TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE F. COMMERCIAL MOTOR VEHICLES

CHAPTER 646. MOTOR TRANSPORTATION BROKERS

Sec. 646.001.  DEFINITIONS.  In this chapter:

(1)  "Department" means the Texas Department of Motor Vehicles.

(2)  "Motor transportation broker" means a person who:

(A)  sells, offers for sale, provides, or negotiates for the transportation of cargo by a motor carrier operated by another person; or

(B)  aids or abets a person in performing an act described by Paragraph (A).

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.153(a), eff. Sept. 1, 1997.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. [2202](http://www.legis.state.tx.us/tlodocs/83R/billtext/html/HB02202F.HTM)), Sec. 64, eff. September 1, 2013.

Sec. 646.002.  EXCEPTION. This chapter does not apply to a motor transportation broker who:

(1)  is registered as a motor carrier under Chapter 643; or

(2)  holds a permit issued under Subtitle IV, Title 49, United States Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.153(a), eff. Sept. 1, 1997.

Sec. 646.003.  BOND REQUIRED. (a)  A person may not act as a motor transportation broker unless the person provides a bond to the department.

(b)  The bond must be in an amount of at least $10,000 and must be:

(1)  executed by a bonding company authorized to do business in this state;

(2)  payable to this state or a person to whom the motor transportation broker provides services; and

(3)  conditioned on the performance of the contract for transportation services between the broker and the person for whom services are provided.

(c)  The department may charge the broker a bond review fee in an amount not to exceed the cost of reviewing the bond.  The department shall deposit a fee collected under this subsection to the credit of the Texas Department of Motor Vehicles fund.

(d)  The department may adopt rules regarding the method of payment of a fee under this chapter. The rules may:

(1)  authorize the use of electronic funds transfer or a credit card issued by a financial institution chartered by a state or the United States or by a nationally recognized credit organization approved by the department; and

(2)  require the payment of a discount or service charge for a credit card payment in addition to the fee.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.153(a), eff. Sept. 1, 1997.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 933 (H.B. [3097](http://www.legis.state.tx.us/tlodocs/81R/billtext/html/HB03097F.HTM)), Sec. 2N.01, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. [2202](http://www.legis.state.tx.us/tlodocs/83R/billtext/html/HB02202F.HTM)), Sec. 65, eff. September 1, 2013.

Sec. 646.004.  CRIMINAL OFFENSE. (a) A person commits an offense if the person fails to provide the bond required by Section 646.003.

(b)  An offense under this section is a Class C misdemeanor.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.153(a), eff. Sept. 1, 1997.