

1-1 By: Hughes, Harper-Brown (Senate Sponsor - Deuell) H.B. No. 2854
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 23, 2009, reported
1-5 favorably, as amended, by the following vote: Yeas 9, Nays 0;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Wentworth

1-8 Amend H.B. No. 2854 (engrossed version) by adding the
1-9 following appropriately numbered SECTIONS to the bill and
1-10 renumbering the remaining SECTIONS of the bill accordingly:

1-11 SECTION _____. Section 504.003, Transportation Code, is
1-12 amended by amending Subsection (c) and adding Subsection (c-1) to
1-13 read as follows:

1-14 (c) If a ~~the~~ souvenir license plate issued before
1-15 September 1, 2009, is personalized, the fee for the plate is
1-16 \$40. Of the fee:

1-17 (1) \$20 shall be deposited to the credit of the state
1-18 highway fund;

1-19 (2) \$10 shall be deposited to the credit of the
1-20 designated account if the souvenir license plate is a replica of a
1-21 specialty license plate issued under Subchapter G or I for which the
1-22 fee is deposited to a designated account other than the state
1-23 highway fund; and

1-24 (3) the remainder shall be deposited to the credit of
1-25 the general revenue fund.

1-26 (c-1) The fee for a souvenir license plate issued on or
1-27 after September 1, 2009, is the amount established under Section
1-28 504.851(c).

1-29 SECTION _____. Section 504.102, Transportation Code, is
1-30 amended to read as follows:

1-31 Sec. 504.102. PERSONALIZATION OF ~~OTHER~~ SPECIALTY LICENSE
1-32 PLATE [PLATES]. Unless expressly prohibited by this chapter or
1-33 department rule, any specialty license plate issued under this
1-34 chapter may be personalized. If a ~~another~~ specialty license
1-35 plate is personalized, the fee for personalization of the specialty
1-36 license plate [established by Section 504.101(c)] shall be added to
1-37 the fee for issuance of that specialty license plate.

1-38 SECTION _____. Section 504.601, Transportation Code, is
1-39 amended to read as follows:

1-40 Sec. 504.601. GENERAL PROVISIONS APPLICABLE TO ~~ALL~~
1-41 SPECIALTY LICENSE PLATES FOR GENERAL DISTRIBUTION. (a) Unless
1-42 expressly provided by this subchapter or department rule:

1-43 (1) the fee for issuance of a license plate under this
1-44 subchapter is \$30; and

1-45 (2) of each fee received under this subchapter, the
1-46 department shall use \$8 to defray its administrative costs in
1-47 complying with this subchapter.

1-48 (b) This section does not apply to a specialty license plate
1-49 marketed and sold by a private vendor at the request of the
1-50 specialty license plate sponsor under Section 504.6011.

1-51 SECTION _____. Subchapter G, Chapter 504, Transportation
1-52 Code, is amended by adding Section 504.6011 to read as follows:

1-53 Sec. 504.6011. GENERAL PROVISIONS APPLICABLE TO SPECIALTY
1-54 LICENSE PLATES FOR GENERAL DISTRIBUTION SOLD THROUGH PRIVATE
1-55 VENDOR. (a) The sponsor of a specialty license plate authorized
1-56 to be issued under this subchapter before September 1, 2009, may
1-57 contract with the private vendor authorized under Subchapter J for
1-58 the marketing and sale of the specialty license plate.

1-59 (b) The fee for issuance of a specialty license plate
1-60 described by Subsection (a) is the amount established under Section
1-61 504.851.

1-62 (c) Notwithstanding any other law, from each fee received
1-63 for the issuance of a specialty license plate described by
1-64 Subsection (a), the department shall:

2-1 (1) deduct the administrative costs described by
 2-2 Section 504.601(a)(2);

2-3 (2) deposit to the credit of the account designated by
 2-4 the law authorizing the specialty license plate the portion of the
 2-5 fee for the sale of the plate that the state would ordinarily
 2-6 receive under the contract described by Section 504.851(a); and

2-7 (3) pay to the private vendor the remainder of the fee.

2-8 SECTION _____. Section 504.801, Transportation Code, is
 2-9 amended by amending Subsections (d), (e), and (f) and adding
 2-10 Subsection (d-1) to read as follows:

2-11 (d) The fee for issuance of license plates created
 2-12 [~~authorized~~] under this subchapter before September 1, 2009, is \$30
 2-13 unless the department sets a higher fee. This subsection does not
 2-14 apply to a specialty license plate marketed and sold by a private
 2-15 vendor at the request of the specialty license plate sponsor.

2-16 (d-1) The fee for issuance of license plates created under
 2-17 this subchapter on or after September 1, 2009, is the amount
 2-18 established under Section 504.851.

2-19 (e) For each fee collected for a license plate issued by the
 2-20 department under this section:

2-21 (1) \$8 shall be used to reimburse the department for
 2-22 its administrative costs; and

2-23 (2) the remainder shall be deposited to the credit of:

2-24 (A) the specialty license plate fund, which is an
 2-25 account in the general revenue fund, if the sponsor nominated a
 2-26 state agency to receive the funds; or

2-27 (B) the state highway fund if the sponsor did not
 2-28 nominate a state agency to receive the funds or if there is no
 2-29 sponsor.

2-30 (f) Subchapter D, Chapter 316, Government Code, and Section
 2-31 403.095, Government Code, do not apply to fees collected under this
 2-32 subchapter [~~section~~].

2-33 SECTION _____. Subchapter I, Chapter 504, Transportation
 2-34 Code, is amended by adding Section 504.802 to read as follows:

2-35 Sec. 504.802. MARKETING AND SALE BY PRIVATE VENDOR OF
 2-36 SPECIALTY LICENSE PLATES CREATED BEFORE SEPTEMBER 1, 2009. (a) A
 2-37 sponsor of a specialty license plate created under this subchapter
 2-38 before September 1, 2009, may contract with the private vendor
 2-39 authorized under Subchapter J for the marketing and sale of the
 2-40 specialty license plate.

2-41 (b) The fee for issuance of a specialty license plate
 2-42 described by Subsection (a) is the amount established under Section
 2-43 504.851(c).

2-44 (c) Notwithstanding any other law, from each fee received
 2-45 from the issuance of a specialty license plate marketed and sold by
 2-46 the private vendor under this section, the department shall:

2-47 (1) deduct the administrative costs described by
 2-48 Section 504.801(e)(1);

2-49 (2) deposit the portion of the fee for the sale of the
 2-50 plate that the state would ordinarily receive under the contract
 2-51 described by Section 504.851(a) to the credit of:

2-52 (A) the specialty license plate fund, if the
 2-53 sponsor nominated a state agency to receive the funds; or

2-54 (B) the general revenue fund, if the sponsor did
 2-55 not nominate a state agency to receive the funds or if there is no
 2-56 sponsor; and

2-57 (3) pay to the private vendor the remainder of the fee.

2-58 SECTION _____. Section 504.851, Transportation Code, is
 2-59 amended by amending Subsections (a), (b), and (j) and adding
 2-60 Subsections (a-1), (a-2), and (c-1) to read as follows:

2-61 (a) The department shall enter into a contract with the
 2-62 private vendor whose proposal is most advantageous to the state, as
 2-63 determined from competitive sealed proposals that satisfy the
 2-64 requirements of this section, for the marketing and sale of:

2-65 (1) personalized license plates [~~authorized by~~
 2-66 Section 504.101]; or

2-67 (2) with the agreement of the private vendor, other
 2-68 specialty license plates authorized by Subchapters G and I [~~this~~
 2-69 subchapter].

3-1 (a-1) The department may not issue specialty, personalized,
3-2 or souvenir license plates with background colors other than white,
3-3 unless the plates are marketed and sold by the private vendor.
3-4 (a-2) Specialty license plates authorized for marketing and
3-5 sale under Subsection (a) must include:
3-6 (1) specialty license plates created under
3-7 Subchapters G and I on or after September 1, 2009; and
3-8 (2) at the request of the specialty license plate
3-9 sponsor, an existing specialty license plate created under
3-10 Subchapters G and I before September 1, 2009.
3-11 (b) The ~~[Instead of the fees established by Section~~
3-12 ~~504.101(c), the]~~ commission by rule shall establish fees for the
3-13 issuance or renewal of personalized license plates that are
3-14 marketed and sold by the private vendor. Fees must be reasonable
3-15 and not less than the greater of:
3-16 (1) the amounts necessary to allow the department to
3-17 recover all reasonable costs to the department associated with the
3-18 evaluation of the competitive sealed proposals received by the
3-19 department and with the implementation and enforcement of the
3-20 contract, including direct, indirect, and administrative costs; or
3-21 (2) the amount established by Section 504.853(b)
3-22 ~~[504.101(c)].~~
3-23 (c-1) Subsections (b) and (c) do not apply to the sale at
3-24 auction of a specialty license plate that is not used on a motor
3-25 vehicle.
3-26 (j) From amounts received by the department under the
3-27 contract described by Subsection (a), the department shall deposit
3-28 to the credit of the state highway fund an amount sufficient to
3-29 enable the department to recover its administrative costs for all
3-30 license plates issued under this section, ~~[including]~~ any payments
3-31 to the vendor under the contract ~~[Subsection (a)],~~ and any other
3-32 amounts allocated by law to the state highway fund ~~[by another law]~~.
3-33 To the extent that the disposition of other amounts received by
3-34 ~~[from]~~ the department is ~~[vendor are]~~ governed by another law,
3-35 those amounts shall be deposited in accordance with the other law~~,~~
3-36 ~~and for each type of license plate the amount charged for the~~
3-37 ~~license plate may not be less than the amount in effect on January~~
3-38 ~~1, 2003]. Any additional amount received by ~~[from]~~ the department~~
3-39 ~~under the contract ~~[vendor]~~ shall be deposited to the credit of the~~
3-40 general revenue fund.
3-41 SECTION _____. Subchapter J, Chapter 504, Transportation
3-42 Code, is amended by adding Sections 504.853 and 504.854 to read as
3-43 follows:
3-44 Sec. 504.853. PERSONALIZED LICENSE PLATES ISSUED BEFORE
3-45 SEPTEMBER 1, 2009. (a) A personalized license plate issued before
3-46 September 1, 2009, may be issued for a subsequent registration
3-47 period only if the applicant submits an application and pays the
3-48 required fee for the applicable registration period. A person who
3-49 is issued a personalized license plate has first priority on that
3-50 license plate for each subsequent registration period for which the
3-51 person submits a new application for that plate.
3-52 (b) The fee for issuance of a personalized license plate
3-53 issued before September 1, 2009, is \$40, unless the director adopts
3-54 by rule a higher fee.
3-55 (c) A person who is issued a personalized license plate by
3-56 the department before September 1, 2009, may:
3-57 (1) submit an application for the plate under
3-58 Subsection (a) and pay the required fee for each subsequent
3-59 registration period under Subsection (b); or
3-60 (2) purchase through the private vendor a license to
3-61 display the alphanumeric pattern on a license plate for any term
3-62 allowed by law.
3-63 (d) The department may not issue a replacement set of
3-64 personalized license plates to the same person before the sixth
3-65 anniversary of the date of issuance unless the applicant for
3-66 issuance of replacement plates pays an additional fee of \$30.
3-67 (e) Of each fee collected by the department under this
3-68 section:
3-69 (1) \$1.25 shall be used to defray the cost of

4-1 administering this section; and
4-2 (2) the remainder shall be deposited to the credit of
4-3 the general revenue fund.

4-4 Sec. 504.854. AUCTION. (a) The private vendor may sell at
4-5 auction a license to display a unique alphanumeric pattern on a
4-6 license plate.

4-7 (b) Only a license to display an alphanumeric pattern
4-8 purchased under this section or a license to display an
4-9 alphanumeric pattern sold by the private vendor under Section
4-10 504.853 may be transferred to another person. The transferee is
4-11 entitled to the same rights and privileges as the transferor.

4-12 (c) The transferee shall file a form prescribed by the
4-13 department to notify the department of the transfer. The
4-14 department may set a fee to be paid by the transferee to the
4-15 department for the transfer.

4-16 SECTION ____. The following provisions of the
4-17 Transportation Code are repealed:

4-18 (1) Section 504.101; and

4-19 (2) Subsection (m), Section 504.851.

4-20 SECTION ____. The changes in law made by this Act do not
4-21 require the rebidding of a contract that is in effect on the
4-22 effective date of this Act.

4-23 A BILL TO BE ENTITLED
4-24 AN ACT

4-25 relating to license plates created by the Texas Department of
4-26 Transportation for professional firefighters.

4-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4-28 SECTION 1. Subchapter E, Chapter 504, Transportation Code,
4-29 is amended by adding Section 504.414 to read as follows:

4-30 Sec. 504.414. PROFESSIONAL FIREFIGHTER PLATES. (a) The
4-31 professional firefighter plate may be issued to qualified
4-32 firefighters. The sponsor of the plate may nominate a state agency
4-33 for receipt of funds under Section 504.801(e)(2)(A).

4-34 (b) After deduction of the department's administrative
4-35 costs in accordance with Section 504.801, the remainder of the fees
4-36 from the sale of professional firefighter plates shall be deposited
4-37 to the credit of an account in the state treasury to be used by the
4-38 nominated state agency for the purpose of making grants to support
4-39 the activities of an organization of professional firefighters
4-40 located in this state that provides emergency relief and college
4-41 scholarship funds to the professional firefighters and their
4-42 dependents.

4-43 SECTION 2. This Act takes effect immediately if it receives
4-44 a vote of two-thirds of all the members elected to each house, as
4-45 provided by Section 39, Article III, Texas Constitution. If this
4-46 Act does not receive the vote necessary for immediate effect, this
4-47 Act takes effect September 1, 2009.

4-48 * * * * *