportation or a county or
8 municipality may prohibit the operation of a golf cart on a
9 public highway if the department or the governing body of the
10 county or municipality determines that the prohibition is
11 necessary in the interest of safety.

12 Sec. 551.404. OPERATION IN MUNICIPALITIES. (a) In
13 addition to the operation authorized by Section 551.403, the
14 governing body of a municipality may allow an operator to
15 operate a golf cart on all or part of a public highway that:

16 (1) is in the corporate boundaries of the
17 municipality; and

18 (2) has a posted speed limit of not more than 35
19 miles per hour.

20 (b) A golf cart operated under Subsection (a) must have
21 the following equipment:

22 (1) headlamps;

23 (2) taillamps;

24 (3) reflectors;

25 (4) parking brake; and

26 (5) mirrors.

27 Sec. 551.405. CROSSING CERTAIN ROADWAYS. A golf cart may

1 cross intersections, including a road or street that has a
2 posted speed limit of more than 35 miles per hour.

3 SECTION 11. Subsection (a), Section 601.052,
4 Transportation Code, is amended to read as follows:

5 (a) Section 601.051 does not apply to:

6 (1) the operation of a motor vehicle that:

7 (A) is a former military vehicle or is at least
8 25 years old;

9 (B) is used only for exhibitions, club
10 activities, parades, and other functions of public interest and
11 not for regular transportation; and

12 (C) for which the owner files with the
13 department an affidavit, signed by the owner, stating that the
14 vehicle is a collector's item and used only as described by
15 Paragraph (B);

16 (2) the operation of a golf cart that is operated
17 only as authorized by [~~not required to be registered under~~]
18 Section 551.403 [~~502.284~~]; or

19 (3) a volunteer fire department for the operation of
20 a motor vehicle the title of which is held in the name of a
21 volunteer fire department.

22 SECTION 12. The following sections of the Transportation
23 Code are repealed:

24 (1) Section 502.0071; and

25 (2) Subsection (e), Section 547.703.

26 SECTION 13. The heading to Subtitle G, Title 7,
27 Transportation Code, is amended to read as follows:

1 SUBTITLE G. MOTORCYCLES AND OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

2 SECTION 14. The heading to Chapter 663, Transportation
3 Code, is amended to read as follows:

4 CHAPTER 663. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

5 SECTION 15. Section 663.001, Transportation Code, is
6 amended by adding Subdivision (3) to read as follows:

7 (3) "Recreational off-highway vehicle" has the
8 meaning assigned by Section 502.001.

9 SECTION 16. Subchapter A, Chapter 663, Transportation
10 Code, is amended by adding Section 663.003 to read as follows:

11 Sec. 663.003. RECREATIONAL OFF-HIGHWAY VEHICLES. This
12 chapter applies to the operator and operation of a recreational
13 off-highway vehicle in the same manner as if the recreational
14 off-highway vehicle were an all-terrain vehicle.

15 SECTION 17. Section 502.160, Transportation Code, is
16 amended to read as follows:

17 Sec. 502.160. FEE: MOTORCYCLE OR MOPED. The fee for a
18 registration year for registration of a motorcycle or moped is
19 \$30.

20 SECTION 18. The heading to Section 502.161, Transportation
21 Code, is amended to read as follows:

22 Sec. 502.161. FEE: VEHICLES THAT WEIGH 6,000 POUNDS OR
23 LESS [~~PASSENGER CAR, MUNICIPAL BUS, PRIVATE BUS~~].

24 SECTION 19. Subsection (a), Section 502.161,
25 Transportation Code, is amended to read as follows:

26 (a) The fee for a registration year for registration of a
27 vehicle with a gross weight of [~~passenger car, a municipal bus,~~

1 ~~or a private bus that weighs]~~ 6,000 pounds or less is \$50.75,
2 unless otherwise provided in this chapter[+

3 [~~(1) \$40.50 for a vehicle the model year of which is~~
4 ~~more than six years before the year in which the registration~~
5 ~~year begins;~~

6 [~~(2) \$50.50 for a vehicle the model year of which is~~
7 ~~more than three years but is six years or less before the year~~
8 ~~in which the registration year begins; or~~

9 [~~(3) \$58.50 for a vehicle the model year of which is~~
10 ~~three years or less before the year in which the registration~~
11 ~~year begins)].~~

12 SECTION 20. The heading to Section 502.162, Transportation
13 Code, is amended to read as follows:

14 Sec. 502.162. FEE: VEHICLES THAT WEIGH MORE THAN 6,000
15 POUNDS [~~COMMERCIAL MOTOR VEHICLE OR TRUCK TRACTOR~~].

16 SECTION 21. Subsection (a), Section 502.162,
17 Transportation Code, is amended to read as follows:

18 (a) The fee for a registration year for registration of a
19 vehicle with a gross weight of more than 6,000 pounds is
20 ~~[commercial motor vehicle or truck tractor is \$25 plus an amount~~
21 ~~determined according to the vehicle's gross weight and tire~~
22 ~~equipment,]~~ as follows unless otherwise provided in this
23 chapter:

<u>Weight</u>	<u>Fee</u>
<u>Classification</u>	<u>Schedule</u>
<u>in pounds</u>	
<u>6,001-10,000</u>	<u>\$54.00</u>

<u>10,001-18,000</u>	<u>\$110.00</u>
<u>18,001-25,999</u>	<u>\$205.00</u>
<u>26,000-40,000</u>	<u>\$340.00</u>
<u>40,001-54,999</u>	<u>\$535.00</u>
<u>55,000-70,000</u>	<u>\$740.00</u>
<u>70,001-80,000</u>	<u>\$840.00</u>

[Gross weight [in pounds
 [~~Fee for each 100~~
 pounds or
 [~~fraction of 100~~
 pounds

	[Equipped with [pneumatic tires	[Equipped with [solid tires
[1-6,000	[\$0.44	[\$0.55
[6,001-	[-0.495	[0.66
8,000		
[8,001-	[-0.605	[0.77
10,000		
[10,001-	[-0.715	[0.88
17,000		
[17,001-	[-0.77	[0.99
24,000		
[24,001-	[-0.88	[1.10
31,000		
[31,001 and	[-0.99	[1.32]

~~over~~

1 SECTION 22. Section 502.165, Transportation Code, is
2 amended to read as follows:

3 Sec. 502.165. FEE: ROAD TRACTOR. The fee for a
4 registration year for registration of a road tractor is the fee
5 prescribed by [~~\$25 plus an amount determined according to the~~
6 ~~vehicle's~~] weight as certified by a public weigher or a license
7 and weight inspector of the Department of Public Safety under
8 Section 502.161 or 502.162, as applicable. [~~as follows:~~

[~~Fee for each 100 pounds~~

[~~Gross weight in~~ or

[~~pounds~~ [fraction of 100 pounds

[~~1-4,000~~ [\$0.275

[~~4,001-6,000~~ [0.55

[~~6,001-8,000~~ [0.66

[~~8,001-10,000~~ [0.825

[~~10,001 and over~~ [1.10]

9 SECTION 23. The heading to Section 502.166, Transportation
10 Code, is amended to read as follows:

11 Sec. 502.166. FEE: TRAILER, TRAVEL TRAILER, OR
12 SEMITRAILER.

13 SECTION 24. Section 502.166, Transportation Code, is
14 amended by amending Subsection (a) and adding Subsection (a-1)
15 to read as follows:

16 (a) The fee for a registration year for registration of a
17 trailer, travel trailer, or semitrailer with a [~~is \$25 plus an~~
18 ~~amount determined according to the vehicle's~~] gross weight of

1 6,000 pounds or less is \$45.00.

2 (a-1) The fee for a registration year for registration of
3 a trailer, travel trailer, or semitrailer with a gross weight of
4 more than 6,000 pounds is calculated by gross weight according
5 to Section 502.162. [and tire equipment, as follows:

[Gross weight [Fee for each 100

pounds or

[in pounds [fraction of 100

pounds

[Equipped with [Equipped

with

[pneumatic

[solid tires

tires

[~~1-6,000~~

[\$0.33

[\$0.44

[~~6,001-8,000~~

[-0.44

[0.55

[~~8,001-10,000~~

[-0.55

[0.66

[~~10,001-17,000~~

[-0.66

[0.88

[~~17,001 and~~

[-0.715

[0.99]

~~over~~

6 SECTION 25. Subsections (a), (b), and (c), Section
7 502.167, Transportation Code, are amended to read as follows:

8 (a) This section applies only to a truck-tractor or
9 commercial motor vehicle with a gross weight [~~manufacturer's~~
10 ~~rated carrying capacity~~] of more than 10,000 pounds [~~one ton~~]
11 that is used or is to be used in combination with a semitrailer
12 that has a gross weight of more than 6,000 pounds.

1 (b) The [~~Notwithstanding Section 502.162, the~~] fee for a
2 registration year for registration of a truck-tractor or
3 commercial motor vehicle is calculated by gross weight according
4 to Section 502.162. [~~\$40 plus an amount determined according to~~
5 ~~the combined gross weight of the vehicles, as follows:~~

[Fee for each 100 pounds	
[Combined gross weight [or	
[in pounds	[fraction of 100 pounds
[18,000-36,000	[\$0.60
[36,001-42,000	[0.75
[42,001-62,000	[0.90
[62,001 and over	[1.00]

6 (c) The [~~Notwithstanding Section 502.166, the~~] fee for a
7 registration year for registration of a semitrailer used in the
8 manner described by Subsection (a), regardless of the date the
9 semitrailer is registered, is:

10 (1) \$30, for a semitrailer being propelled by a power
11 unit for which a permit under Section 623.011 has been issued;
12 or

13 (2) \$15, for a semitrailer being propelled by a power
14 unit for which a permit under Section 623.011 has not been
15 issued.

16 SECTION 26. Section 502.168, Transportation Code, is
17 amended to read as follows:

18 Sec. 502.168. FEE: MOTOR BUS. The fee for a registration
19 year for registration of a motor bus is the fee prescribed by
20 Section 502.161 or 502.162, as applicable. [~~\$25 plus an amount~~

1 ~~determined according to the vehicle's gross weight, as follows:~~

[Gross weight	[or
[in pounds	[fraction of 100 pounds
[1-6,000	[\$0.44
[6,001-8,000	[0.495
[8,001-10,000	[0.605
[10,001-17,000	[0.715
[17,001-24,000	[0.77
[24,001-31,000	[0.88
[31,001 and over	[0.99]

2 SECTION 27. Subsection (b), Section 502.1705,
3 Transportation Code, is amended to read as follows:

4 (b) The department may use money collected under this
5 section to provide for or enhance ~~[perform one or more of the~~
6 ~~following]:~~

7 (1) ~~[enhancing the department's automated~~
8 ~~registration and title system;~~

9 ~~[(2) providing for the automated on-site production~~
10 ~~of registration insignia; or~~

11 ~~[(3) providing for] automated on-premises and off-~~
12 ~~premises [self-service] registration; and~~

13 (2) services related to the titling of vehicles.

14 SECTION 28. The heading to Section 502.184, Transportation
15 Code, is amended to read as follows:

16 Sec. 502.184. REPLACEMENT OF ~~[LOST, STOLEN, OR MUTILATED~~
17 ~~LICENSE PLATE OR] REGISTRATION INSIGNIA.~~

1 SECTION 29. Subsections (a), (b), (e), and (f), Section
2 502.184, Transportation Code, are amended to read as follows:

3 (a) The owner of a registered motor vehicle may obtain
4 ~~[from the department through the county assessor-collector~~
5 ~~replacement license plates or]~~ a replacement registration
6 insignia by:

7 (1) certifying ~~[filing with the assessor-collector a~~
8 ~~statement:~~

9 ~~[(A) showing that one or both of the license~~
10 ~~plates or the registration insignia to be replaced has been~~
11 ~~lost, stolen, or mutilated; and~~

12 ~~[(B) stating] that the replacement ~~[no license~~~~

13 ~~plate or]~~ registration insignia ~~[to be replaced]~~ will not be
14 used on any other vehicle owned or operated by the person making
15 the statement;

16 (2) paying a fee of \$6 ~~[\$5]~~ plus the fees required by
17 Section ~~[Sections 502.170(a) and]~~ 502.1705(a) for ~~[each set of~~
18 ~~replacement license plates or]~~ each replacement registration
19 insignia, except as provided by other law ~~[Subsection (b), (e),~~
20 ~~or (i)]~~; and

21 (3) returning ~~[to the assessor-collector]~~ each
22 replaced ~~[plate or]~~ registration insignia in the owner's
23 possession.

24 (b) No fee is required under this section if the
25 replacement fee for a license plate has been paid under Section
26 502.1841 ~~[for the replacement of lost, stolen, or mutilated~~
27 ~~specialized license plates issued under Sections 504.308 and~~

1 504.315(e) and (f)]. ~~[The fee for replacement of certain~~
2 ~~specialized license plates is:~~

~~[License plates issued under: [Fee:~~

~~[Section 504.411 [\$2~~

~~[Section 504.409 [\$9]~~

3 (e) A county assessor-collector may not issue ~~[replacement~~
4 ~~license plates or]~~ a replacement registration insignia without
5 complying with this section.

6 (f) A county assessor-collector shall retain \$2.50 of each
7 fee collected under this section and shall report and send the
8 remainder to the department ~~[as provided by Sections 502.102 and~~
9 ~~502.105]~~.

10 SECTION 30. Subchapter D, Chapter 502, Transportation
11 Code, is amended by adding Section 502.1841 to read as follows:

12 Sec. 502.1841. REPLACEMENT LICENSE PLATES. (a) The owner
13 of a registered motor vehicle may obtain replacement license
14 plates for the vehicle by:

15 (1) certifying that the replacement plates will not
16 be used on any other vehicle owned or operated by the person
17 making the statement;

18 (2) paying a fee of \$6 plus the fee required by
19 Section 502.1705(a) for each set of replacement license plates,
20 unless otherwise specified by law; and

21 (3) returning to the department each license plate in
22 the owner's possession for which a replacement license plate is
23 obtained.

24 (b) Replacement license plates may not be issued except as

1 provided by this section.

2 (c) A county assessor-collector shall retain \$2.50 of each
3 fee collected under this section and forward the remainder of
4 the fee to the department.

5 (d) The fee required by this section applies to the
6 issuance of license plates for a transferred used vehicle for
7 which the registration and license plates were not transferred
8 under Subchapter I.

9 SECTION 31. Subsection (d), Section 504.101,
10 Transportation Code, is amended to read as follows:

11 (d) The department may not issue a replacement set of
12 personalized license plates to the same person before the sixth
13 anniversary of the date of issuance unless the applicant for
14 issuance of replacement plates pays the [~~an additional~~] fee
15 required by Section 502.1841 [of \$30].

16 SECTION 32. Section 504.501, Transportation Code, is
17 amended to read as follows:

18 Sec. 504.501. CLASSIC MOTOR VEHICLES AND TRAVEL TRAILERS.

19 (a) The department shall issue specialty license plates for a
20 motor vehicle that is at least 25 years old. The license plates
21 must include the word "Classic" [~~words "Classic Auto," "Classic~~
22 ~~Motorcycle," or "Classic Truck"~~] or a similar designation, as
23 appropriate.

24 (b) A person eligible for the license plates may instead
25 use license plates that were issued by this state in the same
26 year as the model year of the vehicle and are approved by the
27 department if the plates are approved for the vehicle before

1 January 1, 2011. The department may require the attachment of a
2 registration insignia to the license plate in a manner that does
3 not affect the display of information originally on the license
4 plate.

5 (c) There is no [~~The~~] fee for issuance or approval of
6 license plates under this section [~~is \$15~~].

7 SECTION 33. Subsection (c), Section 504.505,
8 Transportation Code, is amended to read as follows:

9 (c) There is no [~~The initial~~] fee for issuance of the
10 license plates [~~is \$8~~]. The license plates may be renewed
11 without payment of a fee.

12 SECTION 34. Subsection (b), Section 504.507,
13 Transportation Code, is amended to read as follows:

14 (b) There is no [~~The~~] fee for issuance of the license
15 plates [~~is \$8~~]. The department shall:

16 (1) [~~also~~] collect any [~~additional~~] fee that a county
17 imposes under this chapter for registration of a forestry
18 vehicle; and

19 (2) send the fee to the appropriate county for
20 disposition.

21 SECTION 35. Subsection (b), Section 504.508,
22 Transportation Code, is amended to read as follows:

23 (b) There is no [~~The~~] fee for issuance of the license
24 plates [~~is \$15~~].

25 SECTION 36. Section 504.509, Transportation Code, is
26 amended to read as follows:

27 Sec. 504.509. VEHICLES CARRYING MOBILE AMATEUR RADIO

1 EQUIPMENT. [~~(a)~~] The department shall issue specialty license
2 plates for a person who holds an amateur radio station license
3 issued by the Federal Communications Commission and who operates
4 receiving and transmitting mobile amateur radio equipment. The
5 license plates shall include the person's amateur call letters
6 as assigned by the Federal Communications Commission. A person
7 may register more than one vehicle equipped with mobile amateur
8 radio equipment under this section, and the department shall
9 issue license plates that include the same amateur call letters
10 for each vehicle.

11 [~~(b) The fee for issuance of the license plates is \$2 for~~
12 ~~the first year and \$1 for each subsequent year.~~]

13 SECTION 37. Subsection (b), Section 504.510, Transportation
14 Code, is amended to read as follows:

15 (b) The fee for issuance of the license plates is \$6
16 [~~\$10~~].

17 SECTION 38. Subsection (a), Section 504.801, Transportation
18 Code, is amended to read as follows:

19 (a) The department may create new specialty license plates
20 on its own initiative or on receipt of an application from a
21 potential sponsor. A new specialty license plate created under
22 this section must comply with each requirement of Section
23 504.702 unless the license is created by the department on its
24 own initiative. The department may permit a specialty license
25 plate created under this section to be personalized. The
26 redesign of an existing specialty license plate at the request
27 of a sponsor shall be treated like the issuance of a new

1 specialty license plate, except that the department may require
2 a nonrefundable design fee [~~lower deposit amount to reflect the~~
3 ~~actual costs of redesigning the license plate~~].

4 SECTION 39. The following provisions of the Transportation
5 Code are repealed:

- 6 (1) Section 502.007;
- 7 (2) Subsection (b), Section 502.161;
- 8 (3) Section 502.170;
- 9 (4) Subsection (c), Section 502.1705;
- 10 (5) Section 502.187;
- 11 (6) Subsection (c), Section 502.201;
- 12 (7) Section 502.453;
- 13 (8) Subsection (b), Section 504.409; and
- 14 (9) Section 504.5011.

15 SECTION 40. Sections 1 through 16 of this Act take effect
16 September 1, 2009. Sections 17 through 39 of this Act take
17 effect September 1, 2011.

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SECTION 1. Section 29.001, Parks and Wildlife Code, is amended to read as follows:

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) a recreational off-highway vehicle, as defined by Section 502.001, Transportation Code; and
- (4) any other motorized vehicle used for off-highway recreation on:
 - (A) public land over which the department has authority or on land purchased or leased by the department; or
 - (B) land acquired or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department.

No equivalent provision.

No equivalent provision.

SENATE VERSION

Same as House version.

SECTION __. The heading to Section 29.011, Parks and Wildlife Code, is amended to read as follows:
Sec. 29.011. SAFETY APPAREL REQUIRED; SEAT BELTS.

SECTION __. Section 29.011, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

- (a) A person may not operate, ride, or be carried on an off-highway vehicle on public property unless the person wears:
 - (1) a safety helmet that complies with United States

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

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Department of Transportation standards; ~~and~~
(2) eye protection; and
(3) seat belts, if the vehicle is equipped with seat belts.
(c) This section does not apply to a motor vehicle that:
(1) has at least four wheels and is registered by the
Texas Department of Transportation for use on a public
highway, unless the vehicle is an all-terrain vehicle as
defined by Section 502.001, Transportation Code;
(2) has four wheels and is equipped with bench or
bucket seats and includes a roll bar or roll cage
construction to reduce the risk of injury to an occupant of
the vehicle in case of the vehicle's rollover; or
(3) is in the process of being loaded into or unloaded
from a trailer or another vehicle used to transport the
motor vehicle.

No equivalent provision.

SECTION __. The change in law made by this Act to Section 29.011, Parks and Wildlife Code, applies to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Same as House version.

SECTION 2. Section 501.002(14), Transportation Code, is amended to read as follows:

(14) "Motor vehicle" means:

Same as House version.

SECTION 4. Same as House version.

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- (A) any motor driven or propelled vehicle required to be registered under the laws of this state;
- (B) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
- (C) a house trailer;
- (D) an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or
- (E) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state, other than a motorcycle, motor-driven cycle, or moped designed for and used exclusively on a golf course.

SECTION 3. Section 502.001, Transportation Code, is amended by amending Subdivision (1) and adding Subdivision (19-a) to read as follows:

- (1) "All-terrain vehicle" means a motor vehicle that is:
 - (A) equipped with a saddle~~[-bench, or bucket seats]~~ for the use of:
 - (i) the rider; and
 - (ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
 - (B) designed to propel itself with three or more tires in contact with the ground;
 - (C) designed by the manufacturer for off-highway use; and

Same as House version.

SECTION 5. Same as House version.

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(D) not designed by the manufacturer primarily for farming or lawn care.

(19-a) "Recreational off-highway vehicle" means a motor vehicle that is:

(A) equipped with a non-straddle seat for the use of:

(i) the rider; and

(ii) a passenger, if the vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with four or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use by the operator only; and

(D) not designed by the manufacturer primarily for farming or lawn care.

SECTION 4. Section 502.006, Transportation Code, is amended to read as follows:

Sec. 502.006. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES. (a) Except as provided by Subsection (b), a person may not register an all-terrain vehicle or a recreational off-highway vehicle, with or without design alterations, for operation on a public highway.

(b) The state, a county, or a municipality may register an all-terrain vehicle or a recreational off-highway vehicle for operation on a public beach or highway to maintain public safety and welfare.

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SECTION 4. Section 502.006, Transportation Code, is amended to read as follows:

Sec. 502.006. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES. (a) Except as provided by Subsection (b), a person may not register an all-terrain vehicle or a recreational off-highway vehicle, with or without design alterations, for operation on a public highway.

(b) The state, a county, or a municipality may register an all-terrain vehicle or a recreational off-highway vehicle for operation on a public beach or highway to maintain public safety and welfare.

(c) A recreational off-highway vehicle registered as provided by subsection (b) may be operated on a public

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SECTION 6. Same as Senate version.

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(c) [(e)] Section 502.172 does not apply to an all-terrain vehicle or a recreational off-highway vehicle.

No equivalent provision.

No equivalent provision.

or private beach in the same manner as a golf cart may be operated on a public or private beach under Section 502.0071. The operator must hold and have in the operator's possession a driver's license issued under Chapter 521 or a commercial driver's license issued under Chapter 522.

(d) [(e)] Section 502.172 does not apply to an all-terrain vehicle or a recreational off-highway vehicle.

SECTION 5. Section 547.001, Transportation Code, is amended by adding Subsection (2-a) to read as follows:
(2-a) "Golf cart" has the meaning assigned by Section 502.001.

SECTION 6. Section 547.002, Transportation Code, is amended to read as follows:
Sec. 547.002. APPLICABILITY. Unless a provision is specifically made applicable, this chapter and the rules of the department adopted under this chapter do not apply to:

- (1) an implement of husbandry;
- (2) road machinery;
- (3) a road roller;
- (4) a farm tractor;
- (5) a bicycle, a bicyclist, or bicycle equipment;
- (6) an electric bicycle, an electric bicyclist, or electric bicycle equipment; or
- (7) a golf cart that is operated only as authorized by ~~not~~

SECTION 7. Same as Senate version.

SECTION 8. Same as Senate version.

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No equivalent provision.

~~required to be registered under]~~ Section 551.403
~~[502.284].~~

SECTION 7. Subsection (d), Section 547.703, Transportation Code, is amended to read as follows:
(d) A golf cart that is operated at a speed of not more than 25 miles per hour [as defined by Section 502.001] is required to display a slow-moving-vehicle emblem ~~[only]~~ when it is operated on a public highway, as defined by Section 502.001, under Section 551.403 or 551.404 [an arterial street].

SECTION 9. Same as Senate version.

No equivalent provision.

SECTION 8. Chapter 551, Transportation Code, is amended by adding Subchapter F to read as follows:
SUBCHAPTER F. GOLF CARTS
Sec. 551.401. DEFINITIONS. In this subchapter, "golf cart" and "public highway" have the meanings assigned by Section 502.001.
Sec. 551.402. REGISTRATION NOT AUTHORIZED.
(a) The Texas Department of Transportation may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.
(b) The department may issue license plates for a golf cart only as authorized by Section 504.510.
Sec. 551.403. LIMITED OPERATION. (a) An operator may operate a golf cart:
(1) in a master planned community:

SECTION 10. Same as Senate version.

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(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Sec. 551.404. OPERATION IN MUNICIPALITIES. (a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(b) A golf cart operated under Subsection (a) must have the following equipment:

(1) headlamps;

(2) taillamps;

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- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

Sec. 551.405. CROSSING CERTAIN ROADWAYS. A golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

No equivalent provision.

SECTION 9. Subsection (a), Section 601.052, Transportation Code, is amended to read as follows:

(a) Section 601.051 does not apply to:

(1) the operation of a motor vehicle that:

(A) is a former military vehicle or is at least 25 years old;

(B) is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and

(C) for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as described by Paragraph (B);

(2) the operation of a golf cart that is operated only as authorized by ~~[not required to be registered under]~~ Section 551.403 ~~[502.284]~~; or

(3) a volunteer fire department for the operation of a motor vehicle the title of which is held in the name of a volunteer fire department.

SECTION 11. Same as Senate version.

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No equivalent provision.	SECTION 10. The following sections of the Transportation Code are repealed: (1) Section 502.0071; and (2) Subsection (e), Section 547.703.	SECTION 12. Same as Senate version.
SECTION 5. The heading to Subtitle G, Title 7, Transportation Code, is amended to read as follows: SUBTITLE G. MOTORCYCLES AND <u>OFF-HIGHWAY</u> [ALL-TERRAIN] VEHICLES	SECTION 11. Same as House version.	SECTION 13. Same as House version.
SECTION 6. The heading to Chapter 663, Transportation Code, is amended to read as follows: CHAPTER 663. <u>CERTAIN OFF-HIGHWAY</u> [ALL-TERRAIN] VEHICLES	SECTION 12. Same as House version.	SECTION 14. Same as House version.
SECTION 7. Section 663.001, Transportation Code, is amended by adding Subdivision (3) to read as follows: <u>(3) "Recreational off-highway vehicle" has the meaning assigned by Section 502.001.</u>	SECTION 13. Same as House version.	SECTION 15. Same as House version.
SECTION 8. Subchapter A, Chapter 663, Transportation Code, is amended by adding Section 663.003 to read as follows: <u>Sec. 663.003. RECREATIONAL OFF-HIGHWAY VEHICLES. This chapter applies to the operator and operation of a recreational off-highway vehicle in the</u>	SECTION 14. Same as House version.	SECTION 16. Same as House version.

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same manner as if the recreational off-highway vehicle were an all-terrain vehicle.

SECTION 9. This Act takes effect September 1, 2009.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 38. Sections 1 through 14 of this Act take effect September 1, 2009. Sections 15 through 37 of this Act take effect September 1, 2011.

SECTION 15. Section 502.160, Transportation Code, is amended to read as follows:
Sec. 502.160. FEE: MOTORCYCLE OR MOPED.
The fee for a registration year for registration of a motorcycle or moped is \$30.

SECTION 16. The heading to Section 502.161, Transportation Code, is amended to read as follows:
Sec. 502.161. FEE: VEHICLES THAT WEIGH 6,000 POUNDS OR LESS [~~PASSENGER CAR, MUNICIPAL BUS, PRIVATE BUS~~].

SECTION 17. Subsection (a), Section 502.161, Transportation Code, is amended to read as follows:
(a) The fee for a registration year for registration of a vehicle with a gross weight of [~~passenger car, a municipal bus, or a private bus that weighs~~] 6,000 pounds or less is \$50.75, unless otherwise provided in

SECTION 44. (a) Sections 1 through 17, 42, and this section of this Act take effect September 1, 2009. Sections 18 through 41 of the Act take effect September 1, 2011.

SECTION 17. Same as Senate version.

SECTION 18. Same as Senate version.

SECTION 19. Same as Senate version.

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this chapter:-

~~[(1) \$40.50 for a vehicle the model year of which is more than six years before the year in which the registration year begins;~~

~~[(2) \$50.50 for a vehicle the model year of which is more than three years but is six years or less before the year in which the registration year begins; or~~

~~[(3) \$58.50 for a vehicle the model year of which is three years or less before the year in which the registration year begins].~~

No equivalent provision.

SECTION 18. The heading to Section 502.162, Transportation Code, is amended to read as follows:
Sec. 502.162. FEE: VEHICLES THAT WEIGH MORE THAN 6,000 POUNDS [~~COMMERCIAL MOTOR VEHICLE OR TRUCK TRACTOR~~].

SECTION 20. Same as Senate version.

No equivalent provision.

SECTION 19. Subsection (a), Section 502.162, Transportation Code, is amended to read as follows:
(a) The fee for a registration year for registration of a vehicle with a gross weight of more than 6,000 pounds is [~~commercial motor vehicle or truck tractor is \$25 plus an amount determined according to the vehicle's gross weight and tire equipment,~~] as follows unless otherwise provided in this chapter:
WeightFee
ClassificationSchedule
in pounds

SECTION 21. Same as Senate version.

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<u>6,001-10,000</u>	<u>\$54.00</u>	
<u>10,001-18,000</u>	<u>\$110.00</u>	
<u>18,001-25,999</u>	<u>\$205.00</u>	
<u>26,000-40,000</u>	<u>\$340.00</u>	
<u>40,001-54,999</u>	<u>\$535.00</u>	
<u>55,000-70,000</u>	<u>\$740.00</u>	
<u>70,001-80,000</u>	<u>\$840.00</u>	
[Gross weight [in pounds	[Fee for each 100 pounds or [fraction of 100 pounds	
	[Equipped with	[Equipped
with	[pneumatic tires	[solid tires
[1-6,000	[\$0.44	[\$0.55
[6,001-8,000	[-0.495	[0.66
[8,001-10,000	[-0.605	[0.77
[10,001-17,000	[-0.715	[0.88
[17,001-24,000	[-0.77	[0.99
[24,001-31,000	[-0.88	[1.10
[31,001 and over	[-0.99	[1.32]

No equivalent provision.

SECTION 20. Section 502.165, Transportation Code, is amended to read as follows:

Sec. 502.165. FEE: ROAD TRACTOR. The fee for a registration year for registration of a road tractor is the fee prescribed by ~~[\$25 plus an amount determined according to the vehicle's]~~ weight as certified by a public weigher or a license and weight inspector of the Department of Public Safety under Section 502.161 or

SECTION 22. Same as Senate version.

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502.162, as applicable, [as follows:

[Fee for each 100 pounds

<u>[Gross weight in</u>	<u>[or</u>
<u>[pounds</u>	<u>[fraction of 100 pounds</u>
<u>[1-4,000</u>	<u>[\$0.275</u>
<u>[4,001-6,000</u>	<u>[0.55</u>
<u>[6,001-8,000</u>	<u>[0.66</u>
<u>[8,001-10,000</u>	<u>[0.825</u>
<u>[10,001 and over</u>	<u>[1.10]</u>

No equivalent provision.

SECTION 21. The heading to Section 502.166, Transportation Code, is amended to read as follows:
Sec. 502.166. FEE: TRAILER, TRAVEL TRAILER, OR SEMITRAILER.

SECTION 23. Same as Senate version.

No equivalent provision.

SECTION 22. Section 502.166, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The fee for a registration year for registration of a trailer, travel trailer, or semitrailer with a [is \$25 plus an amount determined according to the vehicle's] gross weight of 6,000 pounds or less is \$45.00.

(a-1) The fee for a registration year for registration of a trailer, travel trailer, or semitrailer with a gross weight of more than 6,000 pounds is calculated by gross weight according to Section 502.162. [and tire equipment, as follows:

[Gross weight [Fee for each 100 pounds or

SECTION 24. Same as Senate version.

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[in pounds with	[fraction of 100 pounds [Equipped with [pneumatic tires	[Equipped [solid tires
[1-6,000	[\$0.33	[\$0.44
[6,001-8,000	[-0.44	[0.55
[8,001-10,000	[-0.55	[0.66
[10,001-17,000	[-0.66	[0.88
[17,001 and over	[-0.715	[0.99]

No equivalent provision.

SECTION 23. Subsections (a), (b), and (c), Section 502.167, Transportation Code, are amended to read as follows:

(a) This section applies only to a truck-tractor or commercial motor vehicle with a gross weight [~~manufacturer's rated carrying capacity~~] of more than 10,000 pounds [~~one ton~~] that is used or is to be used in combination with a semitrailer that has a gross weight of more than 6,000 pounds.

(b) The [~~Notwithstanding Section 502.162, the~~] fee for a registration year for registration of a truck-tractor or commercial motor vehicle is calculated by gross weight according to Section 502.162. [~~\$40 plus an amount determined according to the combined gross weight of the vehicles, as follows:~~

	[Fee for each 100 pounds
[Combined gross weight	[or
[in pounds	[fraction of 100 pounds

SECTION 25. Same as Senate version.

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[18,000-36,000	[\$0.60
[36,001-42,000	[0.75
[42,001-62,000	[0.90
[62,001 and over	[1.00]

(c) ~~The [Notwithstanding Section 502.166, the]~~ fee for a registration year for registration of a semitrailer used in the manner described by Subsection (a), regardless of the date the semitrailer is registered, is:

- (1) \$30, for a semitrailer being propelled by a power unit for which a permit under Section 623.011 has been issued; or
- (2) \$15, for a semitrailer being propelled by a power unit for which a permit under Section 623.011 has not been issued.

No equivalent provision.

SECTION 24. Section 502.168, Transportation Code, is amended to read as follows:

Sec. 502.168. FEE: MOTOR BUS. The fee for a registration year for registration of a motor bus is the fee prescribed by Section 502.161 or 502.162, as applicable.
~~[\$25 plus an amount determined according to the vehicle's gross weight, as follows:~~

[Fee for each 100 pounds	
[Gross weight [or	
[in pounds [fraction of 100 pounds	
[1-6,000	[\$0.44
[6,001-8,000	[0.495
[8,001-10,000	[0.605
[10,001-17,000	[0.715

SECTION 26. Same as Senate version.

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~~[17,001-24,000~~ [0.77
~~[24,001-31,000~~ [0.88
~~[31,001 and over~~ [0.99]

No equivalent provision.

SECTION 25. Subsection (b), Section 502.1705, Transportation Code, is amended to read as follows:
(b) The department may use money collected under this section to provide for or enhance ~~perform one or more of the following~~:
(1) ~~enhancing the department's automated registration and title system;~~
~~(2) providing for the automated on-site production of registration insignia; or~~
~~(3) providing for~~ automated on-premises and off-premises ~~self-service~~ registration; and
(2) services related to the titling of vehicles.

SECTION 27. Same as Senate version.

No equivalent provision.

SECTION 26. The heading to Section 502.184, Transportation Code, is amended to read as follows:
Sec. 502.184. REPLACEMENT OF ~~LOST, STOLEN, OR MUTILATED LICENSE PLATE OR~~ REGISTRATION INSIGNIA.

SECTION 28. Same as Senate version.

No equivalent provision.

SECTION 27. Subsections (a), (b), (e), and (f), Section 502.184, Transportation Code, are amended to read as follows:
(a) The owner of a registered motor vehicle may obtain

SECTION 29. Same as Senate version.

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~~[from the department through the county assessor-collector replacement license plates or]~~ a replacement registration insignia by:

(1) certifying ~~[filing with the assessor collector a statement:~~

~~[(A) showing that one or both of the license plates or the registration insignia to be replaced has been lost, stolen, or mutilated; and~~

~~[(B) stating] that the replacement~~ ~~[no license plate or]~~ registration insignia ~~[to be replaced]~~ will not be used on any other vehicle owned or operated by the person making the statement;

(2) paying a fee of \$6 ~~[\$5]~~ plus the fees required by Section ~~[Sections 502.170(a) and]~~ 502.1705(a) for ~~[each set of replacement license plates or]~~ each replacement registration insignia, except as provided by other law ~~[Subsection (b), (e), or (i)]; and~~

(3) returning ~~[to the assessor collector]~~ each replaced ~~[plate or]~~ registration insignia in the owner's possession.

(b) No fee is required under this section if the replacement fee for a license plate has been paid under Section 502.1841 ~~[for the replacement of lost, stolen, or mutilated specialized license plates issued under Sections 504.308 and 504.315(e) and (f)].~~ ~~[The fee for replacement of certain specialized license plates is:~~

[License plates issued under:	[Fee:
[Section 504.411	[\$2
[Section 504.409	[\$9

(e) A county assessor-collector may not issue ~~[replacement license plates or]~~ a replacement registration

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insignia without complying with this section.

(f) A county assessor-collector shall retain \$2.50 of each fee collected under this section and shall report and send the remainder to the department [~~as provided by Sections 502.102 and 502.105~~].

No equivalent provision.

SECTION 28. Subchapter D, Chapter 502, Transportation Code, is amended by adding Section 502.1841 to read as follows:

Sec. 502.1841. REPLACEMENT LICENSE PLATES.

(a) The owner of a registered motor vehicle may obtain replacement license plates for the vehicle by:

(1) certifying that the replacement plates will not be used on any other vehicle owned or operated by the person making the statement;

(2) paying a fee of \$6 plus the fee required by Section 502.1705(a) for each set of replacement license plates, unless otherwise specified by law; and

(3) returning to the department each license plate in the owner's possession for which a replacement license plate is obtained.

(b) Replacement license plates may not be issued except as provided by this section.

(c) A county assessor-collector shall retain \$2.50 of each fee collected under this section and forward the remainder of the fee to the department.

(d) The fee required by this section applies to the issuance of license plates for a transferred used vehicle for which the registration and license plates were not

SECTION 30. Same as Senate version.

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transferred under Subchapter I.

No equivalent provision.

SECTION 29. Subsection (d), Section 504.101, Transportation Code, is amended to read as follows:
(d) The department may not issue a replacement set of personalized license plates to the same person before the sixth anniversary of the date of issuance unless the applicant for issuance of replacement plates pays the [~~an~~ additional] fee required by Section 502.1841 [~~of \$30~~].

SECTION 31. Same as Senate version.

No equivalent provision.

SECTION 30. Section 504.501, Transportation Code, is amended to read as follows:
Sec. 504.501. CLASSIC MOTOR VEHICLES AND TRAVEL TRAILERS. (a) The department shall issue specialty license plates for a motor vehicle that is at least 25 years old. The license plates must include the word "Classic" [~~words "Classic Auto," "Classic Motorcycle," or "Classic Truck"~~] or a similar designation, as appropriate.
(b) A person eligible for the license plates may instead use license plates that were issued by this state in the same year as the model year of the vehicle and are approved by the department if the plates are approved for the vehicle before January 1, 2011. The department may require the attachment of a registration insignia to the license plate in a manner that does not affect the display of information originally on the license plate.
(c) There is no [~~The~~] fee for issuance or approval of

SECTION 32. Same as Senate version.

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license plates under this section [~~is \$15~~].

No equivalent provision.

SECTION 31. Subsection (c), Section 504.505, Transportation Code, is amended to read as follows:
(c) There is no [~~The initial~~] fee for issuance of the license plates [~~is \$8~~]. The license plates may be renewed without payment of a fee.

SECTION 33. Same as Senate version.

No equivalent provision.

SECTION 32. Subsection (b), Section 504.507, Transportation Code, is amended to read as follows:
(b) There is no [~~The~~] fee for issuance of the license plates [~~is \$8~~]. The department shall:
(1) [~~also~~] collect any [~~additional~~] fee that a county imposes under this chapter for registration of a forestry vehicle; and
(2) send the fee to the appropriate county for disposition.

SECTION 34. Same as Senate version.

No equivalent provision.

SECTION 33. Subsection (b), Section 504.508, Transportation Code, is amended to read as follows:
(b) There is no [~~The~~] fee for issuance of the license plates [~~is \$15~~].

SECTION 35. Same as Senate version.

No equivalent provision.

SECTION 34. Section 504.509, Transportation Code, is amended to read as follows:
Sec. 504.509. VEHICLES CARRYING MOBILE AMATEUR RADIO EQUIPMENT. [~~(a)~~] The

SECTION 36. Same as Senate version.

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department shall issue specialty license plates for a person who holds an amateur radio station license issued by the Federal Communications Commission and who operates receiving and transmitting mobile amateur radio equipment. The license plates shall include the person's amateur call letters as assigned by the Federal Communications Commission. A person may register more than one vehicle equipped with mobile amateur radio equipment under this section, and the department shall issue license plates that include the same amateur call letters for each vehicle.

~~[(b) The fee for issuance of the license plates is \$2 for the first year and \$1 for each subsequent year.]~~

No equivalent provision.

SECTION 35. Subsection (b), Section 504.510, Transportation Code, is amended to read as follows:
(b) The fee for issuance of the license plates is \$6 [~~\$10~~].

SECTION 37. Same as Senate version.

No equivalent provision.

SECTION 36. Subsection (a), Section 504.801, Transportation Code, is amended to read as follows:
(a) The department may create new specialty license plates on its own initiative or on receipt of an application from a potential sponsor. A new specialty license plate created under this section must comply with each requirement of Section 504.702 unless the license is created by the department on its own initiative. The department may permit a specialty license plate created under this section to be personalized. The redesign of an

SECTION 38. Same as Senate version.

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existing specialty license plate at the request of a sponsor shall be treated like the issuance of a new specialty license plate, except that the department may require a nonrefundable design fee [~~lower deposit amount to reflect the actual costs of redesigning the license plate~~].

No equivalent provision.

SECTION 37. The following provisions of the Transportation Code are repealed:

- (1) Section 502.007;
- (2) Subsection (b), Section 502.161;
- (3) Section 502.170;
- (4) Subsection (c), Section 502.1705;
- (5) Section 502.187;
- (6) Subsection (c), Section 502.201;
- (7) Section 502.453;
- (8) Subsection (b), Section 504.409; and
- (9) Section 504.5011.

SECTION 39. Same as Senate version.

This Act takes effect September 1, 2009.

Same as House version.

Sec. 40 Sections 1 through 16 of this Act take effect September 1, 2009. Sections 17 through 39 of this Act take effect September 1, 2011.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 31, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2553 by Hilderbran (Relating to the registration and operation of certain motor vehicles.),
Conference Committee Report

Estimated Two-year Net Impact to General Revenue Related Funds for HB2553, Conference Committee Report: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>State Highway Fund</i> 6	Probable Revenue Gain/(Loss) from <i>Counties</i>
2010	\$0	\$0
2011	\$0	\$0
2012	\$1,417,225	\$2,753,252
2013	\$1,442,565	\$2,813,320
2014	\$1,468,346	\$2,874,715

Fiscal Analysis

The bill would amend provisions in Chapter 502 of the Transportation Code relating to motor vehicle registration fees. The bill would establish a registration fee of \$50.75 for a vehicle, including a motor bus, with a gross weight of 6,000 pounds or less. The bill would establish a new registration fee schedule for vehicles with a gross weight of more than 6,000 pounds (ranging from \$54 for a vehicle between 6,001 and 10,000 pounds and up to \$840 for a vehicle between 70,001 and 80,000 pounds). The bill would set the registration fee for a road tractor based on weight at the rates established by the bill for vehicles with a gross weight of up to or more than 6,000 pounds. The bill would set the fee for a trailer, travel trailer, or semitrailer under 6,000 pounds at \$45. The bill would prescribe a registration fee for certain truck-tractors or commercial motor vehicles with a gross weight of more than 10,000 pounds and certain trailers over 6,000 pounds based on the schedule established for certain vehicles

with a gross weight exceeding 6,000 pounds. The bill would increase the fee for a replacement registration insignia from \$5 to \$6 and set the fee for replacement license plates at \$6. The bill would eliminate the initial license plate issuance fee for classic motor vehicles, cotton vehicles, forestry vehicles, tow trucks, and radio operator and volunteer firefighter license plates. The bill would repeal the 30 cent license plate reflectorization fee. The bill would reduce the fee for a golf cart license plate from \$10 to \$6. These provisions of the bill would take effect on September 1, 2011.

The bill would amend various provisions of the Transportation Code and establish new Subchapter F relating to the authority for and limitations on the operation of golf carts on certain public roadways, public or private beaches, and within a master planned community. The bill would prohibit the Texas Department of Transportation (TxDOT) from registering a golf cart for operation on a public highway. The bill would specify that TxDOT is authorized to issue license plates for a golf cart as authorized under current law. The bill would authorize the governing body of a municipality to allow the operation of a golf cart on a public highway within the corporate boundaries of the municipality if the posted speed limit on the public highway is not more than 35 miles per hour and the golf cart has the equipment specified by the bill. These provisions of the bill would take effect September 1, 2009.

The bill would amend the Parks and Wildlife Code and the Transportation Code to expressly include recreational off-highway vehicles (ROV) in the definition of off-highway vehicles and to differentiate them from the definition of an "All-Terrain Vehicle." According to the Texas Parks and Wildlife Department (TPWD), ROVs are equipped with four wheels, and have non-straddle seats for both a driver and passenger if equipped (conversely ATVs have straddle seats). TPWD indicates that ROV owners using off-highway trails must purchase a off-highway decal under current law. These provisions of the bill would take effect September 1, 2009.

The bill would amend the Parks and Wildlife Code relating to the requirement to wear safety apparel and seat belts while operating certain off-highway vehicles.

The bill would amend the Transportation Code to authorize certain counties bordering the United Mexican States to impose an additional fee of up to \$50 for registration of a vehicle in the counties. The fee revenue would be deposited to a special account in the county general fund of each county and could only be used for authorized transportation projects.

SECTIONS 1 through 16 of the bill would take effect September 1, 2009. SECTIONS 17 through 39 if the bill would take effect September 1, 2011.

Methodology

Based on the information and analysis provided by the Texas Department of Transportation (TxDOT) and the Comptroller's office, it is assumed the provisions of the bill would result in a net revenue gain to the State Highway Fund and to the counties. The estimated revenue impacts included in the table above are based on TxDOT's estimates for the number of applicable vehicle registrations and other transactions under current fees compared to the fees that would be established or repealed by the provisions of the bill and the average allocation of fee revenues between the state and the counties. TxDOT indicates that the proposed single registration fee for certain vehicles with a gross weight under 6,000 pounds and the proposed fee schedule for certain vehicles with a gross weight exceeding 6,000 pounds would result in a reduction in registration fees for some vehicles and an increase if registration fees for other vehicles compared to the current fee structure. Based on the analysis of TxDOT, it is assumed the provisions of the bill would result in a net positive revenue impact to the State Highway Fund beginning in fiscal year 2012.

Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill concerning golf carts could be absorbed within the agency's existing resources.

No fiscal implication to the State is anticipated from implementation of the provisions of the bill concerning ROVs. To the extent the bill would result in additional convictions and additional court costs or fines being ordered relating to failure to wear seat belts on certain off-highway vehicles, no significant fiscal implication to TPWD or the State is anticipated.

Local Government Impact

The estimated fiscal implications to units of local government are reflected in the table above.

Based on the population and geographic criteria within the bill, using the statutorily required most recent official U.S. decennial census, the provisions of the bill authorizing an optional county fee of up to \$50 for registration of a vehicle would apply only to Hidalgo and Webb Counties. Any positive revenue implications to the applicable counties from the implementation of the optional fee would depend on the amount of the additional fee and the number of vehicles registered in the counties.

Source Agencies: 304 Comptroller of Public Accounts, 601 Department of Transportation, 802 Parks and Wildlife Department

LBB Staff: JOB, KJG, MW, TG, TP, SZ