

CHAPTER 216

H.B. No. 1805

An Act relating to the requirements for obtaining a certificate of title to certain motor vehicles.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 30, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 30. (a) Before any motor vehicle that was last registered and titled, or registered in some other state or country may be registered and titled in Texas, the applicant shall furnish to the designated agent a certificate as required under Section 142A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes). Before a motor vehicle *not manufactured for sale or distribution in the United States* [~~that has not been registered and titled, or registered, in any other state~~] may be registered and titled in Texas, the applicant shall furnish to the designated agent: (1) *a bond release letter, with all attachments, issued by the United States Department of Transportation acknowledging receipt of a statement of compliance submitted by the importer of the vehicle and that the statement meets the safety requirements of 19 C.F.R. 12.80(e); and [a form issued by the United States Customs Service stating that when the vehicle was first brought into the United States, the vehicle was declared to a customs officer in accordance with the Tariff Act of 1930, 19 U.S.C. Sec. 1485, or]* (2) *a bond release letter, with all attachments, issued by the United States Environmental Protection Agency stating that the vehicle has been tested and shown to be in conformity with federal emission requirements; and (3) a receipt or certificate issued by the United States Department of the Treasury showing that any and all gas guzzler taxes due on the vehicle under the provisions of Pub. L. No. 95-618, Title II, Section 201(a) (26 U.S.C.A. 4064), have been fully paid; or (4) proof satisfactory to the agent that the vehicle was not brought into the United States from outside the country. This subsection does not apply to a motor vehicle lawfully imported into the United States by a distributor or dealer from the manufacturer of the motor vehicle. No designated agent shall accept any application for registration and a certificate of title until the applicant has complied with the provisions of this Section. The provisions of Section 39 of this Act are not available until the applicant has complied with the provisions of this Section.*

(b) Before any motor vehicle brought into this State by any person, other than a manufacturer or importer, and which is required to be registered or licensed within this State, can be bargained, sold, transferred, or delivered with intent to pass any interest therein or encumber by any lien, application on form to be prescribed by the Department must be made to the designated agent of the county wherein the transaction is to take place for a certificate of title, and no such designated agent shall issue a receipt until and unless the applicant shall deliver to him, on an affidavit in a form to be prescribed by the Department, evidence of the cumulative number of miles or kilometers travelled by the motor vehicle to the best of the knowledge of the transferor, and such evidence of title as shall satisfy the designated agent that the applicant is the owner of such motor vehicle, and that the same is free of liens except such as may be disclosed.

Before a motor vehicle which has not previously been titled or registered in the United States may be titled or registered in this State, the application for certificate of title presented to the designated agent must be accompanied by (a) a manufacturer's certificate of origin in the English language issued by the actual vehicle manufacturer, (b) the original documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a translation of the documents into the English language verified as to accuracy of the translation by affidavit of the translator, or (c) with regard to a vehicle imported from a country that cancels the vehicle registration and title for export, the documents assigned to the vehicle after the registration and title have been cancelled, together with a translation of the documents into the English language, verified as to accuracy of translation by affidavit of the translator.

No designated agent of the department shall be liable for civil damages arising out of his failure to reflect liens or encumbrances on such motor vehicle unless such failure constitutes willful or wanton negligence.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 1, 1985, by the following vote: Yeas 136, Nays 0, 1 present, not voting; passed by the Senate on May 13, 1985, by a viva-voce vote.

Approved: May 25, 1985

Effective: August 26, 1985