



House Committee On
Transportation

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OPINION COMMITTEE

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October 11, 2007

The Honorable Greg Abbott
Attorney General of Texas
209 W. 14th Street
Austin, Texas 78701

FILE # ML-45396-07
I.D. # 45396

Dear General Abbott,

As chair of the House Committee on Transportation, I request your opinion regarding the interpretation of Section 648.101, Transportation Code, as amended by H.B. 313, Acts of the 80th Legislature, Regular Session, 2007. Section 648.101 provides an exemption from registration in this state for a foreign commercial motor vehicle that satisfies certain requirements. Before amendment by H.B. 313, Section 648.101 read:

Sec. 648.101. REGISTRATION EXEMPTION IN BORDER COMMERCIAL ZONE. (a) A foreign commercial motor vehicle is exempt from Chapter 502 and any other law of this state requiring the vehicle to be registered in this state, including a law providing for a temporary registration permit, if:

(1) the vehicle is engaged solely in transportation of cargo across the border into or from a border commercial zone;

(2) for each load of cargo transported the vehicle remains in this state:

(A) not more than 24 hours; or

(B) not more than 48 hours, if:

(i) the vehicle is unable to leave this state within 24 hours because of circumstances beyond the control of the motor carrier operating the vehicle; and

(ii) all financial responsibility requirements applying to the vehicle are satisfied;

(3) the vehicle is registered and licensed as required by the law of another state or country as evidenced by a valid metal license plate attached to the front or rear of the exterior of the vehicle; and

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(4) the country in which the person that owns or controls the vehicle is domiciled or is a citizen provides a reciprocal exemption for commercial motor vehicles owned or controller by residents of this state.

(b) A foreign commercial motor vehicle operating under the exemption provided by this section and the vehicle's driver may be considered unregistered if the vehicle is operated in this state outside a border commercial zone or in violation of United States law.

House Bill 313 removed the reference to another state from Subdivision (3) of Section 648.101(a), so that after the amendment the subdivision reads:

(3) the vehicle is registered and licensed as required by the law of another country as evidenced by a valid metal license plate attached to the front or rear of the exterior of the vehicle;....

The bill also specifically provided in a new Subsection (c) added to Section 648.101 that a vehicle that does not meet the requirements for an exemption from Texas registration under Section 648.101 must be registered in Texas. The effect of the amendments made by H.B. 313 is that a foreign commercial motor vehicle registered in another state that previously was exempt from Texas registration must now register in Texas.

I ask for your opinion regarding whether Section 648.101, Transportation Code, as amended by H.B. 313, requires a commercial motor vehicle registered in another state, but not registered in another country, to be registered in Texas to operate into or from a border commercial zone in Texas if the vehicle is not transporting cargo.

Sincerely,



Mike Krusee, Chairman
House Committee on Transportation