AN ACT

relating to the fees for and issuance of certain license plates.

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

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

(c) If a [the] souvenir license plate issued before September 1, 2009, 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;

(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 highway fund; and

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

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

SECTION 2. Section 504.102, Transportation Code, is amended to read as follows:

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

SECTION 3. Section 504.409, Transportation Code, is amended to read as follows:

Sec. 504.409. [VOLUNTEER] FIREFIGHTERS. (a) The department shall issue specialty license plates for:

(1) volunteer firefighters certified by:

(A) [+] the Texas Commission on Fire Protection; or

(B) [++] the State Firemen's and Fire Marshals' Association of Texas; and

(2) fire protection personnel as that term is defined by Section 419.021, Government Code.

(b) The fee for issuance of each set of [the] license plates is:

(1) $4 for volunteer firefighters; and

(2) $30 for fire protection personnel.

(c) A person may be issued not more than three sets [only one set] of [the] license plates.

SECTION 4. Section 504.601, Transportation Code, is amended to read as follows:

Sec. 504.601. GENERAL PROVISIONS APPLICABLE TO [ALL] SPECIALTY LICENSE PLATES FOR GENERAL DISTRIBUTION. (a) Unless
expressly provided by this subchapter or department rule:
(1) the fee for issuance of a license plate under this
subchapter is $30; and
(2) of each fee received under this subchapter, the
department shall use $8 to defray its administrative costs in
complying with this subchapter.
(b) This section does not apply to a specialty license plate
marketed and sold by a private vendor at the request of the
specialty license plate sponsor under Section 504.6011.
SECTION 5. Subchapter G, Chapter 504, Transportation Code,
is amended by adding Section 504.6011 to read as follows:
Sec. 504.6011. GENERAL PROVISIONS APPLICABLE TO SPECIALTY
LICENSE PLATES FOR GENERAL DISTRIBUTION SOLD THROUGH PRIVATE
VENDOR. (a) The sponsor of a specialty license plate authorized
to be issued under this subchapter before September 1, 2009, may
contract with the private vendor authorized under Subchapter J for
the marketing and sale of the specialty license plate.
(b) The fee for issuance of a specialty license plate
described by Subsection (a) is the amount established under Section
504.851.
(c) Notwithstanding any other law, from each fee received
for the issuance of a specialty license plate described by
Subsection (a), the department shall:
(1) deduct the administrative costs described by
Section 504.601(a)(2);
(2) deposit to the credit of the account designated by
the law authorizing the specialty license plate the portion of the
fee for the sale of the plate that the state would ordinarily
receive under the contract described by Section 504.851(a); and

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

SECTION 6. Subchapter G, Chapter 504, Transportation Code,
is amended by adding Section 504.660 to read as follows:

Sec. 504.660. SEXUAL ASSAULT AWARENESS LICENSE PLATES.
(a) The department shall design and issue specialty license plates
to support victims of sexual assault.

(b) The license plates must include the words "Speak up,
Speak out." and an image of a blue ribbon.

(c) After deduction of the department's administrative
costs, the remainder of the fee for issuance of the license plates
shall be deposited to the credit of the sexual assault program fund
established by Section 420.008, Government Code.

SECTION 7. Section 504.801, Transportation Code, is amended
by amending Subsections (d), (e), and (f) and adding Subsection
(d-1) to read as follows:

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

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

(e) For each fee collected for a license plate issued by the
department under this section:
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(1) $8 shall be used to reimburse the department for its administrative costs; and

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

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

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

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

SECTION 8. Subchapter I, Chapter 504, Transportation Code, is amended by adding Section 504.802 to read as follows:

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

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

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

(1) deduct the administrative costs described by
Section 504.801(e)(1):

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

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

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

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

SECTION 9. Section 504.851, Transportation Code, is amended by amending Subsections (a), (b), and (j) and adding Subsections (a-1), (a-2), and (c-1) to read as follows:

(a) The department shall 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 license plates [authorized by Section 504.101]; or

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

(a-1) The department may not issue specialty, personalized, or souvenir license plates with background colors other than white, unless the plates are marketed and sold by the private vendor.

(a-2) Specialty license plates authorized for marketing and sale under Subsection (a) must include:
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(1) specialty license plates created under

Subchapters G and I on or after September 1, 2009; and

(2) at the request of the specialty license plate

sponsor, an existing specialty license plate created under

Subchapters G and I before September 1, 2009.

(b) The [Instead of the fees established by Section

504.101(e), the] commission by rule shall establish fees for the

issuance or renewal of personalized license plates that are

marketed and sold by the private vendor. Fees must be reasonable

and not less than the greater of:

(1) the amounts necessary to allow the department to

recover all reasonable costs to the department associated with the

evaluation of the competitive sealed proposals received by the

department and with the implementation and enforcement of the

contract, including direct, indirect, and administrative costs; or

(2) the amount established by Section 504.853(b)

[504.101(e)].

(c-1) Subsections (b) and (c) do not apply to the sale at

auction of a specialty plate or personalized specialty plate that

is not used on a motor vehicle.

(j) From amounts received by the department under the

contract described by Subsection (a), the department shall deposit

to the credit of the state highway fund an amount sufficient to

enable the department to recover its administrative costs for all

license plates issued under this section, [including] any payments

to the vendor under the contract [Subsection (a)], and any other

amounts allocated by law to the state highway fund [by another law].
To the extent that the disposition of other amounts received by the department is governed by another law, those amounts shall be deposited in accordance with the other law. For each type of license plate the amount charged for the license plate may not be less than the amount in effect on January 1, 2003. Any additional amount received under the contract shall be deposited to the credit of the general revenue fund.

SECTION 10. Subchapter J, Chapter 504, Transportation Code, is amended by adding Sections 504.853 and 504.854 to read as follows:

Sec. 504.853. PERSONALIZED LICENSE PLATES ISSUED BEFORE SEPTEMBER 1, 2009. (a) A personalized license plate issued before September 1, 2009, may be issued for a subsequent registration period only if the applicant submits an application and pays the required fee for the applicable registration period. A person who is issued a personalized license plate has first priority on that license plate for each subsequent registration period for which the person submits a new application for that plate.

(b) The fee for issuance of a personalized license plate issued before September 1, 2009, is $40, unless the director adopts by rule a higher fee.

(c) A person who is issued a personalized license plate by the department before September 1, 2009, may:

(1) submit an application for the plate under Subsection (a) and pay the required fee for each subsequent registration period under Subsection (b); or
(2) purchase through the private vendor a license to display the alphanumeric pattern on a license plate for any term allowed by law.

(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 an additional fee of $30.

(e) Of each fee collected by the department under this section:

(1) $1.25 shall be used to defray the cost of administering this section; and

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

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

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

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

SECTION 11. The following provisions of the Transportation Code are repealed:
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1 (1) Section 504.101; and
2 (2) Subsection (m), Section 504.851.
3
4 SECTION 12. The changes in law made by this Act do not
5 require the rebidding of a contract that is in effect on the
6 effective date of this Act.
7
8 SECTION 13. This Act takes effect September 1, 2009.

David Dewhurst
President of the Senate

I hereby certify that S.B. No. 1616 passed the Senate on
May 8, 2009, by the following vote: Yeas 30, Nays 0; and that the
Senate concurred in House amendments on May 30, 2009, by the
following vote: Yeas 31, Nays 0.

Dan Branch
Secretary of the Senate

I hereby certify that S.B. No. 1616 passed the House, with
amendments, on May 27, 2009, by the following vote: Yeas 148,
Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 Jan '09

Date

Rick Perry
Governor

Filed in the office of the
Secretary of State
2 P.M. 12 O'Clock
JUN 19 2009