

REVISOR'S REPORT

TRANSPORTATION CODE
TITLES 1, 2, 3, 4, 6, AND 7

VOLUME V

A NONSUBSTANTIVE REVISION
OF THE STATUTES RELATING TO
TRANSPORTATION

Including

Carriers

Aviation

Navigation

Roadways

Vehicles and Traffic

To be submitted to the 74th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas
March 1995

FOREWORD

The Texas Legislative Council is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable--all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

Under the new classification scheme adopted by the council, our statutes will eventually consist of 26 codes. To date, the council has produced and the legislature has enacted the Agriculture Code, Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Education Code, Election Code (which was a substantive revision), Government Code, Health and Safety Code, Human Resources Code, Labor Code, Local Government Code, Natural Resources Code, Parks and Wildlife Code, Property Code, Tax Code (Title 1 of which was a substantive revision), and Water Code. The council staff also assisted the state bar in the Penal Code and Family Code projects, which were substantive revisions, and revised miscellaneous criminal procedure provisions into Title 2 of the Code of Criminal Procedure.

Titles 1, 2, 3, 4, 6, and 7, Transportation Code, are a nonsubstantive revision of the Texas statutes relating to transportation. Because of the wide range of subjects that the council staff determined should be included in the code, the source law for the code is not compiled in Vernon's Texas Civil Statutes as a single group of statutes.

The code is divided into titles, subtitles, chapters, subchapters, and sections. Sections are numbered decimally, and the number to the left of the decimal point is the same as the chapter number. Gaps in chapter and section numbering are for future expansion.

The council staff encourages examination and review of the code by any interested person. Meticulous care has been taken within the staff to include in the proposed code all source law assigned to the code and to ensure that no substantive change has been made in the law. However, a complete and adequate outside review is necessary.

The revisor's report is arranged to facilitate review. The report states the Revised Law, which is the text of the proposed new language, and then provides the Source Law, which is the text of the current law from which the revised law is taken. If further explanation of either the revised law or the source law is required, a Revisor's Note is included after the source law. All substance in the source law should be revised in the revised law or the reason for its omission should be explained in a revisor's note.

Because of the extensive reorganization of many statutes, and even sentences within a statute, it may be helpful for a reviewer to refer to the source law as printed in Vernon's Texas Civil Statutes (so that the quoted source law may be seen in present context) and to the disposition table (showing where the current statutes appear, as revised, in the code). The disposition table is printed as Appendix C to the revisor's report.

The revision will require conforming amendments to several statutes not included in the code. These amendments are printed in

1 TITLE 7. VEHICLES AND TRAFFIC

2 SUBTITLE A. CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

3 CHAPTER 501. CERTIFICATE OF TITLE ACT

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 501.001. SHORT TITLE 2106
6 Sec. 501.002. DEFINITIONS 2106
7 Sec. 501.003. CONSTRUCTION 2117
8 Sec. 501.004. APPLICABILITY 2118
9 Sec. 501.005. CONFLICTS WITH BUSINESS & COMMERCE CODE 2120

10 [Sections 501.006-501.020 reserved for expansion]

11 SUBCHAPTER B. CERTIFICATE OF TITLE REQUIREMENTS

12 Sec. 501.021. CERTIFICATE OF TITLE 2120
13 Sec. 501.022. CERTIFICATE OF TITLE REQUIRED 2123
14 Sec. 501.023. APPLICATION FOR CERTIFICATE OF TITLE 2125
15 Sec. 501.024. TITLE RECEIPT 2126
16 Sec. 501.025. TITLE RECEIPT REQUIRED ON FIRST SALE;
17 MANUFACTURER'S CERTIFICATE 2128
18 Sec. 501.026. IMPORTER'S CERTIFICATE 2129
19 Sec. 501.027. ISSUANCE OF CERTIFICATE OF TITLE 2130
20 Sec. 501.028. OWNER'S SIGNATURE 2132
21 Sec. 501.029. USE OF DUPLICATE TITLE RECEIPT OR
22 CERTIFICATE 2132
23 Sec. 501.030. MOTOR VEHICLES BROUGHT INTO STATE 2132
24 Sec. 501.031. RIGHTS OF SURVIVORSHIP AGREEMENT 2137
25 Sec. 501.032. ASSIGNMENT OF SERIAL NUMBER BY DEPARTMENT 2137
26 Sec. 501.033. ASSIGNMENT OF IDENTIFICATION NUMBER BY
27 DEPARTMENT 2138
28 Sec. 501.034. ISSUANCE OF TITLE TO GOVERNMENT AGENCY 2140

29 [Sections 501.035-501.050 reserved for expansion]

30 SUBCHAPTER C. REFUSAL TO ISSUE AND REVOCATION OR
31 SUSPENSION OF CERTIFICATE

32 Sec. 501.051. GROUNDS FOR REFUSAL TO ISSUE OR FOR REVOCATION
33 OR SUSPENSION OF CERTIFICATE 2140

1 **CHAPTER 502. REGISTRATION OF VEHICLES**

2 **SUBCHAPTER A. GENERAL PROVISIONS**

3 Sec. 502.001. DEFINITIONS 2188

4 **Sec. 502.002. REGISTRATION REQUIRED; GENERAL RULE 2196**

5 Sec. 502.003. REGISTRATION BY POLITICAL SUBDIVISION

6 PROHIBITED 2197

7 Sec. 502.004. COLLECTION OF FEES 2199

8 Sec. 502.005. REFUSAL TO REGISTER UNSAFE VEHICLE 2200

9 Sec. 502.006. ALL-TERRAIN VEHICLES 2201

10 Sec. 502.007. MOPEDS 2203

11 Sec. 502.008. RELEASE OF INFORMATION IN VEHICLE

12 REGISTRATION RECORDS 2203

13 **[Sections 502.009-502.050 reserved for expansion]**

14 **SUBCHAPTER B. STATE ADMINISTRATION**

15 Sec. 502.051. DEPOSIT OF REGISTRATION FEES IN STATE

16 HIGHWAY FUND 2205

17 Sec. 502.052. DESIGN OF LICENSE PLATES AND REGISTRATION

18 INSIGNIA; REFLECTORIZED MATERIAL 2209

19 Sec. 502.053. COST OF MANUFACTURING LICENSE PLATES OR

20 REGISTRATION INSIGNIA 2211

21 Sec. 502.054. AGREEMENTS WITH OTHER JURISDICTIONS;

22 OFFENSE 2213

23 Sec. 502.055. DETERMINATION OF WEIGHT 2216

24 Sec. 502.056. DISPUTED CLASSIFICATION OF VEHICLE 2217

25 **[Sections 502.057-502.100 reserved for expansion]**

26 **SUBCHAPTER C. COUNTY ADMINISTRATION**

27 Sec. 502.101. REGISTRATION BY MAIL OR ELECTRONIC MEANS;

28 SERVICE CHARGE 2217

29 Sec. 502.102. DISPOSITION OF FEES GENERALLY 2218

30 Sec. 502.103. DISPOSITION OF OPTIONAL COUNTY ROAD AND

31 BRIDGE FEE 2221

32 Sec. 502.104. DISPOSITION OF CERTAIN SPECIAL FEES 2222

33 Sec. 502.105. REPORT OF FEES COLLECTED 2224

34 Sec. 502.106. DEPOSIT OF FEES IN INTEREST-BEARING ACCOUNT ... 2225

1 Sec. 502.353. FOREIGN COMMERCIAL VEHICLES IN COUNTIES

2 BORDERING MEXICO; OFFENSE 2404

3 Sec. 502.354. SINGLE OR 30-DAY TRIP PERMITS; OFFENSE 2408

4 Sec. 502.355. NONRESIDENT-OWNED VEHICLES USED TO

5 TRANSPORT FARM PRODUCTS; OFFENSE 2411

6 [Sections 502.356-502.400 reserved for expansion]

7 SUBCHAPTER H. OFFENSES AND PENALTIES

8 Sec. 502.401. GENERAL PENALTY 2416

9 Sec. 502.402. OPERATION OF UNREGISTERED MOTOR VEHICLE 2417

10 Sec. 502.403. OPERATION OF VEHICLE UNDER IMPROPER

11 REGISTRATION 2418

12 Sec. 502.404. OPERATION OF VEHICLE WITHOUT LICENSE PLATE

13 OR REGISTRATION INSIGNIA 2418

14 Sec. 502.405. OPERATION OF MOTORCYCLE WITHOUT SEAL 2421

15 Sec. 502.406. OPERATION OF ALL-TERRAIN VEHICLE WITHOUT

16 STICKER 2421

17 Sec. 502.407. OPERATION OF VEHICLE WITH EXPIRED LICENSE

18 PLATE 2422

19 Sec. 502.408. OPERATION OF VEHICLE WITH WRONG LICENSE

20 PLATE 2424

21 Sec. 502.409. WRONG, FICTITIOUS, OR UNCLEAN LICENSE PLATE ... 2425

22 Sec. 502.410. FALSIFICATION OR FORGERY 2428

23 Sec. 502.411. BRIBERY OF COUNTY OFFICER OR AGENT 2428

24 Sec. 502.412. OPERATION OF VEHICLE AT WEIGHT GREATER THAN

25 STATED IN REGISTRATION APPLICATION 2430

26 **CHAPTER 502. REGISTRATION OF VEHICLES**

27 **SUBCHAPTER A. GENERAL PROVISIONS**

28 Revised Law

29 Sec. 502.001. DEFINITIONS. In this chapter:

- 30 (1) "All-terrain vehicle" means a motor vehicle that
- 31 is:
- 32 (A) equipped with a saddle for the use of the
- 33 rider;

1 Revised Law

2 **Sec. 502.002. REGISTRATION REQUIRED; GENERAL RULE.** (a) The
3 owner of a motor vehicle, trailer, or semitrailer shall apply for
4 the registration of the vehicle for:

5 (1) each registration year in which the vehicle is
6 used or to be used on a public highway; and

7 (2) if the vehicle is unregistered for a registration
8 year that has begun and that applies to the vehicle and if the
9 vehicle is used or to be used on a public highway, the remaining
10 portion of that registration year.

11 (b) The application must be made to the department through
12 the county assessor-collector of the county in which the owner
13 resides.

14 (c) A provision of this chapter that conflicts with this
15 section prevails over this section to the extent of the conflict.
16 (V.A.C.S. Art. 6675a-2, Subsec. (a) (part).)

17 Source Law

18 **Art. 6675a-2.** (a) Except as provided by this
19 subsection, every owner of a motor vehicle, trailer or
20 semitrailer used or to be used upon the public highways
21 of this State shall apply each year to the Texas
22 Department of Transportation through the County Tax
23 Collector of the county in which he resides for the
24 registration of each such vehicle owned or controlled
25 by him for the ensuing or current calendar year or
26 unexpired portion thereof; provided, that

27 Revisor's Note

28 (1) Subsection (a), V.A.C.S. Article 6675a-2,
29 refers to "public highways of this State." The
30 reference to "of this State" is omitted from the
31 revised law for the reason stated in Revisor's Note (2)
32 under Section 502.001 of this code.

33 (2) Subsection (a), V.A.C.S. Article 6675a-2,
34 requires an owner to apply "each year . . . for the
35 registration of each such vehicle owned or controlled
36 by him." The requirement that an owner apply only once
37 each year for each vehicle owned is omitted as

1 impliedly repealed by the 1975 amendment to V.A.C.S.
2 Article 6675a-4 (revised in relevant part as Section
3 502.158 of this code), which established a year-round
4 registration system. The reference to a registration
5 year that has begun is added to conform this revised
6 section to the requirements of the year-round
7 registration system.

8 (3) Subsection (a), V.A.C.S. Article 6675a-2,
9 refers to the "County Tax Collector." The revised law
10 substitutes "county assessor-collector" for "County Tax
11 Collector," because "county assessor-collector" is the
12 title for that official. See Sections 14, 16, and 16a,
13 Article VIII, Texas Constitution, and Section 6.21, Tax
14 Code.

15 (4) Subsection (a), V.A.C.S. Article 6675a-2,
16 refers to registration for the "calendar year." The
17 revised law substitutes "registration year" for
18 "calendar year" because under Subsection (f), V.A.C.S.
19 Article 6675a-3 (revised in Section 502.158 of this
20 code), a vehicle is registered for a 12-month period
21 designated by the Texas Department of Transportation.

22 Revised Law

23 Sec. 502.003. REGISTRATION BY POLITICAL SUBDIVISION
24 PROHIBITED. (a) Except as provided by Subsection (b), a
25 political subdivision of this state may not require an owner of a
26 motor vehicle to:

27 (1) register the vehicle;
28 (2) pay a motor vehicle registration fee; or
29 (3) pay an occupation tax or license fee in connection
30 with a motor vehicle.

31 (b) This section does not affect the authority of a
32 municipality to:

33 (1) license and regulate the use of motor vehicles for