



The Senate of  
The State of Texas  
Austin 78711

RQ-0382-JC

KEN ARMBRISTER  
District 18

COMMITTEES:  
CRIMINAL JUSTICE, *Chairman*  
STATE AFFAIRS  
REDISTRICTING

FILE # ML-41993-01 May 9, 2001

I.D. # 41993

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OPINION COMMITTEE

OFFICE OF THE ATTORNEY GENERAL  
EXECUTIVE ADMINISTRATION

2017

The Honorable John Cornyn  
Office of the Attorney General  
209 West 14th Street  
Austin, Texas 78701

Re: Does article VIII, § 7-a, of the Texas Constitution prohibit the levy of a \$5.00 motor vehicle registration fee for the purpose of funding of trauma centers?

Dear General Cornyn:

The purpose of this letter is to request an opinion regarding whether article VIII, § 7-a, of the Texas Constitution prohibits the levy of a \$5.00 motor vehicle registration fee for the purpose of funding trauma centers, as proposed in House Bill 893, a bill currently before the Senate State Affairs Committee.

HB 893 proposes a new section, §501.1711, in the Transportation Code: "In addition to other fees imposed under this chapter for a license plate or set of license plates or other device used as the registration insignia, a fee of \$5 shall be collected." HB 893 would add §501.1711 into Subchapter D "Registration Procedures and fees" of Chapter 502 of the Transportation Code. Only persons who are registering vehicles would pay the fee.

Article VIII, Section 7-a of the Texas Constitution, which governs the use of motor vehicle registration fees, provides in pertinent part:

Subject to legislative appropriation, allocation and direction, all net revenues remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees. . . shall be used for the sole purpose of acquiring rights-of-way, constructing, maintaining, and policing such public roadways, and for the administration of such laws as may be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads; and for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the County and Road District Highway Fund under existing law . . . .

The Honorable John Cornyn

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We have reviewed various letters that suggest that the levy of a motor vehicle registration for this purpose is prohibited by the Texas Constitution. Although there may be significant legislative concern for the proper funding of trauma centers in this state, concerns regarding the constitutionality of HB 893 (a copy of which is attached) have been raised.

Therefore, I respectfully request an opinion on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Armbrister", written over a horizontal line.

Ken Armbrister  
State Senator