

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

1 PLATE [~~PLATES~~]. Unless expressly prohibited by this chapter or  
2 department rule, any specialty license plate issued under this  
3 chapter may be personalized. If a [~~another~~] specialty license  
4 plate is personalized, the fee for personalization of the specialty  
5 license plate [~~established by Section 504.101(c)~~] shall be added to  
6 the fee for issuance of that specialty license plate.

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

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

11 (1) volunteer firefighters certified by:

12 (A) [~~(1)~~] the Texas Commission on Fire  
13 Protection; or

14 (B) [~~(2)~~] the State Firemen's and Fire Marshals'  
15 Association of Texas; and

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

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

20 (1) \$4 for volunteer firefighters; and

21 (2) \$30 for fire protection personnel.

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

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

26 Sec. 504.601. GENERAL PROVISIONS APPLICABLE TO [~~ALL~~]  
27 SPECIALTY LICENSE PLATES FOR GENERAL DISTRIBUTION. (a) Unless

1 expressly provided by this subchapter or department rule:

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

4 (2) of each fee received under this subchapter, the  
5 department shall use \$8 to defray its administrative costs in  
6 complying with this subchapter.

7 (b) This section does not apply to a specialty license plate  
8 marketed and sold by a private vendor at the request of the  
9 specialty license plate sponsor under Section 504.6011.

10 SECTION 5. Subchapter G, Chapter 504, Transportation Code,  
11 is amended by adding Section 504.6011 to read as follows:

12 Sec. 504.6011. GENERAL PROVISIONS APPLICABLE TO SPECIALTY  
13 LICENSE PLATES FOR GENERAL DISTRIBUTION SOLD THROUGH PRIVATE  
14 VENDOR. (a) The sponsor of a specialty license plate authorized  
15 to be issued under this subchapter before September 1, 2009, may  
16 contract with the private vendor authorized under Subchapter J for  
17 the marketing and sale of the specialty license plate.

18 (b) The fee for issuance of a specialty license plate  
19 described by Subsection (a) is the amount established under Section  
20 504.851.

21 (c) Notwithstanding any other law, from each fee received  
22 for the issuance of a specialty license plate described by  
23 Subsection (a), the department shall:

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

26 (2) deposit to the credit of the account designated by  
27 the law authorizing the specialty license plate the portion of the

1 fee for the sale of the plate that the state would ordinarily  
2 receive under the contract described by Section 504.851(a); and

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

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

6 Sec. 504.660. SEXUAL ASSAULT AWARENESS LICENSE PLATES.

7 (a) The department shall design and issue specialty license plates  
8 to support victims of sexual assault.

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

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

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

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

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

26 (e) For each fee collected for a license plate issued by the  
27 department under this section:

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

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

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

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

10           (f) Subchapter D, Chapter 316, Government Code, and Section  
11 403.095, Government Code, do not apply to fees collected under this  
12 subchapter [~~section~~].

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

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

21           (b) The fee for issuance of a specialty license plate  
22 described by Subsection (a) is the amount established under Section  
23 504.851(c).

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

27                 (1) deduct the administrative costs described by

1 Section 504.801(e)(1);

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

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

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

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

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

14 (a) The department shall enter into a contract with the  
15 private vendor whose proposal is most advantageous to the state, as  
16 determined from competitive sealed proposals that satisfy the  
17 requirements of this section, for the marketing and sale of:

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

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

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

26 (a-2) Specialty license plates authorized for marketing and  
27 sale under Subsection (a) must include:

1           (1) specialty license plates created under  
2 Subchapters G and I on or after September 1, 2009; and

3           (2) at the request of the specialty license plate  
4 sponsor, an existing specialty license plate created under  
5 Subchapters G and I before September 1, 2009.

6           (b) The [~~Instead of the fees established by Section~~  
7 ~~504.101(c), the~~] commission by rule shall establish fees for the  
8 issuance or renewal of personalized license plates that are  
9 marketed and sold by the private vendor. Fees must be reasonable  
10 and not less than the greater of:

11           (1) the amounts necessary to allow the department to  
12 recover all reasonable costs to the department associated with the  
13 evaluation of the competitive sealed proposals received by the  
14 department and with the implementation and enforcement of the  
15 contract, including direct, indirect, and administrative costs; or

16           (2) the amount established by Section 504.853(b)  
17 [~~504.101(c)~~].

18           (c-1) Subsections (b) and (c) do not apply to the sale at  
19 auction of a specialty plate or personalized specialty plate that  
20 is not used on a motor vehicle.

21           (j) From amounts received by the department under the  
22 contract described by Subsection (a), the department shall deposit  
23 to the credit of the state highway fund an amount sufficient to  
24 enable the department to recover its administrative costs for all  
25 license plates issued under this section, [~~including~~] any payments  
26 to the vendor under the contract [~~Subsection (a)~~], and any other  
27 amounts allocated by law to the state highway fund [~~by another law~~].

1 To the extent that the disposition of other amounts received by  
2 [~~from~~] the department is [~~vendor are~~] governed by another law,  
3 those amounts shall be deposited in accordance with the other law[~~,~~  
4 ~~and for each type of license plate the amount charged for the~~  
5 ~~license plate may not be less than the amount in effect on January~~  
6 ~~1, 2003~~]. Any additional amount received by [~~from~~] the department  
7 under the contract [~~vendor~~] shall be deposited to the credit of the  
8 general revenue fund.

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

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

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

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

25 (1) submit an application for the plate under  
26 Subsection (a) and pay the required fee for each subsequent  
27 registration period under Subsection (b); or



1           (2) purchase through the private vendor a license to  
2 display the alphanumeric pattern on a license plate for any term  
3 allowed by law.

4           (d) The department may not issue a replacement set of  
5 personalized license plates to the same person before the sixth  
6 anniversary of the date of issuance unless the applicant for  
7 issuance of replacement plates pays an additional fee of \$30.

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

10           (1) \$1.25 shall be used to defray the cost of  
11 administering this section; and

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

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

17           (b) Only a license to display an alphanumeric pattern  
18 purchased under this section or a license to display an  
19 alphanumeric pattern sold by the private vendor under Section  
20 504.853 may be transferred to another person. The transferee is  
21 entitled to the same rights and privileges as the transferor.

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

26           SECTION 11. The following provisions of the Transportation  
27 Code are repealed:

- 1           (1) Section 504.101; and
- 2           (2) Subsection (m), Section 504.851.

3           SECTION 12. The changes in law made by this Act do not  
 4 require the rebidding of a contract that is in effect on the  
 5 effective date of this Act.

6           SECTION 13. This Act takes effect September 1, 2009.

\_\_\_\_\_  
 President of the Senate

\_\_\_\_\_  
 Speaker of the House

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.

\_\_\_\_\_  
 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.

\_\_\_\_\_  
 Chief Clerk of the House

Approved:

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Governor