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OPINION COMMITTEE



House Committee On  
Transportation

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FILE # ML-45602-08

I.D. # 45602

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March 26, 2008

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

RQ-0690-GA

Dear General Abbott:

As chair of the House Committee on Transportation, I requested your opinion last October regarding the interpretation of Section 648.101, Transportation Code, as amended by HB 313 from the 80th Legislative Session. I wish to have that opinion, ID #45396, File #ML-45396-07, retracted.

In its place, I would like to request the following opinion, also regarding the interpretation of Section 648.101, Transportation Code, as amended by HB 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. As amended by HB 313, Section 648.101 reads:

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

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vehicle are satisfied;

(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; and

(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 controlled by residents of this state.

(b) the 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.

(c) Notwithstanding any reciprocity agreement between this state and another state of the United States, a foreign commercial motor vehicle that engages primarily in transportation of cargo across the border into or from a border commercial zone must be:

- (1) registered in this state; or
- (2) operated under the exemption provided by this section.

Section 648.101 (a)(4), Transportation Code, provides that the exemption from registration in this state for a foreign commercial motor vehicle applies only if the country in which the person that owns or controls the vehicle is domiciled or is a citizen provides a reciprocal registration exemption for commercial motor vehicles owned or controlled by residents of this state.

I ask for your opinion regarding whether the reference to "the country in which the person that owns or controls the vehicle is domiciled or is a citizen" in Section 648.101 (a)(4), Transportation Code, refers only to the country of domicile or citizenship of the person who holds legal title to the vehicle or includes the country of domicile or citizenship of a person who controls the vehicle without holding legal title.

Respectfully yours,



Mike Krusee  
Chair, House Transportation Committee